

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th August, 2005

The House met at 2.30 p.m.

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report on the Departmental Committee on Finance, Trade, Tourism and Planning on the Privatization Bill, 2005.

*(By the Chairman of the
Departmental Committee on
Finance, Trade, Tourism and
Planning (Mr. Kagwe)*

QUESTIONS BY PRIVATE NOTICE

SHORTAGE OF ANTI-RABIES DRUGS IN MATUU SUB-DISTRICT HOSPITAL

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that Matuu Sub-district Hospital has no drugs for vaccination against rabies?

(b) Is she further aware that the drugs are very expensive and, therefore, unaffordable to the poor people?

(c) Could the Minister avail these drugs to the hospital immediately?

The Temporary Deputy Speaker (Mr. Ethuro): Anyone here from the Ministry of Health?

Next Question by Mr. Kombe!

RELEASE OF CERTIFICATES TO STUDENTS TO ENABLE THEM SECURE EMPLOYMENT

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

In view of the teachers' recruitment due in September, 2005, what arrangements does the Ministry have to release the certificates of those students who completed their courses in 2004 to enable them secure employment?

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

The Ministry, in collaboration with the Kenya National Examinations Council (KNEC), is in the final stages of verifying the 2004 primary teacher certificates. The certificates will be sent to the institutions before the end of September, 2005. The Ministry, through the TSC, has already advertised vacancies for teachers through the media.

Mr. Temporary Deputy Speaker, Sir, the exercise is going on with the primary schools recruitment through the District Education Boards (DEBs), and the secondary schools through the Boards of Governors (BoGs).

Mr. Kombe: Mr. Temporary Deputy Speaker, Sir, it is unfortunate that those teachers were not shortlisted for the interviews which have already been done. The teachers from various districts were unable to secure employment and instead their places were taken by people from other districts. What will the Assistant Minister do to ensure that the locals will be employed to replace those who came from other districts?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, first of all, you cannot discriminate against teachers on the basis of where they come from. Secondly, although it is unfortunate this group could not apply for teaching positions, let me reiterate that in most parts of this country, the 2004 graduates will not be recruited. In most districts, we only get teachers who completed colleges in 2002. The 2004 graduates will have a chance next year. As a matter of fact, this Question was raised when the advertisement had been done and the deadline was supposed to be 28th July, 2005. More importantly, we should find a way of ensuring that the certificates of teachers who have completed college studies are released in good time so that they can apply for the teaching positions which are available. The Ministry will address this issue.

Capt. Nakitare: Thank you, Mr. Temporary Deputy Speaker, Sir. We agreed in this House that any employment would be based on the constituencies. Could the Assistant Minister tell us whether the recruitment of teachers will be based on the constituencies, so that everybody in this country can benefit?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, I do not recall us agreeing that recruitment of teachers should be based on constituencies. In fact, potential teachers can apply for any teaching position in any part of the country.

However, I know, through experience, that the locals get preference over those who come from other districts. The recruitment exercise and advertisements are based on the actual number of available places in a district and not per constituency. If the vacancies are not available in constituencies, every constituency will not benefit equally in this country.

Mr. L. Maitha: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that they will ensure that the teachers' certificates are released early after examinations. Why can he not authorise teachers to be recruited using result slips if they are satisfied that they reflect the true performance of the students?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, that will be considered later on. However, we have been very strict about this because there have been many irregularities. We insist that the applicants should have their certificates. I do not think we need to belabour this point, given the fact that it is unlikely that any graduate of 2004 will get a place because of the backlog we have had over the years.

Mr. Onyancha: Mr. Temporary Deputy Speaker, Sir, the policy the Ministry is pursuing is to replace those who have left the service through natural attrition. Does the Ministry have any policy or

intention to employ teachers for the purpose of taking care of the children who go to school because of the free primary school education?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, we have said before that we would like to employ more teachers, but we are constrained by resources. This is why we are replacing the teachers we have lost through natural attrition. Maybe, in the near future, and I hope not too distant, we will employ teachers as per the need.

Mr. Kombe: Thank you, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has said that he will release the certificates of teachers by September, 2005. Normally, the interviews are done in August of every year. Could he make arrangements to have the certificates released by July every year so that the teachers can apply in August and get jobs?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, that is a very good suggestion. In fact, we should have certificates ready by June of every year. We should also ensure that the group which has graduated a year before has a chance, even though we know that their chances will be very limited compared to those who had graduated before them.

ORAL ANSWERS TO QUESTIONS

Question No.449

RATIFICATION OF AFRICAN CONVENTION ON PREVENTION OF CORRUPTION

Mr. Angwenyi asked the Minister for Justice and Constitutional Affairs:-

- (a) whether he could inform the House whether Kenya has signed the African Convention on preventing and combating corruption; and,
- (b) if the answer to "a" above is in the affirmative, whether he could further inform the House when the country is going to ratify, assent and deposit the Convention?

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

(a) I would like to inform this august House that Kenya signed the Convention in Addis Ababa on 17th December, 2003.

(b) The Ministry is in the process of acquiring the necessary Cabinet approval for Kenya to ratify, assent and deposit the instruments of ratification.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, our Government has pledged to Kenyans and the entire world that it will fight corruption. This convention is supposed to enhance our chances of fighting the vice. It was signed almost two years ago. Why is it so difficult for the Government to acquire the Cabinet approval to adopt this convention?

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, even in the absence of ratifying this convention, Kenya has implemented the treaty. One of the requirements of the treaty is to provide for systems and institutions to fight corruption. We have done this through the Anti-Corruption and Economic Crimes Act. We have also enacted the Public Officer Ethics Bill.

Recently, this august House passed the Public Procurement and Disposal Bill. Although Kenya has not deposited the instruments of ratification, we have gone ahead and ratified it. One of the requirements of the Treaty is that 15 countries must ratify. As I was coming here, I called the Ministry of Foreign Affairs, which informed me that as of yesterday, only 10 countries have ratified this treaty. It is not that we are not serious in fighting corruption. We are fighting the vice and we shall eradicate it. There are no sacred cows in the fight against corruption. The law will treat the mighty and the lowly equally.

Mr. Mwandawiro: Bw. Naibu Spika wa Muda, tangu Serikali ya NARC ichukue hatamu za uongozi, tumesikia wimbo huu siku nenda, siku rudi kwamba Serikali inapambana na ufisadi ambao unaendelea kukua na kukolea katika nchi hii. Tume ya Goldenberg ilikaa na hajjatoa ripoti yoyote. Kuweka sahihi mkataba huu kutasaidia Serikali vipi kupigana na ufisadi kama haina nia ya kufanya hivyo?

Mr. Githae: Bw. Naibu Spika wa Muda, sijui wanaimbia wapi wimbo huu kwa sababu sijausikia.

Dr. Ali: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to respond in Kiswahili? Earlier, he was responding in English and according to the rules, he should continue in English.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Dr. Ali! To be honest, you are unfair to the Assistant Minister. The supplementary question was asked in Kiswahili and he is at liberty to respond in either Kiswahili or English. He did not turn to Kiswahili mid-way.

Proceed, Mr. Assistant Minister in the language which you prefer.

Mr. Githae: Bw. Naibu Spika wa Muda, ikiwa kuna Wabunge ambao hawawezi kufahamu Kiswahili, basi nitazungumza kwa Kiingereza.

The Government is very serious in fighting corruption. We are not singing a song. Many people, some very high in the Government, have been taken to court. As I said, we were not aware that corruption fights back. We were not aware that corrupt people have tonnes and tonnes of money.

Mr. Marende: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has said, among other things, that the Government is fighting corruption with action. Is he in order to mislead this House? Yesterday, I attended a meeting at which the Minister admitted that although there has been so much talk and planning, the trigger has not yet been pulled, and no blood has been shed!

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Marende! The Assistant Minister was just trying to explain that.

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, as I said, initially, we were very optimistic that the fight against corruption was going to be successful. However, we had not anticipated the fighting capacity of the people who we are fighting against. We had not anticipated that they have a lot of money to engage numerous lawyers. They have all gone to the Constitutional Court.

Today, we have more than 2,000 references that have been made to the Constitutional Court. This has bogged down this war. However, we intend now to pull the trigger and shed some blood, so that Kenyans can realise that we are very serious in the fight against corruption and there are no sacred cows.

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, this Assistant Minister had become--- When the hon. Members of this Government were in the Opposition, they always said that there were no institutions, laws or conventions in place to fight corruption. Now they know that all institutional requirements have been put in place, and yet corruption is with the Ministers. Unless we fight corruption at the level of Ministers, we will never get rid of it when we are traffic offenders.

(Applause)

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Billow in order to say that Ministers are corrupt without substantiating? Could the Chair demand a substantiation from the hon. Member? Some of us are as clean as cotton and he knows that.

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, we have seen many reports in which Ministers have been implicated in corruption and the President has failed to take action.

The Assistant Minister for Foreign Affairs (Mr. Ojode): On a point of order, Mr. Temporary Deputy Speaker, Sir.

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

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Hon. Billow is making a statement. Unless he has pinned a particular individual, you should let him raise the matter.

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, for the information of hon. Ojode, his friend's Ministry's Estimates amounted to corruption.

The Assistant Minister for Foreign Affairs (Mr. Ojode): On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to ask the Chair to ask hon. Billow to explain who is my friend who is corrupt?

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, the latest example of corruption is the Ministry of Roads and Public Works. Yesterday, the House discovered that money was being allocated only to those regions from where powerful Ministers come from. We have all seen it and that is why the Ministry's Vote was shelved. Could the Assistant Minister tell the House how we can sign documents when the Government is not committed to fighting corruption at the top?

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, we are very serious in the fight against corruption. We had not anticipated the difficulties that we have faced in the fight against corruption. The relevant institutions have been put in place. The Kenya Anti-Corruption Commission has almost got its full complement of staff. We have told the Commission to crack the whip. It has no more excuses now and it must expedite the investigations so that we are not accused of merely singing the song. We want to see actions.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is taking the House in a circus. The Government signed a convention two years ago. Yesterday, the Government admitted that the war against corruption is being lost. Today, the Assistant Minister has told us that there are over 2,000 reference cases for Constitutional Court's decision on corruption. Why has the Government not established a Constitutional Court to specifically deal with corruption cases?

Mr. Githae: Mr. Temporary Deputy Speaker, Sir, indeed, the Chief Justice has set up a Constitutional Court. It is the right of every Kenyan to go to the Constitutional Court. However, I must commend the Anti-Corruption Court for declining to refer cases to the Constitutional Court because it has discovered that this is nothing, but a delaying tactic. Although we have not ratified this convention, we have implemented it fully. However, we are thinking of having a convention here, so that we can invite all the African countries to come and ratify this convention. We are very serious on the war against corruption. This is a war that we cannot afford to give up.

Question No.565

MEASURES TO ENABLE KENYA BENEFIT
FROM WTO TRIPS AGREEMENT

The Temporary Deputy Speaker (Mr. Ethuro): Dr. Manduku is not here. His Question is dropped.

(Question dropped)

Question No.379

MAINTENANCE OF MAKAVETI-IUNI ROAD

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

(a) whether he is aware that Makaveti-Iuni Road E479, is unmotorable during the rainy seasons; and,

(b) what plans he has to make this road motorable throughout the year.

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

(a) Yes, I am aware that sections of Makaveti-Iuni Road are unmotorable during the rainy seasons.

(b) The Government plans to make this road motorable throughout the year by carrying our routine maintenance and spot improvement through the Road Maintenance Fund (RMF) allocations to the Machakos District Roads Committee (DRC). The Ministry has, therefore, earmarked Kshs662,000 during the 20005/2006 Financial Year towards the improvement of this road.

Mr. Mwanzia: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for accepting that this road is unmotorable during the rainy seasons. I have moved from one office to the other, trying to seek assistance to maintain this road. This road serves over 20,000 people. It passes through the Kalama Division Headquarters. I have been told by engineers that this road can only be maintained directly from the Ministry headquarters if it is upgraded to a higher class. Could the Assistant Minister tell us the criteria used to upgrade a road from Class E to Class D? Could he consider upgrading this road, so that it can be maintained directly from the Ministry headquarters?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, on the issue of re-classification, currently, the Ministry is carrying out a roads' condition survey. This is being handled with the re-classification of other roads countrywide. Until this is completed, it is not possible to deal with a road in isolation because it has to take cognisance of other roads in the district. There could be other roads which are more important than that road.

Mr. Temporary Deputy Speaker, Sir, on the issue of funds allocation, there is very little we can do, apart from emphasising the fact that we need the money from the District Roads Committees (DRCs) to be used properly.

As I said, the proposal from the DRC and the constituency is that the road be allocated Kshs662,000. The condition of that road is not all that bad because along it, there is gravel. We could go ahead and work on other roads where we need to do gravel patching. I will request the hon. Member to pay careful attention when this money is finally allocated to the DRC and ensure that every shilling of it is used in the improvement of the road required.

Mr. Y.M. Haji: Mr. Temporary Deputy Speaker, Sir, it seems as if this Ministry is using the issue of road re-classification as a reason for not allocating funds to many roads in this country. It is now three years that the Government has been saying the same thing. Is the Government really being sincere? When will it complete the re-classification of roads?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, we should not confuse the issue of re-classification with that of allocation of money for roads because---

Mr. Y. M. Haji: Mr. Temporary Deputy Speaker, Sir, classification and allocation of funds to roads are related. Once a road is classified, that is when it can be allocated funds. How can one allocate funds to a road which is not classified?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, the hon. Member did not wait for me to finish. I was saying that in a district, before the allocation of the DRC funds is done, hon. Members do their local classifications, depending on the importance of the roads in their districts.

On receipt of the 16 per cent or the 24 per cent of the allocation, an hon. Member decides

which road he or she thinks is important in their districts, and allocates funds to it accordingly. When it comes to re-classification of roads to classes "A", "B", and "C", where the funds are allocated by the Roads Department, you will find that there are class "C" roads which receive, in one year, a far much less amount of money than what DRCs allocate to the classes "D" and "E" roads. So, it is not right to say that if a road is a class "C", since it is allocated funds by the Roads Department, it receives more money than classes "D" and "E" roads, which are allocated money by the DRCs.

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House by saying that the classified and non-classified roads are considered whenever funds are available, and yet the road to Marigat and Lake Baringo is impassable?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Capt. Nakitare! That is not a point of order!

Mr. Mwanzia: Thank you, Mr. Temporary Deputy Speaker, Sir. I have heard what the Assistant Minister said. But the Kshs662,000 which has been allocated is very little. The road is about 18 kilometres long, and has five seasonal rivers which cross it and require bridges. This money is very little! The Assistant Minister is an engineer and knows that it cannot be enough to construct even one bridge! Now that the Vote for the Ministry of Roads and Public Works was referred back for redrafting, could he consider increasing the allocation for the maintenance of the road?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, it is true that there are many streams which cross the road. I also know that the road is important. However, I cannot commit myself and say that when we are looking into the allocations, we will give more money. However, we will look into the issue, and if it possible, we will do what the hon. Member is requesting.

Question No.605

DISBURSEMENT OF FUNDS FROM
CREATIVE ARTS VOTE

Mr. Kajwang asked the Minister for Education, Science and Technology:-

- (a) whether he is aware that the formula used to distribute the Free Primary Education (FPE) Fund, especially the Vote on Creative Arts, is flawed;
- (b) if he is aware that the distribution of the Vote, based on population, leads to absurd results, namely, that a school or district sending children for competitive sports uses the same amount of money for a similar number of participants irrespective of the number of registered pupils in a school or district; and,
- (c) what the justification for the 2004/2005 allocation of Kshs2.1 million to Creative Arts Vote to Homa Bay District on one hand, and Kshs400,000 to Suba District on the other is, when Suba District sent more qualified participants to the Nyanza Provincial Music Festivals than Homa Bay District.

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

(a) I am not aware that the formula used to distribute FPE funds is flawed. The formula for distributing this fund is given, and it is per the number of pupils per school, for the two accounts. For co-curricular activities, including creative arts, we give Kshs10 per pupil, per school.

(b) I am not aware that the distribution Vote, based on the population, leads to absurd results because the co-curricular activities are distributed at four levels as follows: At the school level, it is Kshs14 per child; at the district level, Kshs10 per child; at the provincial level, Kshs4 per pupil, and some other resources are obtained from the headquarters. In total, therefore, a child receives Kshs28, which is Kshs14 at school, Kshs10 at the district and Kshs4 at the provincial levels. This is also based

on the total number of enrolment.

(c) Finally, the 2004/2005 co-curricular district and provincial funds allocations were based on computations, where each district got Kshs10 per pupil. No district in Nyanza got Kshs2.1 million. Homa Bay District, which has 94,543 pupils got Kshs945,543, while Suba District with 48,821 pupils got, accordingly, Kshs488,210 and not Kshs400,000.

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, the absurdity I am talking about is that every school participates in music, athletics, drama and ball games. Whether it is a big school like the Alliance High School or a small one like Waundo School in Suba District, they all participated in the co-curricular activities and may all have qualified. If all large schools are allocated Kshs10 per child, this means that they get more money than a small school with 100 or 200 children. How will the smaller schools participate in music, drama and ball games with that small fraction of money? How do you divide the money in an equitable manner so that small schools can also send their children to national and provincial competitions?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, that formula has been thought to be quite fair in terms of ensuring that resources are distributed equitably. I, however, appreciate the concern of the hon. Member that, when you give the same amount of money to schools, irrespective of their population and performance in terms of how many teams they send out, then you disadvantage those which perform well in terms of sending many teams out. I want to remind hon. Members that this formula was worked out, being aware that parents have to contribute a little bit in terms of supporting this programme. We should maintain the formula and create some incentives for schools which do well in terms of sports, so that in addition to the funds sent to schools, there can be resources available to support the teams that have done well overall, in terms of sending more teams than the smaller teams. Otherwise, the criteria is equitable. Even if all schools got the same amount of money, irrespective of their population, those that send out more teams would still be disadvantaged.

Mr. Kombe: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to ask the Assistant Minister to issue a circular to the effect that parents should also supplement the fund, because right now, teachers are having a problem collecting the funds?

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Let us be careful about the points of order we raise. That is not a point of order. You are simply making a suggestion to the Assistant Minister.

Mr. Choge: Mr. Temporary Deputy Speaker, Sir, recently one school in my constituency was made to undertake a trip for the just ended music festival at the district and provincial level and now at the ongoing national level with a sum of Kshs15,000. Could the Assistant Minister consider creating a fund for the finalists so that every district is catered for?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, in terms of the allocation of the money, we are taking account of the district and provincial level scores. If a school qualifies to go to the district level, there is money from the district account that should take care of this. The same applies if a school qualifies to the provincial level. With regard to the national level, I think we should find a way of coming up with some kind of incentive; you may call it a supplement, to support teams that reach that level.

There is still some money available in schools. I think we should be asking whether that money has been spent for purposes for which it was meant, because it is not quite clear that those resources are completely exhausted. This will ensure that there is accountability. Otherwise, we may have more money than we need, but we are not checking the extent to which this money is spent in the proper manner at all levels.

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, as a way of an example, Suba District only got Kshs488,000 according to the answer given to me. Homa Bay District got about Kshs1 million because of its higher population. I am informed that Suba District sent 42 teams, but Homa

Bay sent 10 teams. So, 10 teams utilised Kshs1 million, but 42 teams had only Kshs400,000. This is the inequity I am talking about. How will the Ministry address this issue so that we do not go into the pockets of the poor parents again to supplement these activities?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, I already said that we have to find a way of giving an incentive to the schools that perform better than others in terms of how many teams they send out. Let me reiterate that we should do our best to ensure that what is available is well spent. It is up to us as a Ministry to consider the possibility of that extra supplement, but this has to be decided. For the time being, we will continue allocations on the basis of enrolment as we normally do with bursaries and other ministerial allocations. We shall consider the suggestion by the hon. Member.

Question No.189

REVIVAL OF CATTLE DIPS
IN SIGOR CONSTITUENCY

Mr. Rotino: asked the Minister for Livestock and Fisheries Development:-

- (a) whether he is aware that cattle dips in Sigor Constituency, which were hitherto operational, have collapsed; and,
- (b) what urgent measures he is taking to revive the cattle dips and how much money has been set aside for the programme.

The Assistant Minister for Livestock and Fisheries (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that cattle dips in Sigor Constituency, which were hitherto operational have collapsed.

(b) My Ministry has stepped up measures to have cattle dips in Sigor Constituency and other parts of the country revived and brought into full operation. The measures include continuous training of farmers and dip management committees on proper dip utilisation methods and basic management practices.

The Ministry is also currently advising hon. Members of Parliament and the local authorities to set aside some funds out of the Constituency Development Fund and the Local Authority Transfer Fund and join together with other stakeholders to revive and sustain cattle dips.

While this is being done, my Ministry continues to educate farmers on alternative methods of controlling tick-borne diseases and makes sure that only effective acaricides are sold to farmers. It is the view of the Government that if these measures are implemented, all cattle dips will be fully operational.

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, I did not expect such an answer from the Assistant Minister, especially since he is a veterinary doctor. These cattle dips collapsed because of poor management. The Assistant Minister is giving a general answer that anybody can give. Could the Assistant Minister give me [**Mr. Rotino**] specific training sessions that he has conducted in Sigor Constituency to ensure that those dips are revived? Be specific; do not be general.

The Temporary Deputy Speaker (Mr. Ethuro): To be honest, Dr. Wekesa, the Question is seeking to find out what urgent measures the Ministry has taken to revive the cattle dips. Training will not revive those cattle dips.

Proceed!

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, this issue of cattle dips is raised in this House every week. I do appreciate that hon. Members of Parliament, particularly from livestock areas, are very much concerned about this issue. Whereas I am not very happy with this answer, the real

problem started with change of policy, 10 years ago when my Ministry---

Dr. Ali: On a point of order, Mr. Temporary Deputy Speaker, Sir. If the Assistant Minister is not happy with the answer, could the Question be deferred so that he comes back with the right answer?

The Temporary Deputy Speaker (Mr. Ethuro): Dr. Wekesa, what do you have to say?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I was just explaining that the real problem of---

The Temporary Deputy Speaker (Mr. Ethuro): Dr. Wekesa, both you and the hon. Member are not happy with the answer.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I will finally answer him. I am not happy with the *status quo*. My Ministry is preparing a Sessional Paper where this issue, including Artificial Insemination (AI) will be addressed. We do realise that the mistakes that were made 10 years ago must be corrected.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Dr. Wekesa! Let us give brief answers to the Questions.

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, did the Chair hear the Assistant Minister say that he will introduce AI to revive these things? The Assistant Minister is in charge of two things; livestock and fisheries. Surely, he should be the one running around Sigor Constituency to revive the cattle dips. He has said that he is aware that the cattle dips collapsed. Could I challenge him to name those cattle dips which used to operate and have collapsed and when will he revitalise them?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, generally speaking, most of the cattle dips in the country collapsed when we introduced the Structural Adjustment Programme in 1991/1992.

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, you appreciate the fact that this Assistant Minister is not happy with what he is telling the House. It is very clear that the Minister is not telling us how he intends to revive cattle dips. He has said that they collapsed and the only way to revive them is to train the farmers. Would I be in order to request that this Question be deferred, because that answer is completely unsatisfactory?

The Temporary Deputy Speaker (Mr. Ethuro): Dr. Wekesa, you have to be fair to this House. The answer you have given is not satisfactory to hon. Members. I wish to defer the Question until you have an appropriate answer.

(Question deferred)

Question No.334

RESTORATION OF POWER SUPPLY TO
MR. MASIBAYI'S PREMISES

Mr. Wamunyinyi asked the Minister for Energy:-

(a) whether he is aware that Mr. Henry Wafula Masibayi, holder of account No.594938 with the Kenya Power and Lighting Company (KPLC), has suffered irreparable damage as a result of illegal power disconnection to his premises;

(b) whether he is further aware that the KPLC disconnected power in spite of a court order restraining the company from taking the action; and,

(c) what steps he will take to ensure that the company complies with the court order and restores electricity supply to the premises of Mr. Masibayi.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) No, I am not aware of any illegal disconnection of power by the KPLC to account No.594938 held by Mr. Henry Wafula. The fact is that the KPLC legally disconnected the account in February, 1999 for non-payment of outstanding bills due to the company. As a result, Mr. Masibayi filed a case, No.SPMCC198 of 1999, in the Senior Principal Magistrate's Court which was determined in favour of the company. Mr. Masibayi appealed in the High Court of Kenya, case No.20 of 2001, and it was also decided in favour of the company. Given this fact, therefore, Mr. Masibayi is obliged to pay the bills that were not in dispute but which he has not done to date.

(b) No, I am not aware of any court order restraining the KPLC from exercising its statutory duty under the Electric Power Act on this account.

(c) The KPLC, as a legal entity, is subject to obey court orders. However, currently, there is no court order directing the company to restore electricity to the premises of Mr. Masibayi. As such, Mr. Masibayi will have to clear his debts now standing at Kshs168,421.75 to be reconnected.

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, I am surprised with the answer given by the Assistant Minister. I know Mr. Masibayi very well. He is a resident of Bungoma and he is my constituent. I am also aware that the KPLC disconnected electricity to his premises. The fact is that the meter on the premises was faulty. When he complained to the KPLC, they removed the meter and replaced it. However, they did not correct the over-charge on his account. They also went ahead to terminate power supply to his premises. Mr. Masibayi went to court---

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Wamunyinyi please, ask a question!

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, I am building up the question.

The Temporary Deputy Speaker (Mr. Ethuro): No, Mr. Wamunyinyi! Ask your question!

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, Mr. Masibayi obtained orders from courts restraining the KPLC---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Wamunyinyi! The Chair has ruled several times that this is not the place to build the question. The Question is already on the Order Paper! Ask a supplementary question!

(Laughter)

An hon. Member: Just build it!

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, even before the last case was determined, there was an order restraining the KPLC from disconnecting the power. Could the Assistant Minister tell the House why the KPLC did not supply power to Mr. Masibayi when the case was going on in court?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, as you can see, Mr. Wafula Masibayi is a very knowledgeable person because he was able to address his matters in a lower court. When he lost, he went to a higher court. I am sure he must be aware that there is contempt of court. If the KPLC has been restrained and they have not obeyed, that would constitute contempt of court. He should, therefore, take legal action. We are not aware of all these facts. If there is any, let him table the relevant documents.

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, if I am given time, I will produce the orders that were given by the courts. I spoke to the Assistant Minister before I asked the Question. I told him that I do not have the orders here, but I can get them. I am kindly requesting the Chair to give me time.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Wamunyinyi! If there was a court order, this Question was filed much earlier than even others. We will proceed to the next Question! However, I will appeal to the Assistant Minister to talk to you outside this House!

(Laughter)

Question No.478

UPGRADING OF BARWESSA HEALTH CENTRE

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Boit agreed mutually with the Minister that this Question be deferred to tomorrow.

(Question deferred)

Question No.180

FATE OF DUGO SETTLEMENT SCHEME

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, I am a man in distress! We deferred this Question another time because it was addressed to the wrong Ministry. I have an answer dated 7th April, 2004!

The Temporary Deputy Speaker (Mr. Ethuro): Order, Dr. Ali! Just ask your Question and then put your supplementary information.

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, I beg to ask that this Question be deferred and rerouted to the right Ministry; the Ministry of Agriculture and not the Ministry of Lands and Housing. It is in the wrong Ministry. I said so earlier. Moreover, I have an answer dated 7th April, 2004. I do not know why the Clerks are doing that.

Mr. Temporary Deputy Speaker, Sir, I, therefore, beg that this Question be deferred and redirected to the Ministry of Agriculture for the last time.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! The wishes of the hon. Member will be granted. The Question must be directed to the Minister for Agriculture. However, Dr. Ali, it would have been good if you came to see the Chair before. We would have sorted it out instead of taking the precious time of the House.

(Question deferred)

Hon. Members, the first Question by Private Notice by Mr. C. Kilonzo has also been deferred to tomorrow at the Minister's request.

SHORTAGE OF ANTI-RABIES DRUGS
IN MATUU SUB-DISTRICT HOSPITAL

(Mr. C. Kilonzo) to ask the Minister for Health:-

- (a) Is the Minister aware that Matuu Sub-district Hospital has no drugs for vaccination against rabies?
- (b) Is she further aware that the drugs are very expensive and, therefore, unaffordable to the poor people?
- (c) Could the Minister avail these drugs to the hospital immediately?

(Question deferred)

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

POINTS OF ORDER

UNSATISFACTORY ANSWER TO QUESTION ON REVIVAL OF CATTLE DIPS IN SIGOR CONSTITUENCY

Mr. Mwancha: On a point of order, Mr. Temporary Deputy Speaker, Sir. By the Minister's admission, Question No.189 by Mr. Rotino on cattle dips is asked in this House every week. This Question is important to most of us. I would like to seek guidance from the Chair with regard to this Question. When will it be answered?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Mwancha! You know as well as everybody in this House that tomorrow we will have the Motion for Adjournment. It will be unfair, given the answer that the Assistant Minister brought, to ask him to ask the Question tomorrow. Let us do it as soon as we resume!

Mr. Assistant Minister, what do you have to say?

The Assistant Minister for Livestock and Fisheries Development (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I agree with Mr. Mwancha. I was saying that this issue of cattle dips--

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Assistant Minister! We just want to know when you will answer the Question. We do not want the answer now.

The Assistant Minister for Livestock and Fisheries Development (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, the issue of cattle dips comes up every week. The answer that we give is the same.

I am, therefore, prepared to make a Ministerial Statement about cattle dips next week.

(Laughter)

Sorry, next time we resume!

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! This is serious! Surely, Mr. Assistant Minister, the Chair will grant you an opportunity to issue any Ministerial Statement on any policy at any one time. However, a Ministerial Statement cannot substitute Questions. This is a Question specific to Sigor Constituency. Unfortunately, the Chair is also very familiar with this constituency. Therefore, when I see an answer that I feel is not satisfactory, that should be it. Let us address the Question when we resume.

Let us save on time and proceed!

The Assistant Minister for Livestock Fisheries Development (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, with due respect to the Chair, I would like some guidance from you. Standing Order No.37 says that when a Question is raised in the House and answered, it should not be repeated.

Mr. Keter: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Question was specific. The Assistant Minister was unable to answer it. He was asked to give the names of the cattle dips. Could he give them now? In fact, it seems he does not even have those names. He always gives general answers.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, I do not know why you are

raising this particular issue. This matter was settled to the satisfaction of the House. The Question has already been deferred. Dr. Wekesa, do not unnecessarily challenge the Chair.

SHORTAGE OF PETROLEUM PRODUCTS
IN WESTERN KENYA

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I would like to seek a Ministerial Statement from the Minister for Finance. Since the introduction of the new rules by the Kenya Revenue Authority (KRA), there is a shortage of petroleum products in Western Kenya, especially in Kisumu and Eldoret. Trucks are unable to load and, therefore, there is shortage of fuel in petrol stations. As a result, prices of petroleum products have gone up by as much as Kshs5. I would like the Minister for Finance to issue a Ministerial Statement to clarify what they are doing to ensure that this problem is sorted out as soon as possible.

TENDER FOR SUPPLY OF POLES

Mr. Temporary Deputy Speaker, Sir, I also would like to seek a Ministerial Statement from the Minister for Energy as pertains a tender for the supply of poles. I have a document, which I could give to the Minister, if he so wishes, to go through. There has been consistent importation of sub-standard poles to this country as ascertained by the Kenya Bureau of Standards (KEBS). The tender for the supply of the same, which was supposed to be done this month, has been postponed to some time at the end of this month. The document with me points to irregularities and corruption with regard to this issue.

Mr. Temporary Deputy Speaker, Sir, I would like a clarification from the Minister for Energy as to what they will do because the document I have points to the concerned officers.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Kipchumba, that is enough information. Could you table those documents?

Mr. Nyachae, will you respond to Mr. Kipchumba?

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, before he responds, I would like to seek another Ministerial Statement---

The Temporary Deputy Speaker (Mr. Ethuro): From the same Ministry?

Mr. Kipchumba: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): All right, proceed! Please, be precise.

SUSPENSION OF THE SPANISH
CREDIT RURAL ELECTRIFICATION
PROGRAMME

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, finally, I also have a document for the suspension of the Spanish Credit Rural Electrification Programme (SCREP). A tender has been cancelled. I would like the Minister for Energy to clarify as to what has happened to the extent that this tender has again been cancelled. Hon. Members of Parliament are very eager that this programme starts quickly, so that they can benefit from rural electrification. I could table all the documents here.

The Temporary Deputy Speaker (Mr. Ethuro): Please, table them!

*(Mr. Kipchumba laid the
documents on the Table)*

The Minister for Energy (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, on the first question with regard to importation of poles, it is, indeed, true that there is a problem. I need to get

your guidance on whether you require the Ministerial Statement here when already the Departmental Committee on Energy, Communications and Public Works is investigating and dealing with the matter. They have already summoned the officers concerned. If am I required to issue a Ministerial Statement, that is fair enough. But if the Departmental Committee has taken over the matter, I do not know which way the Chair wants me to follow. I am ready to follow any method you advise.

Mr. Temporary Deputy Speaker, Sir, with regard to the SCREP, the so-called tenders have not been cancelled because of the local situation. The representative of the Spanish Government insisted on single-sourcing, but we insisted that they must follow our procurement procedures. So, we rejected the company which was selected and we insisted on a minimum of three companies to tender. That has been referred back to Spain because they are the ones who insisted in the agreement that the contract will be carried out by a Spanish company. They agreed on one company, which we rejected.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Kipchumba, if the Departmental Committee on Energy, Communications and Public Works is looking at the matter, can we not wait for that opportunity? If you are satisfied with that, we do not need any other explanation.

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I was not aware that this issue is being dealt with by the Departmental Committee. I could present these documents to that Departmental Committee.

There is also the issue of the shortage of petroleum products, which is a very serious problem.

The Temporary Deputy Speaker (Mr. Ethuro): Is the Minister for Finance here to respond to that matter?

The Minister for Energy (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, the Minister for Finance is not here, but it also happens that I am connected with petroleum issues. This is a very serious matter. I have stood here on the understanding that this matter is very urgent. We have spent our morning discussing this issue with the Ministry of Finance. We will continue discussing this matter tomorrow, so that we come up with a solution. The shortage of petroleum products is not only affecting Western Kenya, but it is actually affecting the refinery at the port of Mombasa because no fuel is being picked from there to go upcountry. There is total confusion over the whole matter and we have to get a solution.

So, I do not know whether we will be able to solve the matter tomorrow because we will be meeting oil importers at 9.30 a.m. After they put up their case, they will then require us to respond and give procedures. The whole issue is connected with taxation procedures which have been introduced.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Nyachae, we understand that. When will we get the Ministerial Statement?

The Minister for Energy (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, I cannot give an answer by tomorrow, nor do I expect the Minister to give an answer tomorrow because that is when we are sorting out this issue with oil importers.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Nyachae, there is nothing to clarify. There is no Ministerial Statement that has been responded to.

Mr. Kipchumba: What about the issue of the Spanish Government?

The Temporary Deputy Speaker (Mr. Ethuro): The Minister was very clear when he said that this issue has been referred back to the Spanish Government. Since the Minister has admitted that the issue of the shortage of petroleum products is equally urgent, if we get an interim measure, the House will be well informed of that progress. Is that so, Mr. Nyachae?

The Minister for Energy (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, I confirm that. I will contact my colleague by today, but tomorrow, if we come---

*(Mr. Mwiraria walked
into the Chamber)*

Hon. Members: But he is here!

The Minister for Energy (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, he is here, but I cannot contact him here!

The Temporary Deputy Speaker (Mr. Ethuro): Please, inform him of the same, Mr. Nyachae.

Let us move on.

PRESENTATION OF ITEMISED
PRINTED ESTIMATES BY MINISTRIES

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, I seek your indulgence on a matter that I think is important. You will [**Mr. Billow**] recall that the Chair, last month, gave a ruling on the Budget, that lump sum allocations of money to Ministries, which allows the Ministries to determine how the money will be spent, is irregular and contravenes the provisions of the financial regulations. The Chair made a ruling that each Ministry should actually submit detailed and itemised expenditures to that effect. However, you will recall, when we were discussing the Ministry of Health, we had difficulties following the way those expenditures had been itemised. Yesterday, it was very clear what the effects of lump sum allocations to Ministries meant, especially in the Ministry of Roads and Public Works, where money was allocated inequitably to certain areas.

Today, there was a Motion of Adjournment where Mr. Kamotho and other hon. Members questioned the way expenditures were being made when the Vote did not provide for that money.

Mr. Temporary Deputy Speaker, Sir, I want your direction to the Minister for Finance that, the responsibility for actually preparing the Budget and allocation of resources falls squarely on him. Therefore, we want him to examine the detailed Printed Estimates which have been prepared, and in which Ministries have purported to allocate the lump sum amounts which you have given them. This actually goes against the provisions of prioritizing expenditure in accordance with the Economic Recovery Strategy (ERS) and all other requirements of the policy documents.

Mr. Temporary Deputy Speaker, Sir, I want you to direct the Minister that, before the House resumes in October, he will have gone through all those allocations to various Ministries and ensure that they are actually done in accordance with the law, and that they are itemized sufficiently enough to allow us to debate when the House resumes next time.

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Mwiraria, do you have anything to say?

The Minister for Finance (Mr. Mwiraria): Mr. Temporary Deputy Speaker, Sir, when we changed the method of presenting the Printed Estimates, I offered to get the Ministries to itemize everything. If this has not been done, then I have reason to want to look into it from the Ministry of Finance.

The Temporary Deputy Speaker (Mr. Ethuro): Thank you. I think all the Chair would add is that, the Speaker made a ruling and the Chair will enforce that ruling. The Minister for Finance will use the opportunity of the recess to ensure that all line Ministries abide by that directive. So, let the matter rest there until the time we will have to deal with the issue.

What is it, Mr. Maore?

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, it seems that attention is being focused on the few or the ten Ministries that have been lined up for debate before the guillotine. We are insisting that the Votes of those Ministries which will be guillotined should also follow the same pattern; we need the itemized budgets for all of them.

(Applause)

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Mwiraria, you do not even have to respond to that because I do not think part of the Speaker's ruling was for the few Ministries that

would come for specific voting; it is for all of them. Guillotine is just a procedure for disposing of what is the final business. Let us proceed!

What is it, Capt. Nakitare?

Capt. Nakitare: On a point of clarification, Mr. Temporary Deputy Speaker, Sir. As a matter of national importance, I would like clarification from the Minister for Energy, to tell this House whether they have petroleum products reserves in place in the event of an emergency that would take a week or two.

The Minister for Energy (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, the problem is not shortage of oil; it is the management of oil in the country. For the information of the hon. Member and of this House, all our tanks are full.

ABILITY OF THE CKRC TO CONDUCT CIVIC EDUCATION ON THE REFERENDUM

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister for Justice and Constitutional Affairs regarding the referendum which is supposed to be carried out at the end of this year by the Constitution Review Commission of Kenya (CKRC), which has been allocated Kshs1.5 billion for the exercise.

I would like the Minister to clarify whether the CKRC is capable of carrying out civic education on the referendum, in view of the fact that the CKRC itself is divided into camps which have clearly stated their positions with regard to the new Constitution. Therefore, will it not be appropriate for the constituency fora to be developed, while we are on recess, by the hon. Members of Parliament and be allocated the Kshs1.5 billion equally throughout the country, so that we can carry out the civic education exercise on the referendum?

(Applause)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, we can try to issue the Ministerial Statement tomorrow, but in the meantime, what I can say is that it was very wrong for the commissioners of the CKRC to give their views on the referendum because, as a result of that, the CKRC is now divided. We have told them about this issue, but we shall look into the modalities of whether they are still capable of conducting the civic education. I will issue the Ministerial Statement tomorrow.

FREEING OF UK SOLDIERS

Mr. Ndile: Bw. Naibu Spika wa Muda, nasimama kuuliza Taarifa ya Serikali kutoka kwa Waziri wa Sheria na Mambo ya Katiba kuhusu sheria za nchi hii. Jana, Wazungu wawili walipatikana wakiiba magari; na huo ni wizi mbaya sana, na wameachiliwa. Juzi, tuliona Waingereza wakimnyima Waziri visa ya kwenda ng'ambo, sijui kwa makosa gani. Juzi pia, tulimuona mjukuu wa Lord Delamere akiachiliwa. Tena hapo mbeleni, tulipata habari kutoka Uingereza kuhusu msichana mmoja aliyekuwa akifanya biashara zake za kusindikiza wale watu wanaokuja usiku akipokonywa pesa zake na Wazungu kwa kisingizio kwamba alifanya biashara mbaya. Labda siku nyingine alimsindikiza Bw. Githae!

(Laughter)

Bw. Naibu Spika wa Muda, tunataka Wizara hii itueleze kama Wazungu wana sheria zingine

na Waafrika wana sheria zingine kwa sababu---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Ndile! *Hiyo inatosha!*

Mr. Ndile: Tafadhali, Bw. Naibu Spika wa Muda, wacha niendeleo kidogo.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Ndile! Mr. Khamasi has the Floor.

Mr. Khamasi: On a point of clarification, Mr. Temporary Deputy Speaker, Sir. I think hon. Ndile is raising very pertinent issues, but is it proper for him to impute improper motive on an Assistant Minister of the Government, that the lady that he is talking about escorted Mr. Githae?

(Laughter)

An hon. Member: Let him substantiate!

Mr. Ndile: Bw. Naibu Spika wa Muda, huo ulikuwa ni mfano!

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Ndile!

Mr. Githae, were you really escorted?

(Laughter)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I have not been to London recently, so I do not know this escorting business that Mr. Ndile is talking about. Maybe, he can tell us more; maybe he has enjoyed the services himself and he can tell us whether he was satisfied, and whether it was genuine business or not.

Mr. Ndile: Bw. Naibu Spika wa Muda, nilikuwa nasema kuhusu Bw. Githae mwingine; Bw. Githae sio huyu peke yake Kenya.

(Laughter)

Lakini nilikuwa naomba tuambiwe na Wizara hii kwa sababu mambo hayo yamekuwa ya aibu kwa Wakenya. Sio yeye peke yake; kuna kijana mwingine anayetwa Bw. Konchella aliyeenda kucheza halafu akasemekana sijui amefanya nini.

Inaonekana kuwa kule kwao, Wazungu wako na sheria za Kiafrika na ni aibu sana kuona Mawaziri na Wizara zao wakiwahurumia Wazungu hapa Kenya. Kama kosa hilo lingefanywa na Mwafrika mweusi---

The Temporary Deputy Speaker (Mr. Ethuro): Order! *Hiyo tosha!*

Mr. Ndile: Jambo la mwisho ni kuwa, zile sheria najua kidogo---

The Temporary Deputy Speaker (Mr. Ethuro): Sasa unajibu ama unauliza?

Mr. Ndile: Nilikuwa nasema kuwa katika sheria za nchi hii, mtu akishtakiwa kwa kosa la jinai basi mlalamishi ni taifa.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, the hon. Ndile has raised a very important issue.

Mr. Sambu: Hoja ya Nidhamu, Bw. Naibu Spika wa Muda. Hata nami ningekuwa nikiitisha taarifa kutoka kwa Wizara hii, kwa sababu tumepata habari kwamba kijana mmoja huko Nakuru alipigwa risasi katika shamba la mzungu. Huyu mzungu alishikwa na kisha akaachiliwa na hali aliyepigwa risasi yu hali mahututi. Bado haijulikani ikiwa atapona ama ataaga dunia.

An hon. Member: Je, hicho ni kisa kipya?

Mr. Sambu: Ndiyo. Hicho ni kisa kipya ambacho kimetendeka juma hili. Mzungu huyo jina lake ni Nightingale.

Mr. Ndile: Bw. Naibu Spika wa Muda, vile vile kuna mzungu mwingine huko katika shamba

la hayati Mzee Kenyatta wilayani Taita-Taveta. Naye alimfuta kazi mfanyakazi wake mmoja na baadaye huyo mfanyakazi akaaga dunia. Kwa hivyo, hawa wazungu wamezoea vibaya. Huko katika shamba la Delamere, mbwa huachiliwa kuwauma watu weusi. Ni sharti watueleze bayana kuhusu hivi visa vyote.

The Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, we will try to issue the Ministerial Statement, perhaps, tomorrow. However, what I can say in the meantime is that the law should treat the mighty and the lowly in the same manner. The law should treat the blacks and the whites in the same way. A thief is a thief, whether he is black or white. However, we shall issue the Ministerial Statement.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Githae! You know those statements are well known. What hon. Members are raising are actually instances where those statements cannot stand. It is better we wait for the Ministerial Statement and then assess the veracity of what you have just said.

(Applause)

CONCERN FOR THE WILDLIFE (CONSERVATION
AND MANAGEMENT) (AMENDMENT) BILL

Mr. G.G. Kariuki: On a point of order, Temporary Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister for Tourism and Wildlife. You will remember well that some months ago---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Ethuro): Order, Members!

Hon. Members: We cannot hear him! Use the microphone!

The Temporary Deputy Speaker (Mr. Ethuro): Mr. G.G. Kariuki, please position yourself properly next to the microphone.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, it is the microphone which has a problem, and there is nothing I can do. A few months ago, this House passed a Bill on wildlife. The Bill is called "the G.G. Kariuki Wildlife Bill". Now, when it went to the President---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. G.G. Kariuki! I have not seen a Bill before this House entitled, *Mr. G.G. Kariuki Wildlife Bill*.

Mr. G.G. Kariuki: No, Mr. Temporary Deputy Speaker, Sir. The Bill was about wildlife, but is referred to as "the G.G. Kariuki" Bill.

That Bill was returned to this House having not received Presidential assent. It was expected that the Bill would be brought to this House for debate as soon as it was referred back here by the President. Now, if you follow what happens in the country, as reported by the media, a lot of crops are being destroyed by wildlife all over the country, and so many people have lost their lives. Would I be in order, therefore, to ask for a Ministerial Statement tomorrow from the Minister for Wildlife and Tourism on this issue?

The Assistant Minister for Wildlife and Tourism (Mr. Mganga): Mr. Temporary Deputy Speaker, Sir, we will try to issue the Ministerial Statement, possibly, tomorrow. If not, then the next time the House convenes.

Mr. G.G. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. This matter is a bit more serious than the Assistant Minister thinks. He is talking of issuing a Ministerial Statement two months from now. The Assistant Minister ought to say something tomorrow that will encourage the Kenya Wildlife Service (KWS), or any other department to deal with this matter now that people are

suffering. We cannot wait that long!

The Assistant Minister for Wildlife and Tourism (Mr. Mganga): Mr. Temporary Deputy Speaker, Sir, I am sorry I missed the last sentence by the hon. Member. Could he, please, repeat himself?

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Mganga, you have a responsibility to this House to listen. The hon. Member was addressing no other person, but you Mr. G.G. Kariuki, please, repeat the last sentence you used.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I was wondering whether it is not possible for the Assistant Minister to issue a Ministerial Statement tomorrow.

The Assistant Minister for Wildlife and Tourism (Mr. Mganga): Mr. Temporary Deputy Speaker, Sir, I can issue the Statment tomorrow in the afternoon.

The Temporary Deputy Speaker (Mr. Ethuro): Well done. Hon. Members that concludes that business.

Next Order!

BILL

Second Reading

THE PRIVATIZATION BILL

*(The Minister for Finance
on 4.8.2005)*

*(Resumption of Debate
interrupted on 4.8.2005)*

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Mwandawiro, you were on the Floor last time. You have 25 minutes for your contribution.

Mr. Mwandawiro: Bw. Naibu Spika wa Muda, mimi ningali nashikilia msimamo wangu wa kuupinga huu Mswada wa ubinafsishaji. Sababu zangu ni nyingi, ndiposa naliomba hili Bunge lifikirie sana kwa makini kabla ya kuupitisha Mswada huu. Mswada huu ukipitishwa, kutakuwa na athari za muda mrefu sana kwa uchumi na uhuru wetu. Nasikitika kusema hivyo kwa sababu nadharia nyingi zinazotokana na ubinafsishaji zinasema kwamba dola ikihusishwa katika uchumi basi uchumi huo hauwezi kuenda mbele. Nadharia hizo zote hazina misingi ya kisayansi wala ya kihistoria. Mara nyingi, hizo nadharia zinazonuia kuzuia Serikali kuendeleza uchumi zina misingi ambayo inatokana na shinikizo kutoka kwa wabeberu na wakoloni-mamboleo wanaokuja nchini kupitia kwa wadhamini.

Bw. Naibu Spika wa Muda, nadharia hizo zinazoungwa mkono kabisa na nchi nyingi hapa Afrika zinaendeshwa na wafanyabiashara. Tunaelewa kwamba Marais, Makamu wa Marais, Mawaziri na Wabunge wengi ni wafanyabiashara. Kwa sababu hii, nchi zinaongozwa na wafanyabiashara. Vivyo hivyo, sera za kiuchumi zenye kupendelea ufanyaji biashara, na ambazo zinachunga masilahi ya wafanyabiashara binafsi na mabepari, zinatumika zaidi. Sera hizo hazizingatii masilahi ya taifa, ama ya wafanyakazi, na zinaungwa mkono kwa haraka sana. Ikiwa tungeketi kama taifa moja, na kama waundaji sera nchini mwetu wangekuwa watu wa kuzingatia masilahi ya taifa hili, maskini na wafanyakazi humu nchini, tungekuwa tunazungumzia Mswada wa urekebishaji wa mashirika ya umma. Ninaamini kwamba mashirika ya umma yanaweza kurekebishwa. Aidha, ninaamini kwamba uchumi wa nchi unaweza kuendelea kabisa pale ambapo tutazingatia sekta ya uchumi ambayo dola imetilia nguvu, sekta ya kibinafsi pamoja na sekta ya vyama vya ushirika.

Bw. Naibu Spika wa Muda, naamini kwamba, na huo ni ukweli, tukiangalia historia ya nchi yetu miaka ya 1960 na miaka ya 1970, mashirika ya umma, yaani *parastatals*, yalikuwa yanafanya kazi vizuri sana. Ingawa natofautiana na utawala wa Jomo Kenyatta kwa sababu ulisisitiza sana ubinafsi na

ubaguzi, lakini Jomo Kenyatta hakuwa anaguzi mashirika ya umma. Wakati wa enzi ya Jomo Kenyatta, mashirika ya umma yalikuwa yanakua na kutoa kazi nyingi kwa Wakenya. Ndiyo sababu katika enzi hizo, kulikuwa na kazi nyingi sana katika nchi yetu. Viwanda vilikuwa vinafunguliwa kila siku na sekta ya kilimo ilikuwa ikiendelea kila siku. Wakati huo huo, hatukuwa tunategemea sana nchi za nje kwa usaidizi wa kiuchumi. Mashirika ya umma hayakuangushwa na sababu zinazotolewa na mabepari eti kwamba dola ya Marekani iliingizwa katika uchumi. Kuingizwa kwa dola hakuwezi kuangusha uchumi. Inaeleweka kwamba mashirika ya umma yameanguka kutokana na usimamizi mbaya, ufisadi na uporaji. Juzi, tulisikia kwamba benki ya wakulima ilianguka. Tuliambiwa kwamba kuna Mawaziri katika Serikali hii ambao wamekataa kulipa madeni yao katika benki hiyo. Halafu kesho, wanatusema kwamba imeshindwa kuendelea kwa sababu dola inashiriki katika uchumi.

Bw. Naibu Spika wa Muda, ninasisitiza kwamba kuna uwezekano mkubwa wa kuyarekebisha mashirika ya umma ili yaweze kufanya kazi. Lazima tuhakikishe kuna usimamizi mzuri na Serikali haingilii sana mashirika hayo. Lazima tuyainue na kuyaunga mkono. Lakini inaonekana kwamba tunayachukia mashirika ya umma. Kuna mipango makusudi ya kuyauwa. Mara nyingi, wageni wanapokuja kwa semina au warsha fulani, hatuwapeleki mahoteli ya umma kama vila Utalii. Tunawapeleka mahoteli kama *Windsor Hotel* kwa sababu ni ya watu binafsi ambao wana uhusiano fulani na watu Serikalini, ama kwa sababu ni mabepari. Kuna sera makusudi za kupambana na mashirika ya umma. Hata marekebisho mengi ambayo yameletwa katika Mswada huu--- Eti inasemkana kwamba marekebisho hayo yatawatetea wafanyabiashara wa kienyeji. Tatizo si ubinafsishaji pekee yake. Tatizo ni kuwatetea mabepari wa kienyeji. Tukifikia hapo, hatutaji wafanyakazi. Hakuna mikakati yoyote ya kujaribu kurekebisha sheria za kuwalinda wafanyakazi. Hakuna mikakati ya kuhakisha kwamba Wakenya wengi watashiriki katika uchumi. Tunasema tu: "Bora mabepari wa Kenya waende katika soko huru la hisa, wanunue na wawe na uwezo wa kuwanyonya na kuwanyanyasa Kenya wenzao." Kwa hivyo, huu Mswada ni adui mkubwa wa wafanyakazi na wananchi wengi wa Kenya. Mswada huu unasema kwamba uchumi huwezi kuendelea usipoongozwa na wanyonyaji na watu binafsi. Matajiri ndiyo peke yao wana uwezo wa kuendeleza uchumi wa nchi. Ndiyo maana hatujali ikiwa kuna sheria za kuwasaidia wafanyakazi na ikiwa kazi zao zitalindwa baada ya ubinafsishaji.

Bw. Naibu Spika wa Muda, tunajua kwamba katika historia ya ubinafsishaji kote duniani, wafanyakazi wanapoteza kazi. Ahadi kwamba ubinafsishaji wa viwanda utaongeza kazi ni ndoto ambazo hazitimiziki hata kidogo. Ubinafsishaji unaleta uchungu mkubwa kwa wale wanaopoteza kazi zao na pengo kati ya matajiri na maskini linaongezeka. Mara nyingi, uhuru wa kitaifa unapotea kwa sababu yale makampuni yanaongozwa na mabeberu kutoka nje ambao wanashirikiana na mabepari wengine hapa nchini. Ndiyo maana uhuru wa kitaifa hauendelei. Wakati hamna uchumi imara wa kusimamia nchi yenu, hamwezi kuwa na uhuru. Ndiyo maana tunaweza kutukanwa na Waingereza. Waingereza wanakuja kufanya unyang'anyi na wanapokamatwa, tunalazimishwa kuwaachilia kwa sababu tunaenda kwao kuwaomba hela. Waziri wenu anaweza kupigwa marufuku kwenda Uingereza na hakuna chochote ambacho mtafanya kwa sababu mnaonekana ni watu bure kabisa! Hiyo ni kwa sababu tunawategemea hao wazungu na wanaweza kutuyumbishayumbisha namna hiyo.

Bw. Naibu Spika wa Muda, jambo la kusikitisha kabisa ni kwamba, maana ya kupitisha Mswada huu ni kama vile marehemu Mwalimu Julius Kabarage Nyerere alivyosema. Alisema: "Ni vibaya kutegemea mtu yeyote. Lakini kutegemea mtu kifikra ni utumwa mkubwa." Hiyo ndiyo shida ambayo tuko nayo. Badala ya kuketi na kuwa wabunifu na kufikiria jinzi ya kuendesha uchumi wa nchi yetu, badala ya kuangalia rasilmali zilizoko katika nchi yetu, tunatafuta suluhisho rahisi la kutatua matatizo yetu. Suluhisho hilo ni kuuza wananchi wa nchi yetu, uhuru wa kitaifa na maslahi ya Wakenya wengi. Mara nyingi, wakati wa kufanya maamuzi hayo, kwa sababu ya kutokuwa na subira na ubunifu na utafiti wa kutafiti mambo kwa ajili ya maslahi ya kitaifa, hata hatujifundishi kutoka kwa watu wengine duniani. Ukiangalia kote duniani, nchi ambazo zinadhamini uhuru wao, zinaendelea

mbele katika dunia ya tatu; kwa mfano, Cuba. Ukifikiri kwamba mashirika ya umma hayawezi kufanya kazi, enda Cuba. Mawaziri wengi wameshaenda Cuba lakini, kwa sababu ni wafanyibiashara na wanaogopa wabeberu na mabepari wa kibinafsi, hawawezi hata kuwaletea Wakenya ujuzi huo. Ukiangalia nchi hii, na uilinganisha na nchi yenye mafuta inayofuata sera za kibepari na ubinafsishaji kama Nigeria, watu wake ni maskini hohehahe. Ni mabepari peke yake na makampuni makubwa kama Shell/BP yanayofaidika. Watu wa Nigeria hawawezi kupata mafuta katika nchi yao. Lakini ukiangalia sera za Libya, dola imeshiriki sana hasa katika kujaribu kuzidiki uchumi kivyao wenyewe na kwa kushirikiana na watu wengine kutoka nje. Utaona kuna maendeleo makubwa na hata Libya inatoa misaada kwa nchi zingine.

Bw. Naibu Spika wa Muda, ukiangalia hivi sasa, hili bara letu la Afrika, tusipochunga sisi Waafrika na tukiendelea na zile kasumba za kutawalwa na maslahi ya binafsi na kuendelea na kasumba za kutegemea fikira za mabeberu kutoka nje na sera za utandawazi wa kibepari ambazo haziwezi kufanya kazi, tutawachwa nyuma zaidi hata na Latin America. Ukiangalia nchi kule Latin America utapata kwamba nchi kama Venezuela, Bolivia, Brazil na Argentina zinajitoka kutoka kwa hizo nadharia za kusema kwamba eti uchumi ukibinafsishwa ndio unaendelea. Hizi nchi sasa zinaingia katika hali ya kusema kwamba lazima kama sisi kama taifa tuzidiki uchumi wa nchi yetu kwa ajili ya watu wetu. Lazima dola ishiriki katika uchumi na izidiki uchumi kwa niaba ya nchi yao.

Bw. Naibu Spika wa Muda, mara nyingi mimi huwa nawasikia watu wakizungumza hapa kuhusu uchumi na maendeleo ambayo katika Asia Kusini Mashariki kama Singapore, Malaysia na kadhalika lakini watu hawajafanya utafiti wa kutosha wa kuangalia ni nini hasa kiini cha historia ya hayo maendeleo. Historia hiyo ilianza na dola kuzidikika hasa kuingia zaidi sana katika uchumi na kutawala huo uchumi na kuweka msingi imara. Hata ukiangalia historia ya China, kuanzia 1949 ilikuwa inazidikiwa vikali kabisa na dola ya uchumi na ukaendeleza ndio ikawekwa miindo misingi inayosimama imara kuhimili hata vishindo vya mabeberu. Hata wamekuja kurithi uchumi wetu. Sasa uchumi zetu legevu, tukizifungulia fisi wa kibeberu kutoka kila pahali, mutaweza kuhimili namna gani?

Bw. Naibu Spika Muda, hata India kwenyewe ambayo inafuata nyumba China kuingia katika maendeleo, Serikali inashiriki na kuzidiki vikali kabisa katika uchumi. Haijitoi katika uchumi na sera zinazoendelea katika hizo nchi ni zile ambazo zinasema kunaweza kuwa na uchumi unaotawaliwa na dola na sekta ya binafsi sambamba, yaani wakati moja. Lakini ukileta Mswada hapa ambayo inalenga kutumia ubinafsishaji kwa mashirika ya umma, inakuwa ni kwamba ni kuua maendeleo ya kila nchi na kutusimamisha katika hiyo hali na inakuwa ni hatari zaidi kwa wale watu ambao wanabaki katika nchi yetu ya Kenya na ambao ni watu wa kawaida.

Bw. Naibu Spika wa Muda, wakati nikimaliza, ninasema kwamba nimepinga Mswada huu kabisa na naomba Serikali hii na akina Mhe. Mutahi Kagwe musije mukasahau na kufikiri kwamba mukirekebisha Mswada huu utasaidia nchi hii. Kujaribu kuurekebisha ni kuangamiza nchi. Hakuna cha kurekebisha hapa. Huu ni Mswada ambao umekuja na una lengo la kuua mashirika ya umma na kuipatia kipeo mbele zaidi sekta ya binafsi. Ninaendelea kusema ya kwamba tuna uwezo mkubwa sana wa kuangalia mashirika ya dola na kuyarekebisha. Tuangalie matatizo yake ilikuwa ni nini na tuyarekebisha na wakati huo huo tunaweza fungua milango yetu kwa watu binafsi kushiriki katika uchumi bila kuua mashirika ya umma ambayo yako hapa. Suluhisho ni wakati tunaleta marekebisha hayo, ikiwa mabeberu ni wadhamini ambao watasema kwamba eti watatupatia Euro 25 milioni tukipitisha Mswada huu, kama tungekuwa wazalendo kile kitu tunganisema kwamba, Kenya inastahili madeni yake kuachiliwa mbali kama nchi zingine. Sio Kenya iendelee kufungwa katika madeni ambayo hayawezi kulipika! Madeni ambayo yamepitia katika minyororo ya utumwa mkubwa mno halafu wakati huo wanasema wakiturushia Euro 25 milioni na kuua mashirika yetu ya umma, eti tunaweza kujifungua kiuchumi! Tunapewa kamba ya kujinyonga na hawa watu. Tayari wamemnyonga Chris Murangaru na sasa wanataka kunyonga taifa lote kwa ujumla.

(Laughter)

Bw. Naibu Spika wa Muda, jambo lingine ni kusema tu kwamba katika urekebishaji na kama tunazingatia maslahi ya nchi yetu ya Kenya kwa undani kabisa, tunaweza kuleta Mswada wa kurekebisha mashirika ya umma ambao utazingatia kwamba sekta zote za dola za kibinafsi na vyama vya ushirika vinaweza kushiriki katika uchumi sambamba na kutupeleka mbele.

Bw. Naibu Spika wa Muda, jambo lingine ni kwamba tukatae huu Mswada kwa sababu unatufunga na unaturudisha nyuma. Sisi kama Wakenya wakati sasa tukienda katika likizo tunaweza tukaketi pamoja na Waziri wa Fedha, mhe. Mwiraria ambaye ninamuheshimu sana, labda ni uchumi wa kibepari ambao alifundishwa kule Makerere ndio unaleta shida kama hii, lakini tukishirikiana na wananchi na wazalendo wa Wakenya kwa sababu yeye ni mzalendo na ni mtu mzuri kabisa. Tunaweza kuleta Mswada mzuri kabisa ambao utaweka misingi ya kusaidia hii nchi.

Asanteni sana.

Mr. Wamwere: Bw. Naibu Spika wa Muda, nashukuru kwa nafasi hii na mimi nichangie machache kwa Mswada huu.

Bw. Naibu Spika wa Muda, nikianza, ningetaka kusema kwamba huu Mswada tunajua kwamba tumezindikiziwa na wageni, wageni tunaowaita wafadhili, wahisani na mengine mengi. Ni imani yangu kwamba wageni hawa hawatusukumii Mswada huu kwa faida yetu wenyewe lakini kwa faida yao. Tumeambiwa kwamba kama hatutapitisha Mswada huu hatutapata misaada na wala hatutapewa mikopo. Ni imani yangu kwamba ukiona mtu ambaye anataka kukutawala kiuchumi akikusukumia kitu, kihepe kitu hicho kama ukoma.

Bw. Naibu Spika wa Muda, tukipitisha huu Mswada kwa zindikizo hizi za wageni ni lazima tutakuja kujuta matokeo yake. Mswada huu tunaita Mswada wa Kubinafsisha lakini kwa kweli kulingana na zindikizo za wageni, ukweli wa mambo ni kwamba lengo halisi la Mswada huu ni kugenisha uchumi wetu; ni kuutia uchumi wetu mikononi wa wageni. Ninaamini kwa dhati ya kwamba wale ambao wako nyumba ya Mswada huu ni watu ambao wanataka wageni wamiliki benki, hospitali, shule na elimu, maji, misitu, reli, barabara na hata usalama, uongozi wetu na mwishowe watu hawa watakuja kudai kile ambacho wanaita haki ya kumiliki hewa tunayovuta.

Bw. Naibu Spika wa Muda, Mswada huu ni adui mkubwa wa watu maskini wa nchi hii kwa sababu baada ya kuupitisha lazima ieleweke wazi kwamba kila huduma, hata iwe ya msingi kiasi gani, itakuwa inauzwa. Itakuwa kama huna pesa za kulipia hiyo huduma hutaweza kuipata hata uwe maskini kiasi gani. Baada ya kuupitisha na kuutekeleza Mswada huu, lazima ieleweke kwamba gharama ya elimu, tiba na hata maji itaendelea kwenda juu. Ni ajabu kwamba hata sasa watu wengi hawawezi kununua maji. Maji ni ghali kuliko mafuta ambayo tunatoa ng'ambo. Maji haya yanatoka katika chemichemi na mito yetu lakini bei yake mwananchi wa kawaida hawawezi kuimudu. Baada ya kuupitisha Mswada huu, vile vile gharama ya usafiri itaendelea kupanda. Kama nilivyosema, siku moja tutaamka tukute kwamba hata hewa tunauziwa. Najua ya kwamba tunapoyasema mambo haya yanasikika kama hadithi za ulela ulela. Wengine watasema sisi tunaota tu. Lakini haya ni mambo ambayo yatakuja kuwepo.

Bw. Naibu Spika wa Muda, hivi tunavyotafuta kuwaongezea wageni uchumi wetu uliobaki, tayari wageni hawa wanatawala uchumi wetu. Tumeambiwa ya kwamba katika miaka 40 tangu tupate Uhuru wageni wanamiliki asilimia 70 ya utajiri wetu. Wananchi tunamiliki asilimia 30. Kati ya hiyo asilimia 30, asilimia 23 ni uchumi unaomilikiwa na kutawaliwa na wananchi ambao ni wa asili ya Kihindi. Sitaki kuongea lugha ya ubaguzi. Lakini siwezi kuamini kwamba kuna haki watu walio wengi ambao ni Waafrika weusi na ambao ni asilimia 98 ya watu wote hapa nchini, wawe wanamiliki asilimia 7 ya uchumi. Hivi sasa hatujatosheka kutoa uchumi wetu zaidi kwa wale ambao wanamiliki asilimia 70 ya uchumi wetu. Utafiti umeonyesha ya kwamba mashamba mengi nchini yanamilikiwa na wazungu; miaka 40 baada Uhuru. Inashangaza kwamba kule Ulaya, ambako wengine wetu

tumeishi, tunajua ya kwamba haiwezekani mtu mweusi kuruhusiwa kumiliki hata nukta ya ardhi. Sijui kama unatembelea sehemu mbalimbali ya nchi hii. Kama hutembeji sana ningependa uzuru Wilaya ya Laikipia. Utajionea mashamba makubwa ambayo huwezi kuona mwisho na macho ya kawaida. Utahitaji darubini na kuwa juu ya farasi kufanya hivyo. Wakati mwingine labda utahitaji helikopta ndio uweze kuona mwisho wa mashamba ya wageni. Inastaajabisha kuwa sasa tunataka kuwaongezea utajiri zaidi. Tumeambiwa ya kwamba asilimia 78 ya majani chai yanakuzwa na kuuzwa na wageni. Tunajivunia utalii tukisema kwamba hili ni taifa la kitalii. Lakini utalii wetu, asilimia kubwa yake inamilikiwa na wageni. Vile vile, asilimia 83 ya mapato yetu ya kilimo cha maua imo mikononi mwa wageni. Asilimia 71 ya mapato yote ya benki zetu pia imo mikononi mwa wageni. Vile vile asilimia 77 ya makampuni ya mafuta imo mikononi mwa wageni. Hili ni taifa la aina gani? Hatujatosheka ya kwamba tumeachilia asilimia 70 ya uchumi wetu kumilikiwa na wageni. Hivi sasa tunatafuta kuwaongezea.

Ukitazama faida ya uchumi wetu kumilikiwa na wageni, utakuta ya kwamba ni ufukara unaongezeka kila siku. Ukilinganisha vile tulivyo sasa na wakati wa kujinyakulia Uhuru mwaka wa 1963, tunazidi kuwa masikini.

Bw. Naibu Spika wa Muda, umasikini wetu unatokana na uchumi wetu kumilikiwa na wageni. Sasa tunataka kuwaongezea zaidi. Tumekuwa fukara kiasi cha kwamba asilimia 56 ya watu wetu wanapata chini ya dola moja kwa siku. Sasa tunaona kwamba dola moja ni utajiri mkubwa kwao. Hivyo basi, tunataka kuwapunguzia wawe wanapata nusu ya dola kwa siku. Sisi ni watu wa aina gani katika dunia hii? Katika nchi zingine zote lugha inayoongewa ni ya kuwahimiza watu wamiliki uchumi wao. Hili ndilo taifa pekee katika dunia ambalo linataka kupeana zaidi.

Bw. Naibu Spika wa Muda, Kenya inaweza kulinganishwa na mwanamke fukara ambaye siku moja alikuwa amelala kitandani mwake katika kibanda. Alipokuwa analala alitembelewa na mwizi usiku wa manane. Huyu mwizi alipoingia na kumkuta mama huyu usingizini alichukuwa kanga yake na kuulaza chini. Kisha akaanza kusomba kila alichokiona katika kibanda hicho na kuzifurusha katika kanga hiyo. Alichukuwa vikombe, sufuria, vijiko, sahani na vitu vyote alivyoweza kuokota. Alipomaliza kufunga vitu hivi aliviweka mabegani na kuanza kutoka. Alipofika mlangoni, yule mama aliamka kisha akamwambia: "Baba, samahani umesahau mwiko wa kusongea ugali. Uko nyuma ya mtungi wa maji. Rudi uuchukue." Kenya ni kama mwanamke huyu. Mgeni ndio mwizi. Amechukuwa kila kitu katika nyumba yetu. Amechukuwa vikombe, sufuria, sahani na kadhalika. Leo tumekutana hapa kumuita huyo mgeni na kumwambia: "Baba, umesahau mwiko wa kusongea ugali. Uko nyuma ya mtungi. Njoo uuchukue." Lengo halisi la Mswada huu ni kupeana mwiko kwa mgeni auchukue tubaki bila chochote.

Bw. Naibu Spika wa Muda, mashirika ya umma, kama alivyosema ndugu yangu, Bw. Mwandawiro, yamedhoofishwa na ufisadi. Siamini ya kwamba dawa ya kufufua mashirika yaliyodhoofishwa au yaliyofilisishwa na ufisadi ni kuyauza kwa mabepari wa siku hizi; wa kigeni au wa hapa nyumbani. Taabu ni kwamba tumeinua mikono katika vita vya kupigana na ufisadi. Jana tuliambiwa na Bw. Murungi ya kwamba vita vya kupigana na ufisadi vinatushinda na hatuwezi kumaliza ufisadi. Watu wakishindwa na kupigana na ufisadi ndiyo sababu ya kuyauza mashirika ya umma kwa watu binafsi? Lawama ya kushindwa na kupigana na ufisadi ni lazima isukumawe mhe. Rais.

Bw. Naibu Spika wa Muda, hakuna mtu mwingine anayestahili kulaumiwa. Kwa nini tunasema kwamba tumeshindwa kupigana na ufisadi? Rais mwenyewe alisema kwamba yeye ndiye jenerali mkuu wa jeshi la kupigana na ufisadi. Sasa, kanali wake mmoja anayeitwa Kiraitu Murungi anatuambia kwamba Serikali imeshindwa katika vita hivyo. Jenerali mkuu atatuambia nini? Ni lazima Rais atuambie iwapo ni kweli kwamba Serikali yake imeshindwa katika vita dhidi ya ufisadi. Iwapo ni kweli kwamba Serikali imeshindwa, ni lazima Rais atuambie Serikali imeshindwa kwa sababu gani. Kwa nini tushindwe kupigana na ufisadi? Ni watu waadilifu wamekosekana ama ni kwa sababu gani?

Nimesema kwamba ni lazima lawama isukumiwe Rais kwa sababu yeye ndiye aliyetoa hii ahadi. Hakuna atakayemlaumu Bw. Murungi kwa sababu Bw. Murungi hana serikali. Kwa hivyo, hawezi kumaliza ufisadi. Tumeshindwa katika vita dhidi ya ufisadi kwa sababu Rais mwenyewe aliamua kufanya kazi na "jeshi la Moi". Aliamua kutawala na wafanyikazi wa umma aliowakuta Serikalini. Ukiamua---

The Assistant Minister for Regional Development Authorities (Mr. Odoyo): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Hili "Jeshi la Moi" alilotaja Bw. Wamwere, ni jeshi gani?

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Wamwere, do not respond to that one. It is not a point of order.

Proceed!

Mr. Wamwere: Bw. Naibu Spika wa Muda, nilikuwa ninasema kwamba Rais alipoamua kufanya kazi na watumishi wa umma aliowakuta Serikalini; alipoamua kutopigana na kandambui za ufisadi zilizojaa Serikalini, huo ndio wakati alikubali kushindwa katika vita dhidi ya ufisadi. Katika jamii ya Wakikuyu, kuna msemo usemao "Mbuji wako akiibiwa, huwezi kumtafuta na yule aliyemla huyo mbuzi". Badala ya Rais Kibaki kutafuta "bibi yake" mpya, alimchukua "bibi" wa Rais msataafu, Bw. arap Moi. Kwa nini alifanya hivyo ilhali "wasichana" wamejaa nchini?

(Applause)

The Assistant Minister for Regional Development Authorities (Mr. Odoyo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Wamwere to say that we, as a Government, are willing to contravene the Civil Service Act, which provides that a Public Service employee serves the Government of the day? We cannot sack public servants enmass as he is trying to purport.

Mr. Wamwere: Bw. Naibu Spika wa Muda, katika mataifa kote ulimwenguni, kukiteuliwa rais mpya, huchukua uongozi akiwa na timu yake mpya. Katika mchezo wa kandanda, timu ikishindwa, huondoka uwanjani ili kutoa nafasi kwa timu iliyoshinda. Ni katika nchi ya Kenya peke yake ambako Rais akishinda uchaguzi, huendelea kufanya kazi na watumishi wa umma aliowakuta serikalini. Utafanyaje mabadiliko? Tumeshindwa katika vita dhidi ya ufisadi kwa sababu Rais Kibaki ameamua kufanya kazi na wanasiasa wafisadi. Rais atakapochukua hatua ya kuwakamata na kuwaweka wanasiasa hao korokoroni, ndipo tutakubali kwamba tumeshindwa katika vita dhidi ya ufisadi.

Bw. Naibu Spika wa Muda, ningependa kusema kwamba dawa ya ufisadi katika mashirika ya umma sio kuyapeana kwa mazimwi wa kigeni ama wale wa humu nchini. Dawa ni kutafuta Wakenya waadilifu wayasimamie mashirika hayo na kuyastawisha. Tunafaa kuhakikisha kwamba usimamizi wa mashirika ya umma unabaki mikononi mwa watu waadilifu; siyo watu wafisadi. Tunapofikia uamuzi kwamba hatuwezi kuendelea kupigana vita dhidi ya ufisadi, inamaanisha kwamba tumekufa moyo. Waswahili husema "Ni heri kufa macho kuliko kufa moyo". Sisi tumekufa moyo. Taifa lililokufa moyo ni lazima litakufa. Wale watakaoliua taifa hili wajue kwamba watahukumiwa vikali na wananchi. Hukumu hiyo itakuja katika mwaka wa 2007.

Bw. Naibu Spika wa Muda, dawa ya ufisadi ni kuwaadhibu wafisadi, siyo kucheka nao na kuwaajiri katika Ikulu na katika afisi zingine za umma. Ukicheka na wafisadi, usahau mambo ya kupigana vita dhidi ya ufisadi.

Mr. G.G. Kariuki:---(Inaudible)

Mr. Wamwere: Bw. Naibu Spika wa Muda, Bw. G.G. Kariuki anasema kwamba ufisadi hautakwisha. Labda, anasema hivyo kwa sababu ameona kwamba waliotegemewa kupambana na ufisadi siyo waadilifu.

Bw. Naibu Spika wa Muda, "ufisadi haramu" ndio ufisadi ulioyaua mashirika ya umma. Sasa

tunaanzisha "ufisadi halali" tukidai ndio utakaokuwa tiba ya "ufisadi haramu". Lengo la Mswada huu siyo kumaliza ufisadi bali ni kuuhalalisha ufisadi; kana kwamba "ufisadi halali" ndiyo dawa ya "ufisadi haramu". Nikizungumza juu ya "ufisadi halali", ninazungumza juu ya ufisadi kama ule tulioona jana katika Bunge hili - ufisadi uliowekwa katika Bajeti za Wizara na kuletwa hapa Bungeni ili tuidhinishhe. Katika ufisadi huo "halali", tuliambiwa tuidhinishhe wilaya fulani zipewe mamilioni ya shilingi huku walio wengi wakiachwa bila kitu. Huo ni "ufisadi wa Bajeti". Ufisadi "halali" ni mbaya hata kuliko ufisadi "haramu". Ni vigumu sana kupigana na ufisadi "haramu" kwa sababu unalindwa na sheria.

Bw. Naibu Spika wa Muda, sijua kama Mswada huu unaweza kurekebishika, lakini mimi, ningependelea zaidi kuunga mkono pendekezo la Bw. Mwandawiro kwamba, Serikali ilete mapendekezo Bungeni juu ya namna ya kurekebesha usimamizi wa mashirika ya umma. Ili badala ya kuyatupia mashirika haya mazimwi, tubaki nayo. Kama alivyosema Bw. Mwandawiro, inafaa tuache kasumba ya kufikiria kwamba kilicho cha umma ni lazima kiwe fisadi. Baadhi yetu hapa tumezuru mataifa mengine, kama vile ya Scandinavia, ambako karibu mashirika yote yanayotoa huduma kwa umma yamesimamiwa na serikali, na yote yamefaulu. Katika mataifa ya Scandinavia, sekta ya usafiri, afya, elimu, na nyingine nyingi ziko mikononi mwa serikali.

Tukumbuke kwamba kote ulimwenguni, hakuna mataifa yaliyofaulu kuboresha maisha ya watu wao kuliko mataifa ya Scandinavia. Mataifa hayo yamefaulu kuliko mataifa ya muungano wa Amerika (USA), Uingereza na Ufaransa. Mataifa ya Scandinavia yako msitari wa mbele katika juhudi za kuboresha maisha ya watu wao. Watu katika mataifa hayo hawafuati itikadi za kibepari na kusema kwamba kila kitu ni lazima kimilikiwe na watu binafsi ndiyo kiweze kusimamiwa vilivyo.

Bw. Naibu Spika wa Muda, kama alivyosema Bw. Mwandawiro, kama kuna watu ambao hawataki kuenda Cuba au Uchina kujifunza itikadi mpya, watu hao waende Norway, Sweden, Denmark, New Zealand na Finland na wataona kwamba, katika nchi hizo, kuna mashirika ya umma yanayofanya kazi. Tujaribu kuona iwapo kuna kitu ambacho tunaweza kujifunza. Inaonekana viongozi wetu wameziba masikio. Kinachowasukuma ni ulafi. Tunafikiria namna tutakavyokuwa wamilikaji wa benki hizo, polisi na jela. Hicho ndicho kinachotusumbua; ulafi tulionao. Badala ya kutazama taifa kwa jumla na kujiuliza jinsi tunavyoweza kuboresha maisha ya kila mtu, tunafikiria tu namna tunavyoweza kumiliki mali ya umma. Huo ni ufisadi mkubwa! Ni ufisadi mkubwa kwa sababu wananchi walitowa mabilioni ya shilingi ili mashirika hayo yajengwe na kuundwa. Sasa, tunataka tuyapeane bure kwa bei za kutupa kwa watu binafsi.

Bw. Naibu Spika wa Muda, ningetaka kumalizia kwa kusema kwamba kitu kinachoitwa utandawazi--- Wakati wa Bajeti, tuliuliza ni kwa nini waliopunguziwa kodi hawangeweza kulazimishwa kupunguza bei za bidhaa! Tulijibiwa eti kwamba kuna falsafa na mwongozo mpya unaoitwa utandawazi. Utandawazi ni utandawizi! Ni utandawizi! Na anayeweza kufaidika na utandawazi ni wageni peke yao. Utandawazi ni wizi wa kimataifa. Utandawazi ndio ulikuwa nyuma ya ukoloni. Utandawazi ndio ulikuwa nyuma ya utawala wa *Apartheid* kule Afrika Kusini. Utandawazi ndio ulikuwa nyuma ya biashara ya watumwa. Utandawazi ndio itikadi ya ubeberu. Lakini sasa, badala ya kupigana na utandawazi na kusema tumechoka na hatutaki kuusikia tena, tunaukumbatia zaidi hili kuwe na ushirika kati ya wezi wa hapa nchini na wale wa kigeni. Hakuna kitu kingine kinachotafutwa.

Bw. Naibu Spika wa Muda, mwishowe, nataka kusema kwamba watu walitafuta uhuru wa kisiasa katika nchi hii ili mwishowe, waweze kupata uhuru wa kiuchumi. Ikiwa watu hawana uhuru wa kiuchumi, hata ule uhuru wa kisiasa ni uhuru mtupu. Hauna chochote ndani yake. Ikiwa tunataka kubaki na uhuru wa kisiasa, ni lazima tudai na tuhakikishe ya kwamba tumepata uhuru wa kiuchumi. Uhuru wa kiuchumi hauwezi kutetewa na Mswada huu. Hiyo ni kwa sababu, dakika ya mwisho, uhuru wa kiuchumi lazima ulishe kila Mkenya. Uhuru wa uchumi ni lazima uwe ule utakaoboresha maisha ya walio wengi.

Bw. Naibu Spika wa Muda, lazima ieleweke kwamba tunapongea juu ya uhuru wa uchumi, kuna uchumi mara mbili. Kuna uchumi wa walio juu na uchumi wa walio chini. Uchumi wa walio chini

usipoinuliwa, unazamisha hata ule uchumi wa walio kule juu. Kwa hivyo, wakati tunaleta Mswada hapa ambao lengo lake ni kuwatajirisha waliotajirika zaidi, tujue kwa bahati mbaya--

Kwa hayo machache, naomba kuupinga Mswada huu.

Mr. Wambora: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Members are now repeating themselves. Could I request that the Mover be now called upon to reply?

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! There is only one presiding officer here, and that is me! We want to hear more views on this Bill.

Mr. Omingo, please, proceed!

(Applause)

Mr. Omingo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Bill. From the outset, I find that, as a nation, sovereign as we are, and in as much as we want to dance to the whims of multinationals and the people who give us donations when we are desperate, we cannot afford to give our birthright to foreigners. For that reason, I stand to oppose this Bill on the following grounds.

The very basic thing that I have seen in this Bill is that, the privatisation programme will be prepared by a commission and approved by the Cabinet. We all know how public officers are appointed to head those corporations. We know whose interests they serve. They will be appointed by the same Executive and report back to them after choosing for them the fattest cows to milk. The Cabinet then decides: "Today, we are going to sell Kenya Power and Lighting Company Ltd (KPLC)."

It is an offence that we fought so hard to be independent. We have struggled so hard to have what we have today. What ills public institutions is not necessarily that they are unable to deliver. The problem is that the executives are appointed politically. They manage the corporations politically. They serve the political interests of the Executive of the day. That is because that is where their bread is buttered.

Mr. Temporary Deputy Speaker, Sir, when we talk about a sovereign state, we also need to make decisions on ourselves. We also appreciate the fact that, there has been a trend of looting in the corporations. If possible, we want to revitalise those institutions by changing the management. In the Draft Constitution, there is a refined way of checking the controls of those corporations. The chief executives are supposed to act independently and on performance contracts. They must deliver services. It is high time that we punished the offenders. We are not throwing in the towel because we have failed in management. We have refused to divorce political interests from economic interests. That is where our problem is. We want to say that, until and after political interests are detached from economic interests, we shall never grow. Today, the United Kingdom (UK) is embracing the public utility of the British Railways. Why are we being told to off-load our railways, when we can re-engineer and reconstruct our institutions?

Mr. Temporary Deputy Speaker, Sir, as I said earlier, the privatisation programme is to be approved by the Cabinet, upon recommendations by a commission. There is reason for every Kenyan to suspect that kind of arrangement. That is because if I want a particular corporation, I will actually run it down deliberately and buy it. We have seen that in the past, people have bought corporations at throw-away prices, after running them down. We want to de-politicise State corporations. The people who ran down those corporations are now necessitating the privatisation. They are still holding public offices. They are the people who are rewarded upon stealing. It is a shame to find a managing director of a corporation carrying home toilet papers. But upon running down a corporation, he or she is rewarded elsewhere. We require a policy shift and not a privatisation policy. If Mr. Mwiraria wants to change the management, the best thing he can do is to give Kenya Railways a lease to operate for five

years. If we assess them after that and find out that they are doing well, we pay them and retain our national heritage. We cannot give it out just like that, because it is immoral, in my thinking.

Mr. Temporary Deputy Speaker, Sir, we can also import management. Apparently, this Government and most Kenyans have been made to believe that anything coloured tastes better. If they must, can we allow them to import management and pay them a fee for five years? If they turn them round, we reward and off-load them once and for all. But our national heritage must remain for Kenyans because that is our sweat.

Mr. Temporary Deputy Speaker, Sir, that is the position we should maintain as a sovereign state.

I am talking about the issue of managing our own resources. We all know that corruption is a key factor in most of our failures in these parastatals. We are talking about people fearing to lose jobs in the event of privatisation. The Government can provide alternative forms of employment. We passed, in the morning, a Motion concerning the informal sector promotion. Anybody retrenched with a reasonable package can actually go out there and earn a living. But selling out our companies will mean that we shall lose entire livelihoods of our people. We actually struggled to attain our Independence to improve our living standards.

Mr. Temporary Deputy Speaker, we were wrong when we allowed our civil servants to conduct business as they served in the Government. We all know now where we went wrong, and what can be done to correct the situation. Our civil servants engage in business and form companies to trade with corporations that they work in. Some corporations were actually created for political reasons, and their heads are strategically placed to actually milk the "cow" and take the milk home. We need a change of heart in order to rethink about privatisation. When we say that we are going to float shares of public entities, who will buy them? The common mwanachi cannot afford to buy them. These corporations exist to promote the social wellbeing of the Kenyan public. Privatising these companies, I feel, will lead to a great loss to the public.

It is true that people in the Civil Service have vested interest in State corporations, and that is where we went wrong from the beginning. I want to impress upon the Minister to rethink his position on privatisation. I know there are external forces involved in this move, and we listen to them a lot.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Order, hon. Members on the Front Bench! There is an hon. Member on the Floor, who is giving his views opposing the passing of this Bill. I think it is necessary that we all listen to him.

Mr. Omingo: Thank you, Mr. Temporary Deputy Speaker, Sir. Maybe they have written me off, but the HANSARD is recording what I am saying.

The critical thing here is that we must be able to retrace our steps. let us know where we went wrong. Let us have our State corporations managed well. The problem is purely mismanagement and irresponsibility on the part of appointing authorities. There is a problem in terms of appointing people to where they fit well. What I am suggesting here is that we need to act with speed and revitalise these institutions. They should remain the property of the Kenyan public.

With those few remarks, I beg to oppose.

Eng. Okundi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Bill. I want to inform the House that when we became independent the Government deliberately set up State enterprises in order to achieve ownership of state assets by its own people. At that time, we had the East African Community, and under it were many State corporations. We know that during that time, and thereafter, bodies like the former East African Airways, the East African Harbours, the East African Railways, the East African Posts and

Telecommunications were all run very profitably. They were efficiently run by our own people

*(Mr. Katuku consulted loudly
with other hon. Members)*

Could you, please protect me, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Katuku!

Eng. Okundi: Mr. Temporary Deputy Speaker, Sir, afterwards Kenya started to set up its own State corporations. I am speaking out of experience, because I managed at least five State corporations that made very high profits. They were successful, and we even had surpluses of cash in the Kenya Posts and Telecommunications Corporation, the Kenya Ports Authority, the Kenya Broadcasting Corporation and the Kenya Bureau of Standards. All these corporations were doing very well and they were run by ourselves.

Mr. Temporary Deputy Speaker, Sir, this is a time when we must look at the capabilities of Kenyans in running its own enterprises. State corporations started making losses when Kenyans embraced the Report of the Ndegwa Commission, which allowed civil servants to run private businesses. The Report injected corruptive ideas in our managers, and people started looking for where they could loot money. They started putting their hands into the State corporations' tills.

There is nothing as good as the State owning major assets. Big countries in the world pride themselves in owning major assets. If we have to improve on our operations and what we manage, then, for God's sake, we should never get rid of our own assets in State enterprises. If someone wants us to make our State enterprises efficient by privatising them, then we should reject him and only talk about privatising the operations of those assets. The State should own everything. There are State corporations which were privatised in other countries. Today when people from those countries go to international meetings to talk about the future of, say, telecommunications, it is foreigners who actually represent such countries because indigenous people do not own State corporations any more.

It is very important for us to introduce a new culture, which is suitable to a multi-party system of Government. When the NARC Government came in, it tried to introduce certain things which our people had wanted for a very long time. For example, the ICDC was set up to provide risk capital to Kenyan investors. But, over a time, the ICDC has suffered mismanagement. So, I think first and foremost, the State enterprises need to appoint units which will register the assets they own, and decide how they will be managed. Even companies which have been privatised in other countries, particularly in Great Britain and the USA, the State has retained a very powerful control over the privatised bodies and influences the efficiency in those same organisations. The result is that some enterprises, which were privatised like the British Railways, are reverting to the Government because the Britons are insisting that their assets should remain theirs, and must be efficiently run.

I would suggest that we do not just look at this Privatisation Bill as such. We must ask what we will end up owning in this country at the end of the day. We may end up owning nothing at all. Take, for example, the Kenya Railways Corporation. It was set up as a means of governing this region during the time of colonialism. But its assets are now very crucial to the economy of our country. If we privatise it to somebody who has never owned anything, we will be enriching a foreigner, who will have nothing to do with us at the end of the day.

Mr. Temporary Deputy Speaker, Sir, I just want to say that Kenyans are able and they should be given responsibility to run these parastatals and be supervised by relevant bodies and punished when they do wrong. We must do what we say. Let the anti-corruption bodies have teeth. Let us see that the anti-corruption measures are netting people who are taking away our hard-earned assets and wealth.

Mr. Temporary Deputy Speaker, Sir, the idea behind privatisation is to increase efficiency. So, if privatisation is the way to do it, we must define how to do it. Secondly, we need to improve on

wealth. That is always done by efficient management. How is it that the parastatals I managed always made money? When I was leaving the Kenya Ports Authority, I can boast that I left at least, Kshs2.6 billion in the bank as surplus when all things were paid. How was that possible at that time? We did it ourselves as Kenyans. How is it that in the Kenya Posts and Telecommunications Corporation, there was always money? Even after we paid everything, there was still more surplus money than we see today. I think we should stop taking money from public coffers. This has left the country poor, to the extent that policy makers are now designing a policy of privatising these institutions. That way, we will just say good bye to a lot of the good enterprises in the country.

With those remarks, I am not for this Bill, because I know we can do very well as Kenyans to improve our economy.

(Applause)

Mr. Wamwere: Very well! Well done!

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Wamwere, you know, you might have enjoyed everything Eng. Okundi said. But that is not the way to do it. There is a Parliamentary way or style of doing it, and you know it.

Mr. Wamwere: I apologise, Mr. Temporary Deputy Speaker, Sir.

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to move that the Mover be now called upon to reply?

The Temporary Deputy Speaker (Mr. Khamasi): Order! Just a few minutes ago, I made a ruling on that. I am in the Chair and I want to listen to views of Members. So, I am not calling the Mover to reply.

Mr. Rotino: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Bill.

Mr. Temporary Deputy Speaker, Sir, I rise to oppose this Bill. You know, when we embraced liberalisation, we made a mistake, and we are likely to make the same mistake in embracing privatisation. By encouraging privatisation, we are confessing that we are unable to manage our corporations. We are also confessing, as a Government, that we are unable to punish those who mismanage our corporations. That is what we are simply saying, yet we are now creating institutions to punish those who mismanage these corporations. Therefore, we should give ourselves time. If we do not do so, we shall make our country poor. Our people do not have the money to buy shares in these corporations. By passing this Bill, we shall only be making the rich get richer, because they are the ones who will buy shares in these corporations.

Mr. Temporary Deputy Speaker, Sir, we have not reached the stage to go into privatisation. We should give our country time. We are not refusing it. Let us give ourselves time. This is a new Government. We must give them time to clean up their house and make those corporations positive. We have heard a confession from a very senior Member of this House who was running five very strong corporations. He has said that we can do it if we streamline our operations. We should give the Kenya Anti-Corruption Commission teeth by implementing its recommendations.

Mr. Temporary Deputy Speaker, Sir, granted, most of these corporations are run down. But it is our own fault. We should not stoop so low and follow the conditionalities of the World Bank and the IMF. If we privatise the Kenya Railways Corporation today, what will happen? Who will own that corporation? It is not Kenyans. Most of the shares will be bought by foreigners. So, I am opposing this Bill and saying let us give ourselves time. When we feel that we are mature enough, then we can privatise. Otherwise, let us not rush our people into privatisation.

With those remarks, I beg to oppose.

The Assistant Minister for Regional Development Authorities (Mr. Oduyo): Thank you, Mr. Temporary Deputy Speaker, Sir. I, too, will be very brief.

The idea of privatisation in itself is not a bad concept. Today, we find the Government laden with heavy recurrent costs, and it is totally unable to undertake development of any manner. If you look at the Budget that was presented, most of the monies go to pay salaries. It is true that we need a leaner Government. To achieve this, we have to shed some of what the Government may call "baggage". Those "baggages" are areas where the Government is not best suited to undertake commercial activity.

This is not to say that we should sell our strategic parastatals. In today's world, I believe that a parastatal like Telkom Kenya is strategic. I believe that there are several other strategic parastatals that should not be sold.

Mr. Temporary Deputy Speaker, Sir, one has to refer to the 1971 Ndegwa Commission, which allowed civil servants to undertake private business. It is true that upon civil servants being allowed to do business, many of them sourced their capital from the very Government that they were serving. This is true today. If you look at the so-called rich people in our society, many of them are working in Government. It raises a big question. In other countries, businessmen are the ones who are rich, and not those in public service. This is the main reason why many parastatals were unable to perform. A few managers like Eng. Okundi did a great job, but many of our people looted many of these parastatals. Many of these people are still serving in the public service. We have not put our feet down to put the political will to say that enough is enough in terms of corruption.

Mr. Temporary Deputy Speaker, Sir, privatisation is supposed to do two things: To rid the Government of a heavy wage bill and also bring efficiency to certain parastatals. It is true that the Kenya Airways performed well, but that was only because the Government wrote-off a huge loan that it owed. Without writing off that loan, it would not have been possible for the Kenya Airways to be efficient.

This Bill has not mentioned anything to do with guarantees or writing off loans. We may not be able to privatise some of these parastatals unless the Government over-writes or under-writes some of the loans that are burdening these parastatals. If the Government can write off the loans, perhaps, these parastatals can become efficient even without being privatised. My idea, which I wish to put forward, is that the burden of privatisation and its advantages, while positive, has to be very carefully weighed against the cost of writing off the loans and the debts that the Government will have to take on board.

I want to make certain observations to the Bill. Clause 5(1) relates to the membership of the proposed Privatisation Commission. Many times when we privatise a parastatal, people lose jobs. I wish to request the Minister to consider including the Central Organisation of Trade Unions (COTU) in the proposed Privatisation Commission, so that we can secure jobs when we are selling off the assets. Under Clause 16(1), the Commission is supposed to give a report--

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Could you, please, listen to what the hon. Member is saying?

The Assistant Minister for Regional Development Authorities (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, under Clause 16(1), the Commission is supposed to give an annual report, but it has not been specified to whom. Is it to the Minister, Parliament or the Cabinet? Clause 18(2) states that the benefits will be to broaden the base of ownership of Kenyans in the economy. While that is there, enough guarantees have not been put in the Bill to enable the Minister to ensure this.

Clause 20 provides that the Cabinet will approve what the Commission has desired. This is a reversal of the law. It is the Cabinet that should give a policy directive and let the Commission

undertake certain tasks. It is not appropriate for the Commission to undertake its work and take it back to the Cabinet. The Cabinet should give a policy directive to the Commission to implement or undertake.

Clause 27 provides that every parastatal must have a steering committee. It does not specify the number of the members or the committee's limitations. If you have a steering committee of, for example, 30 members, the amount of allowances that you will pay, will probably eat up all the profits that you hope to earn from the sale of a parastatal. Clause 44 provides that the Privatisation Appeals Tribunal should have only three members. The Minister should have been given some leeway to widen up the Privatisation Appeals Tribunal, so that we are able to respond to the various technical questions that will be raised in the appeals.

Mr. Temporary Deputy Speaker, Sir, my final word is that privatisation while good, we have to be cautious. We should not privatise for donors, but for ourselves. We need a leaner Government and a more efficient country.

With those few remarks, I beg to support.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the debate on this Bill. I want to agree with the hon. Member who has just contributed that we should not confuse privatisation with "foreignisation".

Although I agree with hon. Wamwere and hon. Mwandawiro on many issues, especially with regard to the poor, sometimes I think our people are getting more poorer because there is too much Government; too much public, as opposed to private. If we want to get out of that, we have to rid ourselves of too much Government in everything.

Again, we should not confuse the notion of privatising with "foreignisation". Even in the West, where privatisation was an issue and communism as we know it, the countries that were associated with communism and socialism for a long time, many of them have already reversed the trend and are called capitalist countries. Even the example we are giving of China, China is not a totally socialist country. In fact, a lot of the in-fightings that have been in the political circles in China, have to do with the fact that there are those who gave up on the original philosophy of China to be strictly socialists.

Mr. Temporary Deputy Speaker, Sir, when we talk about privatisation, we are not saying that Africans are unable to manage their institutions. Africans have been good managers and there are examples all over. We are saying that in many public institutions, the culture of privatisation that goes with discipline, efficiency and cost consciousness is a problem. That can only be reversed through a system that is very clear about the fact that the institutions are private; you go by the rules or you do not.

There is a concern that if we privatise our parastatals, foreigners will take over many of these assets. However, it is possible for us to insist that even where there is donor support, donors would have to support Kenyan partners and the bulk of the shares should go to Africans. That condition would also be required of donors that are supporting privatisation. The Government subsidies could support Africans who are not well endowed as the foreigners and may want to come in. The Commission will be essentially African in terms of its composition. It will be comprised of the Minister, with consultation with an advisory committee. If these Africans will "sell" other Africans to foreigners, then there will be a problem. We would expect much better. Then we can insist on affirmative action whereby the employees of an organisation will get an opportunity to participate, to buy shares and to benefit from training and credit facilities. That affirmative action could be enshrined in whatever we do as we revise the Act.

If we decide to go that route, we also must agree on the fact that we need to educate our people, especially the ones who are going to benefit from privatisation, for example, civil servants and heads of schools. The real problem is that many people in the Government, parastatals and educational

institutions do not think that privatisation can help us in terms of reducing the cost of running those institutions. If we reduce the cost of running our education institutions, our parents will [pay much less than they are paying. We have bad managers. The mentality is still that these are Government institutions, people can do whatever they want and it does not matter whether we make losses or not.

One of the problems that I have with the proposed Commission is that there is too much Government dominance. The Minister is supposed to appoint many Permanent Secretaries and there are many people representing Government organisations in various capacities. We are saying that part of the problem is because there is too much Government in our parastatals. Why should we still have too much Government in the main body that will manage the Commission? We need to re-look into that issue and ensure that the Commission is more representative in terms of including a wide variety of participants, especially from the private sector.

Mr. Temporary Deputy Speaker, Sir, the Executive Director will have a free hand in terms of deciding on the employees, especially the support staff. That is a problem. We have had an experience with too much delegation and we do not have to go too far from our Cabinet where Ministers have been given the authority to just appoint. In a number of cases, we have seen that having been abused. We do not want to repeat this by allowing the Director of the Commission to have a free hand to decide whom to employ.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Please, consult in low tones! We want to follow what the hon. Member on the Floor is saying.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, in deciding to leave all the powers of appointment to all positions to the Director, except that of the Executive Director, would be very unwise. We already have an experience where delegation has led to the abuse of that responsibility, as it has been shown by the way positions are assigned by our Cabinet Ministers.

In Clause 8, in terms of appointments to the Commission, I think we should add another subclause indicating that one cannot be appointed to the Commission if he or she has been associated with a scandal. There are many people who have been associated with scandals in this country and still continue to be appointed to Government office positions. I think that should be added to Clause 8. In terms of representation, I think we should think more seriously about Clauses 10 and 11, which talk about representation of the private sector. We should not concern ourselves more with people who have university degrees as it is being proposed. Some of the most successful business people---

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

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Chepkitony! Sit down!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir.

I will proceed. On Clause 11(2), I talked about the need of not giving the Executive Director a free hand in terms of appointing representative employees. There should be a criteria based on qualifications and experience, as well as the necessary balance which needs to be arrived at.

Clause 28 says that one shall conduct privatisation in an open and competitive way. I think we should be careful, especially with what is recommended in Clause 29; that both Kenyans and non-Kenyans are eligible to participate. We should be careful in making sure that Kenyans are well represented and marginalised groups, including the youth [**The Assistant Minister for Education, Science and Technology**

and women are part of it. We should also be careful that, where we talk about Africans, we are not fronting for other people who are not indigenous Kenyan Africans. We need to be careful on that.

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

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

Clause 30 talks about advertisements being placed in two local newspapers. Many times, the local newspapers do not reach a majority of our people. It is important to widen our base and have a larger network in terms of where we publicise. The local media should include local newspapers that are found in districts, as well as radio and television programmes that reach the rural communities.

Clause 34 is about the kind of persons we should leave out as employees. I think that employees of present parastatals that are to be privatised should not be left out in the process. What is important is that they have the ability and business plan to perform well. Indeed, to ensure that these organisations are not taken over completely by foreigners, it is important that we support them by giving them credit facilities because they have knowledge, which they can use to support the growth of the organisations. In terms of the tribunal, it is not right to leave the payment of allowances to be determined by the Minister, including the number of meetings. That must be specified to avoid the possibility of abuse.

In conclusion, I think we should view privatisation as Kenyanisation. We should involve as many Kenyans in it as possible. It should not be seen as a way of opening doors for foreigners. We should direct it in a way that Kenyans are the ones who benefit the most. I hope that in the formulation of the whole thing, emphasis will be placed on Kenyans taking over most of the assets.

I support.

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

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

Mr. Sudi: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to oppose this Motion. I oppose it because whatever it proposes can be likened to signing my death certificate. The external pressure we are facing to pass the Privatisation Bill is what is making me oppose this Motion. Kenyans make very good managers and they can manage their own companies and make them profitable. We do not need to hire managers from other places. Kenyans are very honest and can make good decisions, which can help this country prosper. There is an English saying; "when the deal is too good, think twice." This Bill is very good and we need to think twice about it. What will Kenyans benefit from the privatisation of parastatals? Which parastatals will be privatised and when? Who will benefit from it? We have heard hon. Members, for instance, Eng. Okundi, who said that he has previously managed five parastatals and all of them have been very profitable. This shows that what we are lacking is the rule of law. If Kenyans, who are managing parastatals, would follow the rule of law, then the issue of corruption would be minimised and the country would prosper. Let us not give up our affairs.

Mr. Osundwa: Mr. Temporary Deputy Speaker, Sir, I wish to propose that the Mover be now called upon to reply.

The Temporary Deputy Speaker (Mr. Khamasi): We are dealing with a very important Bill; Bill which has to do with our national resources. We cannot rush it, Mr. Osundwa! Give the hon.

Member a chance to contribute! We need to listen to several views before we make a decision on this matter. This is a very weighty matter, and I believe that it is only fair that we give as many hon. Members as possible, a chance to speak. So, let us give the hon. Member a chance to contribute to it.

Mr. Sudi: Thank you, Mr. Temporary Deputy Chairman, Sir, for saving me from that interruption. The hon. Member who has just spoken comes from Mumias where the sugar factory will be privatised very soon. We are prepared to buy Mumias Sugar Company from the local area.

Mr. Temporary Deputy Speaker, Sir, we should not rush to make this Privatisation Bill go through very fast because we are being pushed from other quarters. We should think twice about this matter. Privatisation is a very good way of managing our affairs and owning shares in companies. We have seen that this Government can run parastatals which are there. Let us give it the benefit of the doubt, but if it cannot manage the parastatals which are there within five years' time, then we can privatise them.

I oppose the Bill.

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill and to appeal to hon. Members of the House to support it.

One of the reasons why I am supporting this Bill is because when I was in the Opposition, I struggled for many years to bring a Bill like this to the House. Indeed, I brought a Bill like this to the House, but the previous Government could never let us pass a privatisation Bill.

Mr. Temporary Deputy Speaker, Sir, as I speak today, the Government is free to privatise. The Government can privatise any State corporation today without let or hindrance. The problem we have is that we do not have a proper lawful privatisation. When I was Chairman of the Public Investments Committee of this august House in 1994, 1995 and 1996, I witnessed the privatisation of parastatals in this country in a most buccaneer way. Bodies like the Milling Corporation of Kenya were sold for nothing. The Tea Hotel in Kericho was sold for a farthing.

Mr. Temporary Deputy Speaker, Sir, I struggled very hard to stop the privatisation of Kenya Reinsurance Corporation and succeeded. The KCC was looted from the nation because there was no proper law in this country disciplining the Government in privatising State corporations. If we throw out this Bill, we will go back to the chaos that we have now. Unless you have a Government that has men and women of integrity who will ensure that public corporations are privatised properly, hon. Members of this National Assembly will be held accountable by the Kenyan people for not having put in place a proper law that will establish processes, institutions and regulations for privatising public corporations. I would like to appeal to hon. Members to examine the Bill in terms of content and find out whether we have a framework for disposing of public assets in this country, for the benefit of the nation.

Mr. Chepkitony: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member for Wundanyi to cross to the other side of the Floor without bowing to the Chair?

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Mwandawiro, did you do that? Could you go back and do what is required of you?

*(Mr. Mwandawiro went back to
Bar and bowed to the Chair)*

Prof. Olweny: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Members to refer to others as communists in the House?

The Temporary Deputy Chairman (Mr. Khamasi): Who did that?

Prof. Olweny: The hon. Member of Parliament for Mwea referred to the hon. Member for---

The Temporary Deputy Speaker (Mr. Khamasi): You are out of order, Prof. Olweny!

Proceed, Prof. Anyang'-Nyong'o!

The Minister for Roads and Public Works (Mr. Raila): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member actually made a very serious allegation, saying that the hon. Member for Wundanyi has a communist mentality. He is implying, therefore, that communists are indisciplined people when we know that communists are the most disciplined people!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Raila! What type of point of order is that?

(Laughter)

Proceed, Prof. Anyang'-Nyong'o!

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I would like to appeal to all comrades to give me the opportunity to address the House.

One of the major things that this Bill does is that, it specifies very clearly how the Government can establish a privatisation programme. Secondly, it specifies how the process of privatisation will take place. Thirdly, it mentions the institutions that will guide privatisation and, finally, in the event of any dispute, a tribunal is established to guide and settle such disputes.

Mr. Temporary Deputy Speaker, Sir, if I recall the case of the Kenya Reinsurance Corporation, one of the things that was a crisis in this country is that it was not very clear, from the legal point of view, how Kenyans could complain and stop a process of privatisation that was not legal. This is now provided for in this particular Bill. The kind of things we have been looking for to lay a sound framework for privatisation are now here. If we stop this Bill from coming into law, we will continue with the present position and the Government will still dispose of public assets in a manner that is not satisfactory to the citizens of this country.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order! Hon. Members, please consult quietly so that we can be able to follow debate!

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, if I take the example of Telkom Kenya Limited, this is a very important public corporation in this country. Today, Telkom Kenya Limited employs 18,000 Kenyans. Telkom Kenya Limited only rolls out 340,000 lines to subscribers. Celtel Kenya and Safaricom Kenya both roll out about 3 million lines to subscribers. Between the two of them, they only have about 2,500 employees. In other words, there is tremendous efficiency in the two private companies dealing with telephony in this country and tremendous inefficiency in Telkom Kenya Limited which is a public corporation.

As I speak today, Telkom Kenya Limited requires about Kshs10 billion from the Treasury to be bailed out in order to function. If today the Government bailed out Telkom Kenya by paying Kshs10 billion and it continues to employ 18,000 employees and to roll out only 340,000 lines, this will be a tremendous burden on the Kenyan taxpayer. This House must be rational and fair to the taxpayer in this country. What are we to do? Should we privatise Telkom Kenya Limited or should we not?

Mr. Temporary Deputy Speaker, Sir, this Bill shows us various ways of privatisation. The Bill says that you can privatise by selling the assets lock, stock and barrel to the private sector. You can also privatise by entering into a management contract with a private sector operator to make the management of that

parastatal more efficient. You can also privatise through commercialisation or by selling some of the shares of the public corporation in the stock market. All these are provided for in this Bill. A commission is to be set up to determine which method of privatisation will be used in which kind of parastatal.

This Bill gives us choices on how to privatise.

This Bill gives us choices on how to privatise. It does not compel us to sell our assets to foreigners as some people would like us to believe. So, let us be rational. Let us not be emotional and impute unintended motives against the Bill. Let us read the Bill the way it is and, for the first time, have a law in this country that will provide proper processes, institutions, procedures, regulations and laws for privatisation.

Mr. Temporary Deputy Speaker, Sir, for example, I urge the Treasury to allocate Telkom Kenya Kshs10 billion and hire a management team on contract to make sure that it is properly managed for the next one year. If that is done, that corporation will be efficient. After one year, this Government will realise Kshs20 billion from the shares of Telkom Kenya sold in the stock market. In that case, Telkom Kenya will be owned by ordinary Kenyan shareholders in conjunction with other investors, as is the case with the Kenya Airways.

Mr. Temporary Deputy Speaker, Sir, this kind of privatisation provided for in this Bill is rational, efficient and will make Kenyans control this economy. Kenyans can only control this economy if all the assets that are currently locked up in Government corporations are released to them through the stock market.

Therefore, if we care to listen to the importance of this Bill and realise that if we do not pass it, the Government will still privatise State corporations, but without a proper law, we will be irresponsible to the Kenyan taxpayer.

Mr. Temporary Deputy Speaker, Sir, some people have talked about foreign ownership of companies in Kenya. According to my records, all the major companies in this country are owned by foreigners. For example, the major shareholders of East African Breweries Limited are foreigners.

(Mr. Wamwere interjected)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Wamwere! I believe that you want to stay here until we dispose of this Bill. If you want to do that, relax!

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I hope that hon. Members will give me a chance to finish my contribution.

Some hon. Members who have spoken in this House today are genuinely concerned that privatisation will lead to foreigners owning assets in this country.

Mr. Kagwe: On a point of order, Mr. Temporary Deputy Speaker, Sir. It has come to our notice that there are some hon. Members who are reading the old Bill of 2004 as the version which is being debated. The Bill which is being debated is The Privatisation Bill, 2005, which was brought to this House after the Departmental Committee on Finance, Planning and Trade rejected the first Bill because of some of the issues that are being raised here. The new Bill addresses those issues. Some of the issues raised in the amendments on the Order Paper are also addressed in the new Bill. I just wanted to bring that to the attention of the House.

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I thank Mr. Kagwe who is the Chairman of the Departmental Committee on Finance, Planning and Trade.

Mr. Mwandawiro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order

for Mr. Kagwe to mislead this House because he believes that we have not read the new Bill? We are dealing with the privatisation concept which we think is wrong and not the Bill!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Mwandawiro! Mr. Kagwe is quite in order to bring to the attention of the Chair to the fact that probably there could be a few hon. Members who are reading the wrong Bill. There is nothing wrong with that!

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I really appeal to the House to take privatisation as transferring of public assets to private hands; whether those private hands are Kenyans or foreigners. At the moment the majority shareholders of major companies in this economy, like General Motors Ltd., Sameer Africa, East African Breweries Ltd., Unilever Kenya Ltd., the British American Tobacco (BAT), the Standard Chartered Bank and Barclays Bank of Kenya are foreigners. If the Government wants to privatise its corporations by off-loading shares in the stock exchange for Kenyans to buy---

I would rather have Kenyans participate in the process of privatisation than to continue with the present process where the major companies in this economy are owned by foreigners.

Mr. Temporary Deputy Speaker, Sir, the idea that Mumias, Chemilil and Muhoroni Sugar Companies should be privatised by the Government so that their shares are sold to ordinary Kenyans in order to improve their wealth and escape from poverty is something very sound. For an hon. Member to prevent Kenyans from buying shares in Government parastatals is to condemn them to perpetual poverty.

(Applause)

If this Government is concerned about fighting poverty, let us, by all purposes, avail the assets to our people to buy; by passing a proper law in this House. This House is responsible for the eradication of poverty in this country.

(Mr. Wamwere consulted Mr. Onyancha)

Mr. Onyancha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Chair protect me from this hon. Member so that I can listen to what the Minister is saying?

(Applause)

The Temporary Deputy Speaker (Mr. Khamasi): It is the responsibility of the Chair to protect every hon. Member in this House! Mr. Onyancha, you have not told me who that hon. Member is.

Mr. Onyancha: Mr. Temporary Deputy Speaker, Sir, the hon. Member is Mr. Wamwere!

(Laughter)

The Temporary Deputy Speaker (Mr. Khamasi): Again, my advice to Mr. Wamwere is "go back to your corner and keep your peace"!

Mr. Nderitu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could we condemn Mr. Wamwere to sit on that seat and nowhere else?

Osundwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that privatisation of a company, like Mumias [Mr. Osundwa] Sugar Company, is good for this economy when we know very well that, when that company was privatised, the locals bought 30 per cent of its shares, but this has been whittled down to less than 5

per cent? These shares have been sold to foreigners. Is the Minister in order to mislead this House?

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I thought I was trying to guide the House rather than mislead it. The concern of Mr. Osundwa is my concern! My concern is that the previous processes of privatisation lacked a proper legal framework to defend and protect our people. We are now coming up with a law that will defend and protect our people in acquiring assets in our nation. If this House represents our people and we bring a Bill here in the interest of our people, we reject it and go back to the status quo, then I do not understand why we call ourselves representatives of the people!

Everyday, we ask the Government to give us the Constituency Development Fund (CDF) money in order to improve the lives of our people. If the Government is putting at our disposal an instrument that will increase wealth in the hands of our people by participating in private enterprises and you reject it, I do not understand the logic. We struggled to get a law on privatisation that would protect our people when we were in the Opposition. However, now that we have got that Bill, we are saying that we do not want it! This is convoluted logic!

Mr. Temporary Deputy Speaker, Sir, I appeal to hon. Members to read the Memorandum of Objects and Reasons very carefully. I would like to refer to the Memorandum of Objects and Reasons which is on the last page of this Bill because it will help hon. Members make up their minds. Part IV also includes a number of rules to provide for the privatisation process to be transparent. First, after the privatisation proposal is approved by the Cabinet, a notice of the proposed privatisation must be published in at least two newspapers. In other words, this is the process of privatisation that will be participatory, transparent and will make sure that hon. Members keep the Cabinet accountable.

Secondly, when it is decided to whom the assets or operations are to be transferred, another notice must be published in the *Kenya Gazette*. Following that notice, there will be an opportunity for persons to file objections with the Commission with a further right of appeal to the Privatisation Appeals Tribunal. However, an exception is made if the proposed method of privatisation is a public offering of shares. In other words, the Government recognises that if privatisation is done by any method other than offering the shares to the public, which means that all Kenyans are free to buy the assets of that public corporation, then the members of the public are free to question and take the matter to the Appeals Tribunal. This will ensure that a proper thing is done to protect Kenyans.

Mr. Temporary Deputy Speaker, Sir, finally, it is said that after a binding agreement has been made, a notice of privatisation is published in the gazette. I have looked at the privatisation method in Chile, Argentina, Cuba, Costa Rica, Mexico, Malaysia, India and Pakistan and I am convinced that this is the best Bill.

With those remarks, I beg to support.

Mr. Kimeto: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Bill.

Mr. Temporary Deputy Speaker, Sir, we should be very careful how we privatise State corporations in this country. This is because I see a danger where multinationals will buy all our parastatals. We should not allow the international community to control our economy. We all know that money is [Mr. Kimeto] power. With it, they can even take over the political leadership of this country.

The Minister invites Kenyans to buy shares in most of these parastatals. However, our people are very poor. We do not expect them to buy shares in these State corporations. I urge the Government not to rush into disposing of some of the parastatals in the pretext that they are ailing. I am speaking from experience because I served as the Chairman of Milling Corporation of Kenya (MCK). When the Government wanted to privatise it, I resisted the move because this corporation was making profits. Its turnover was over Kshs250 million annually and it employed over 600 workers. But, at the end of the day, the Government privatised MCK. They sold it at Kshs150 million.

This was a rip-off. The Government lost a lot of money. Is this the way this Government wants to dispose of its parastatals?

Mr. Nderitu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Am I in order to ask the Mover to respond?

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, this is the fifth request I am receiving. I am, therefore, bound to give in. So, I will put the question.

(Mr. Angwenyi consulted and moved around the Chamber)

Order, Mr. Angwenyi! You are an old hon. Member of this House. You know the rules. You cannot be moving around when the Chair is up on its feet!

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

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

The Temporary Deputy Speaker (Mr. Khamasi): What is it, Mr. Kimeto?

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, it is completely disrespectful, while I was to contributing---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kimeto! You are inviting problems from the Chair! Could you sit there and keep quiet?

Proceed, Mr. Minister!

The Minister for Finance (Mr. Mwiraria): Mr. Temporary Deputy Speaker, Sir, let me be very brief and say thank you to all the hon. Members who have contributed to this debate. I would like to clear the air with regard to two respects. First, I would like to say that when we talk of privatization, we are not talking of blanket privatization of everything in which the Government has interest. We are going to make sure that those parastatals providing essential services, for example, the Kenya Airports Authority (KAA), Kenya Power and Lighting Company (KPLC), KENGEN and so on, even if we privatize them, we will only privatize a part of them because we must keep control of those essential services.

(Applause)

Mr. Temporary Deputy Speaker, Sir, it is important that I also point out that there are many parastatals which, for instance, make three ply, sell wine or make odd items. If I may mention just a few of those parastatals, the Kenya Wine Agencies Limited (KWAL) and Wananchi Sawmills, we really have no business keeping the Government there, particularly when they make loses every year and we get no dividends for our investments. So, it is going to be selective privatization. The fact that we have not privatized any parastatal during the last two and a half years, because we have been studying the situation to make sure that we really look after everything, is an indication that this Government is not in a hurry to privatize.

My second point is to say that some of the concerns raised by hon. Members [**The Minister for Finance**] have either been taken care of in the Bill itself or in the amendments that are to be brought by the Finance, Trade and Planning Committee.

With those few remarks, 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 today by leave of the House)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE PRIVATIZATION BILL

The Temporary Deputy Chairman (Mr. Khamasi): Order, Members! We are now in the Committee of the Whole House to consider the Privatisation Bill.

(Clauses 2, 3, and 4 agreed to)

Clause 5 - Composition of Commission

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

THAT, Clause 5 be amended as follows:-

(i) In subsection (d) by:-

place therefor. (a) deleting the word "four" and substituting the word "seven" in

"Minister" (b) inserting the following words after the word

"approved by the relevant committee of Parliament"

(ii) by deleting subsection (e) and renumbering accordingly.

(Question of the amendment proposed)

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

(Question, that the words to be

*inserted in place thereof
be inserted, put and agreed to)*

(Clause 5 as amended agreed to)

Clause 6 - Term of Office

Mr. Kagwe: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 6 be amended by adding the following words at the end "for one more term"

(Question of the amendment proposed)

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

(Clause 6 as amended agreed to)

(Clause 7 agreed to)

Clause 8 - Removal

Mr. Kagwe: Mr. Temporary Deputy Speaker, Sir, I beg to move:-
THAT, Clause 8(2)(c) be amended by inserting the word "criminal" before the word "offence" and by

[Mr. Kagwe]

deleting the rest of the sentence to the end from the word "and."

(Question of the amendment proposed)

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

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

(Clause 8 as amended agreed to)

*(Clauses 9, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19, 20, 21, and 22 agreed to)*

Clause 23 - Privatization Proposal by Commission

Mr. Kagwe: Mr. Temporary Deputy Speaker, Sir, I beg to move:-
THAT, Clause 23 be amended by deleting subsection (2) and inserting the following new subsection.

23(2) The Minister in charge of Finance shall present a report on the privatization to the relevant committee of Parliament.

(Question of the amendment proposed)

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

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

(Clause 23 as amended agreed to)

(Clauses 24, 25, 26, 27 and 28 agreed to)

Clause 29 - Eligible Investors in Privatization

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

THAT, Clause 29 be amended by inserting the following new subsection 29(2) immediately after subsection 29(1) and renumbering accordingly.

29(2) Notwithstanding the provisions of subsection (1), the Minister may direct the Commission to:-

(a) limit participation in the privatization to Kenyans.

(b) ensure that there is a specified minimum level of participation in the privatization by Kenyans.

I would like to take this opportunity to point out that some issues that are being raised today by hon. Members are actually as a result of discussions that we held with them. We discussed the issue of participation by Kenyans in all privatisation processes.

(Question of the amendment proposed)

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

(Clause 29 as amended agreed to)

*(Clauses 30, 31, 32, 32, 33, 34,
35, 36, 37, 38, 39, 40, 41,
42 and 43 agreed to)*

Clause 44 - Establishment and Composition of Tribunal

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

THAT, Clause 44(7)(b) be amended by inserting the word "criminal" before the word "offence"

[Mr. Kagwe]

and by deleting the rest of the sentence to the end from the word "and".

(Question of the amendment proposed)

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

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

(Clause 44 as amended agreed to)

*(Clauses 45, 46, 47, 48, 49,
50, 51 and 52 agreed to)*

The Assistant Minister for Finance (Mr. Obwocha): On a point of order, Mr. Temporary Deputy Chairman, Sir. I am seeking guidance because I believe that the Minister can move an amendment without notice.

The Temporary Deputy Chairman (Mr. Khamasi): On which matter?

The Assistant Minister for Finance (Mr. Obwocha): On one of the clauses, Sir. It is a further amendment to the clauses that already---

The Temporary Deputy Chairman (Mr. Khamasi): Is it on a matter that we have already resolved?

The Assistant Minister for Finance (Mr. Obwocha): Yes, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Obwocha! You know the rules! If you had an amendment, you should have brought it at an appropriate time. If you have it now, I am sorry you are time-barred.

First Schedule

Mr. Kagwe: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, the First Schedule be amended in subsection 2(3) by deleting the words "two-thirds" and inserting the word "eight" in place therefor.

(Question of the amendment proposed)

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

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

*(First Schedule as amended
agreed to)*

(Second Schedule agreed to)

(Third Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance (Mr. Mwiraria): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Privatisation Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE PRIVATISATION BILL

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered The Privatisation Bill and approved the same with amendments.

The Minister for Finance (Mr. Mwiraria): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Roads and Public Works (Mr. Raila) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Finance (Mr. Mwiraria): Mr. Temporary Deputy Speaker, Sir, I beg to move that The Privatisation Bill be now read the Third Time.

The Minister for Roads and Public Works (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, today, I am a very happy person that we are approving this Bill. In approving it, we are providing the instruments with which we are going to face this process of privatisation so that we are no longer going to leave it purely to discretion because discretion in the past is what has led to abuse where we have seen resources going for a song.

I did not get an opportunity to speak earlier on but I am happy to see that one of my major concerns has actually been taken care of in the amendments which have been proposed by the Committee. That is on Clause 29(2) where they have said:

"Notwithstanding the provisions of subsection 1, the Minister may direct the Commission to:-

(a) limit participation in the privatization to Kenyans".

This clause will ensure that in certain cases, Kenyans only are allowed to participate in the privatisation. This is a very important clause.

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

(Question proposed)

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, I also want to thank and congratulate the Minister for the passage of this Privatization Bill. Moreso, I want to congratulate the Minister for Planning and National Development who has been very persistent, for the last 13 years, about the issue of privatization on the Floor of this House. I also want to state that the sweeping powers given to the Minister, under Clause 49, should be specifically and emphatically emphasised that; it is indigenous Kenyans.

Mr. Kagwe: Mr. Temporary Deputy Speaker, Sir, I just want to take this opportunity to thank all those who participated both here and in Mombasa. This Bill came to the Committee. It was taken back and brought back again with amendments. Even we, as a country, must begin to be pound-wise because it is possible to be penny-wise and be pound-foolish, where we hold assets which do not help this country. The Government is currently holding shares in Safaricom that can transform Telkom Kenya. We can be calling with as little as Kshs3 rather than the Kshs25 that we use in Safaricom. The business of Government is to facilitate business. It is not its business to make money from its own people. Its business is to make sure that its own people make money.

(Applause)

The Minister for Lands and Housing (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to take this opportunity to record appreciation of all those who have assisted the Minister in doing this, particularly the Committee on Finance, Planning and Trade. It demonstrated the kind of synergy that can be achieved when a Parliamentary Committee works together with the Government to create the law for this country. In the last two weeks, we have passed the Privatisation Bill and the Procurement Bill. These two Bills will go a [**The Minister for Lands and Housing**] long way in the management of the affairs of this country.

Mr. Temporary Deputy Speaker, Sir, although the Chairman of the Departmental Committee on Finance, Planning and Trade said that now we have a law in place to dispose of our assets, I beg to take a different view and say: Let the Privatization Bill not be the window through which we will dispose of the public investments that have taken the pain and suffering of the people of this country. We must protect the investments that have taken a long time to accumulate.

Thank you.

The Assistant Minister for Finance (Mr. Obwocha): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank the hon. Members who have contributed to this Bill. But I think the most important thing is that we now have a law in place to check privatization. One of the hon. Members said he was chairman of one of corporations that swindled this country when they were privatising it because there was no law in place.

Mr. Temporary Deputy Speaker, Sir, some of the hon. Members, who rightly opposed privatisation on their own experience are assured that we cannot privatise unless the window through which Kenyans can effectively participate is explored. This has been provided for and I want to thank all hon. Members.

The Temporary Deputy Speaker (Mr. Nderitu): Order! I will now put the Question!

(Question put and agreed to)

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

Next Order!

MOTION

ESTABLISHMENT OF BUDGET COMMITTEE

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, I beg to move:-

(i) THAT, this House resolves to establish a Select Committee to be designated the Budget Committee, which shall consist of a Chairperson and not less than fourteen other Members, who shall be appointed at the commencement of every Parliament

(ii) THAT, the Select Committee shall examine Annual and Supplementary Estimates of Expenditure presented to the House and shall report to the House, what, if any, economies should be made consistent with the proper carrying into effect of the policies implied in or by such Estimates.

(iii) THAT, the Select Committee shall examine draft Annual and Supplementary Estimates of Expenditure, which the Minister responsible for Finance, shall table before the Committee at least 30 days before the final Estimates are presented to the House.

(iv) THAT, the Select Committee shall evaluate tax expenditure, economic and budgetary policies and programmes with direct budget outlays and shall report such results and recommendations to the House every quarter.

(v) THAT, the Select Committee shall elect a Chairperson and Vice-Chairperson and further that, in the absence of the Chair and Vice-Chair, the Committee shall elect one amongst the Members to take the Chair.

[Mr. Oloo-Aringo]

(vi) THAT, majority of the Members shall constitute a quorum and;

(vii) THAT, the Parliamentary Service Commission shall establish a Budget Secretariat to be referred to as the Office for Fiscal Analysis with such officers that are necessary to facilitate the Committee discharge its functions.

Mr. Temporary Deputy Speaker, Sir, I would like to explain that this Motion is sponsored by the Parliamentary Service Commission (PSC). It is for that reason, that I am moving it from the Dispatch Box. The last time I moved a similar Motion was when this House was to adopt what is now famously known as the Cockar Tribunal Report. I want to hasten to add that most of the recommendations of the Cockar Tribunal Report have been implemented.

I want to assure this House, that the Parliamentary Service Commission is determined to implement in full, the recommendations of the Cockar Tribunal Report. First, not only because it was the first tribunal ever appointed by the National Assembly to undertake such a job like looking at the terms and conditions of service of members and staff, but also because the Cockar Tribunal Report introduced major reforms in our National Assembly.

Mr. Temporary Deputy Speaker, Sir, may I also use this opportunity to invoke Standing Order No.41. I am doing so because I intend to accommodate amendments, which we have agreed on after consultations, first of all, with Mr. Bett, who wanted me to include certain recommendations. I am allowed to do so under Standing Order No.41, which reads:-

"Mr. Speaker may permit a Member to move in amendment form, a Motion of which notice has been given, if in the opinion of Mr. Speaker, the amendment does not materially alter any principles embodied in the Motion of which notice has been given".

Therefore, I will amend paragraph one, line three, to include the words, "eight chairpersons of the Departmental Committees", so that the Departmental Committees will be part and parcel of the membership of the committee.

Mr. Temporary Deputy Speaker, Sir, after consultations, again, with the Leader of Government Business, I have taken liberty to propose amendments to paragraph three of the Motion. That is basically to avoid offending the Constitution. The section I want to amend is in line four. Again, I also consulted with the Minister for Finance and he did not agree that the words "table before the Committee" should be included, because they would offend the Constitution. Therefore, I shall replace these words with the words "shall discuss with the Committee". There is nothing to stop the Minister from discussing estimates of revenue and expenditure with anybody, including Members of the Committee. By replacing the word "table" we shall not offend the Constitution.

Mr. Temporary Deputy Speaker, Sir, therefore, the Motion as amended, will read as follows:-

- (i) THAT, this House resolves to establish a Select Committee to be designated the Budget Committee, which shall consist of a Chairman and fourteen Members, who shall include eight chairpersons of the Departmental Committees appointed at the commencement of every Parliament
- (ii) THAT, the Select Committee shall examine Annual and Supplementary Estimates of the Expenditure presented to the House and shall report to the House what, if any, economies should be made consistent with the proper carrying into effect of the policies implied in or by such Estimates.
- (iii) THAT, the Select Committee

[Mr. Oloo-Aringo]

shall examine draft Annual and Supplementary Estimates of Expenditure, which the Minister responsible for Finance, shall discuss with the Committee at least thirty days before the final Estimates are presented to the House.

(iv) THAT, the Select Committee shall evaluate tax expenditure, economic and budgetary policies and programmes with direct budget outlays and shall report such results and recommendations to the House every quarter.

(v) THAT, the Select Committee shall elect a Chairperson and Vice-Chairperson and further that, in the absence of the Chair and Vice-Chair, the Committee shall elect one amongst the Members to take the Chair.

(vi) THAT, majority of the Members shall constitute a quorum and;

(vii) THAT, the Parliamentary Service Commission shall establish a Budget Secretariat to be referred to as the Office for Fiscal Analysis with such officers that are necessary to facilitate the Committee discharge its functions.

Mr. Temporary Deputy Speaker, Sir, as I said, this is in line with the policies of the Parliamentary Service Commission. As I mentioned earlier, we have already approved and implemented most of the Cockar Report. I also mentioned that we intend to implement the Cockar Report in full.

Secondly, this Motion seeks to establish a Budget Committee and a Budget Office administratively. We could have done that by an Act of Parliament. But, as you may recall, this very House gave me the mandate to bring the Bill for an Act of Parliament. That was on 12th, March, 2003. Fortunately, the National Constitutional Conference was meeting at the Bomas of Kenya and was discussing the review of the Constitution. One of the sections which were very significant was published in Chapter 15 of the Bomas Draft. It dealt with public finance. In that draft, it accommodated many things that I had anticipated in this Bill. So, it was not necessary to publish the Bill in the Kenya Gazette for debate by this House, when a similar process was going on at the Bomas of Kenya. It is for that reason that we waited patiently. It is not only the Report of the CKRC, but the Draft Constitution of Kenya is already with the Attorney-General. Chapter 15 was not contentious at all. I am convinced that it will give this House the democratisation of the Budget process which we

have been looking for.

I want to thank the Committee at the Bomas of Kenya which dealt with public finances, under our good friend, the Shadow Minister for Finance, Mr. Billow Kerrow. What is involved in the democratisation of the Budget is already contained in the Draft Constitution. So, this move is not only to create the Budget Committee administratively but also to create a Budget Office. Even more significantly, I think, it will also provide for the democratisation of the Budget process.

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

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

Mr. Temporary Deputy Speaker, Sir, let me add also that in the Commission itself, we have gone a step further. In the establishment, we have created the staff [**Mr. Oloo-Aringo**] component of the Budget Office. So, it will be manned by high-calibre staff who will be specialists in economics, fiscal analysis, taxation and so on, and who will be a data-bank for the Members on matters of the Budget. We do not intend to threaten the functions of the Minister for Finance who, under our Constitution, will still be responsible for the drafting of the Budget for this country. He will also be responsible for drafting both Appropriation and Finance Bills. But Parliament will be involved very early in ensuring that this Budget is scrutinised before he brings the final estimates of revenue and expenditure.

We shall get out of the problem of the present bad habits that, on every eve of the Budget, the Treasury comes and dumps huge books here in the corridors of Parliament, expecting Members to read them and debate them the following day. That is an insult to our intelligence. Even if the Minister himself was given all those volumes of books and asked to debate them the following day, he would not be in a position to do so. So, we are stopping these bad habits by structuring the involvement of Parliament, and by demanding that this information be available to Members; at least 30 days before the Minister comes here to read his Statement. To me, this is a breakthrough. It will then be sent to the Budget Committee and Departmental Committees, and they will scrutinise the Budget, and their comments will come back here and be forwarded to the Minister for Finance, who will then take them into account when making his final Budget proposals.

To me, this is a revolution, because we are the representatives of the people and we deserve to be treated with dignity and respect. We do not want books to be dumped in our doorsteps and be asked to debate them the following day. We want to talk from a point of knowledge, and that is the purpose of this particular Motion. Budget is about power.

I know my good friend, the Minister for Livestock and Fisheries Development, likes to

tease me on this. But I want to say it again, that Budget is about power. The control of the Budget is the control of power. Under the present Constitution, Parliament is marginalised. Therefore, we are marginalised in terms of the exercise of our constitutional powers. This is what we want to correct. We want to restore and redress this imbalance which has existed for a long time.

(Applause)

As I clarified at the beginning, we are not seeking to draft the Budget; far from it. But we are

insisting that once the Estimates are ready, they must be brought here, at least, 30 days before the Minister presents them in his Budget Statement. In the meantime, during those 30 days, we shall look at those Estimates and return them to the Minister with our comments and, therefore, with our priorities as the representatives of the people.

Mr. Temporary Deputy Speaker, Sir, as you know, the Budget is expressed in figures and in the jargons of econometrics. But it is simply about taxation and expenditure. It is no more, no less. No matter how complex it looks, it simply asks the questions: Who pays? Who benefits? Who wins? Who loses? It is about who gets what? That is what the Budget is all about. No matter how cosy those figures look, it is simply about who pays and who benefits? That is why it is crucial, because we are talking about the resources of the people of this country.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Order! Hon. Members, it is now time to interrupt our business. The House is, therefore, adjourned until tomorrow, Thursday, at 2.30 p.m.

The House rose at 6.30 p.m.