

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 11th August, 2005

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Select Committee investigating the circumstances leading to the death of the hon. Anthony Wambua Ndilinge, MP.

(By the Chairman (Mr. J.M. Mutiso))

Annual Report and Accounts of the Kenya National Commission on Human Rights for the year ended 30th June, 2004.

The Constitution of Kenya Review National Referendum Regulations.

*(By the Assistant Minister for Justice
and Constitutional Affairs (Mr. Githae)
on behalf of the Minister for Justice
and Constitutional Affairs)*

Annual Report and Accounts of Bomas of Kenya Limited for the year ended 30th June, 2001, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Bomas of Kenya Limited for the year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Bomas of Kenya Limited for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Utalii College for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Justice
and Constitutional Affairs (Mr. Githae)
on behalf of the Minister for
Tourism and Wildlife)*

Mr. Muturi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I seek the Chair's direction regarding the laying on the Table of the Constitution of Kenya Review Commission Act, National Referendum Regulations, by the Assistant Minister for Justice and Constitutional Affairs. In terms of Section 34 of the Interpretation and General Provisions Act, Cap.2 of the Laws of Kenya,

those regulations are now deemed to be before the House for debate. They are not deemed to have merely been adopted by the fact of being laid on the Table.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, the Act is very clear. The Regulations are laid on the Table and are not debated.

NOTICE OF MOTION

ADOPTION OF REPORT OF SELECT COMMITTEE ON DEATH OF LATE HON. NDILINGE

Mr. J.M. Mutiso: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Select Committee investigating the circumstances leading to the death of the late hon. Antony Wambua Ndilinge, MP for Kilome, laid on the Table on Thursday 11th August, 2005.

QUESTIONS BY PRIVATE NOTICE

RELIEF FOOD SUPPLIES TO BUNGALE RESIDENTS

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

(a) Is the Minister aware that the residents of Bungale Location in Magarini Constituency are on the verge of starvation due to lack of food following prolonged drought?

(b) What urgent measures is he putting in place to supply relief food to the residents of Bungale Location until the rainy season?

The Assistant Minister, Office of the President (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Whereas there has been a prolonged drought in Malindi District, residents of Bungale Location in Magarini Constituency are not on the verge of starvation due to lack of food following a prolonged drought.

(b) My department, through the Emergency Operation Programme (EMOP) has provided Malindi District with relief food supplies as need arose. The programme targeted 63,733 residents through the Food for Work Programme and general food distribution. Through the Food for Work Programme, 22 projects are currently going on. Apart from the EMOP contribution, the Government has directly given the district relief food at a cost of Kshs46,995,000.

Mr. Kombe: Mr. Temporary Deputy Speaker, Sir, I am very disappointed. As I speak here, the area has no water, food and children do not go to school. The people are now leaving the area in search of food and water. Could the Assistant Minister be serious and get the true position from the officials on the ground, so that he can send relief food to Magarini Constituency? Could he tell us when he will send relief food to Magarini?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, I addressed the House, and more so, the hon. Member with the seriousness the issue deserves. It is true that Eastern, North Eastern and Coast Provinces did not receive adequate rain during the rainy season. I will get a comprehensive report on 16 districts, which are considered to have been hit by this scourge, by the beginning of next week, and then act appropriately.

Mr. L. Maitha: Thank you, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has admitted that there is drought in Malindi District. Could he tell us what contingency plans he has?

Does he have some bumper stocks for the district right now because it has not received rain for the last three years? As we speak here, children are not going to school. Does the Assistant Minister have some bumper stocks in the district?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, there are quite tangible contingency programmes in the district right now. Apart from the Food for Work Programme and the general food distribution, I have started water catchment programmes in Bungale Location. These programmes are Vunga Water Pan, Baricho/Ndololo Feeder Road which also serves in the distribution of food, Bungale feeder road and Ndakacha Water Pan. I think this is substantive.

Mr. Ndile: Bw. Naibu Spika wa Muda, tulidhani kuwa Wizara hii ni maalum si tu kwa kuwatafutia watu chakula bali pia kwa kutafuta suluhisho la tatizo la njaa. Wizara hii imetenga kiasi gani cha pesa kuhakikisha kwamba watu walioko sehemu kame, na si wa Magarini pekee, bali pia wa Kibwezi, ambayo iko Ukambani, wanapata chakula cha misaada na maji mwaka huu?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, I have done a lot even in Kibwezi, where the hon. Member comes from. I am unable to tabulate what I have done apart from answering the Question on Bungale Location. However, I also encourage the people in those areas to adapt to better feeding habits that will allow them to utilize drought-resistant crops such as cassava.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, when you hear about famine relief food, what you conceptualise in your mind is the picture of a hungry, lethargic and thin individual. Could the Assistant Minister tell us the kind of work those thin, hungry and lethargic people are subjected to under the so-called Food for Work Programme?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, the hon. Member is also a medical doctor. He knows very well that famine is not the only reason why people become emaciated in this country. There are other causes and he knows the differential diagnosis of the same. We only use those people who can work. The hungry, lean and emaciated individuals are not subjected to any work. They are given food without working.

Mr. C. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir. At the moment, drought is a very serious problem in my constituency. The World Food Programme (WFP) is giving food to people in my constituency through the Germany Agro-Action. However, they are giving food to 10 people per village. What criteria do those donors use to distribute famine relief food?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, we have a very definite method of identifying organisations and assessing their performance in different regions. We rely on the recommendations of the District Steering Committees, to which the hon. Member is supposed to be a member. If there is any problem, he should alert the Ministry in writing.

Mr. Kombe: It is sad that the Question has not been answer appropriately. Could the Assistant Minister tell this House when he will visit Magarini Constituency and particularly Bungale Location of Malindi District, to assess the situation? The people are dying.

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, I will sincerely visit Bungale Location. I invite the hon. Member to my office, so that we can fix an appropriate date to visit that area.

ILLEGAL REVENUE COLLECTION FROM GACIBINE MARKET

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

- (a) Is the Minister aware that Tharaka County Council has been collecting trade licence fees and market gate fees from Gacibine Market in Tigania East Constituency yet the market falls under Nyambene County Council?
- (b) Is he further aware that this illegal activity by Tharaka County Council is contributing to tension in the area that could escalate into conflict any time soon?

(c) How much funds has the Tharaka County Council so far collected from the market?

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Munya not here? The Question is dropped!

(Question dropped)

CLOSURE OF WORLD BANK-FUNDED
KUTIP LOAN FACILITY

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I have not received a written answer, but I will still ask my Question.

Mr. Temporary Deputy Speaker, Sir, to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that the World Bank and International Development Assistance (IDA) funded Kenya Urban Transport and Infrastructure Programme (KUTIP) loan facility was closed on 30th June, 2005?

(b) Is he further aware that there are unpaid bills under this project for works already completed but not paid for?

(c) When and how will the pending bills be paid?

The Assistant Minister for Local Government (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, I beg the indulgence of the House. We are unable to answer this Question today because the facts that we required were not ready on time. I, therefore, ask that this Question be deferred. I hope that we will not go on recess today so that we can answer this Question next week.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, the Motion of Adjournment is already before this House. This is a very serious matter and it affects our country. Although I have no otherwise, this Question did not require research from the whole country. It required information which the Assistant Minister has at his fingertips.

The Temporary Deputy Speaker (Mr. Khamasi): Since the Assistant Minister does not have the answer, we must defer the Question.

(Question deferred)

LIVING CONDITIONS OF NATIONAL
MUSIC/DRAMA FESTIVAL PARTICIPANTS

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

(a) Is the Minister aware that the National Music and Drama Festival is currently under way at the Kenyatta International Conference Centre (KICC)?

(b) Is he further aware that the students are living in deplorable conditions while in Nairobi, including going without food and sleeping on classroom floors?

(c) What measures has the Minister taken to ensure that the students participating in the festival are well catered for in terms of accommodation, meals and medical care?

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

(a) I am aware that the music festival is currently underway at the KICC, Nairobi, and that the drama festival took place in April, 2005.

(b) I am not aware that students are living in deplorable

conditions while in Nairobi, including going without food and sleeping on classroom floors. This is because since the inception of free primary education, pupils from all public primary schools are fully funded by the Ministry. Private schools make their own arrangements using their activity funds since they are not provided for by the Government.

Before the festival started, the Ministry's officers met and made accommodation arrangements, in particular boarding schools for both private and public schools. This was communicated to all the provincial and district offices.

Finally, the Ministry allocated money for all accommodation expenses and meals for all pupils from public primary and nursery schools for this music festival. The sanatoria for schools provide basic medical services, which are paid for by the Ministry.

Mr. Mwancha: Thank you, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has told us that there is

money set aside to run the National Music and Drama festivals in Nairobi. How much money was set for this exercise this year? How was it going to reach individual schools? For instance, from Kisii, we have Itiero Secondary School. How much money was set aside for this school and how was it delivered there before the students travelled to Nairobi?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, this year, we have spent Kshs15 million on the music festival and Kshs5 million on the drama festival. This question relates to another one we answered where we indicated that every child in this country gets Kshs10 when in a primary school, Kshs14 when in a district secondary school and Kshs4 when in a provincial secondary school. These monies are used to organise events at the various levels. We have a particular Head for the national event and it provides the amount that I have quoted.

(Mr. Ndolo stood up in his place)

The Temporary Deputy Speaker (Mr. Khamasi): I am sorry, Mr. Ndolo! I should have given you the first opportunity. However, proceed and ask your question.

Mr. Ndolo: Thank you, Mr. Temporary Deputy Speaker, Sir. I thank the Assistant Minister for that answer. However, he is misleading this House, and I wish I could take him to my constituency right now, so that he can see for himself what is happening there. Students from, say, Marsabit, Nyanza and other places, are cooking under trees and sleeping on the floor. The Assistant Minister has told us that they have catered for the needs of those students. Why did the Ministry not make proper arrangements to accommodate these students in hotels or good boarding schools?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, the hon. Member has begun by thanking me for answering the Question and then complained that the answer is not good. I can read the list of schools which we have paid to take care of the students. In fact, media reports have indicated that this year the event has been well organised. The 17 schools that contestants are being accommodated in are:-

Contestants from Central Province are accommodated at Senior Chief Koinange High School and Uthuru Girls High School. We also have Moi Forces Academy, Nairobi, Buruburu Girls High School and Pangani Girls High School for the Rift Valley contestants. The State House Girls School and Sunshine Secondary School are being used for contestants from the North Eastern and Coast provinces. Lenana School and St. Georges are catering for Eastern Province. There is also Musa Gitau and Moi Girls High School, Nairobi, for Western Province contestants. The Nairobi School and Upper Hill School are catering for Nyanza Province. The Joy Town Special School is taking care of all special schools. Ngara Girls and State House Girls schools are taking care of nursery schools. We also have Hospital Hill Secondary School for private primary schools. Dagoretti High School is being used for all Nairobi primary schools. It offers them lunch only. These are the schools where the students are accommodated and are taken care of. These schools have been given the resources to take care of the students.

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, ever since the introduction of free primary education, the Ministry has made the parents believe that it takes full care of the children when they come here for these events. Parents are not contributing anything, unlike before when they used to. Could the Assistant Minister undertake to go round, and not just rely on his officers and media reports, to see what conditions the students are being accommodated in?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, it is part of my duty to go around and confirm that for myself. Therefore, we will go and see if there are any problems. However, these facilities have been inspected, although not all of them. I will be happy to go back and inspect them again.

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, it is true that students from all over the country are not sleeping in those designated boarding schools. Most of the students prefer to sleep in day schools, so that they can reduce the cost. The cost of living in the boarding schools is very high. It is also true to say that most of the students who are accommodated in day schools sleep on the floor, because those schools have no boarding facilities. Could the Assistant Minister agree with me that the students sleep on the floor?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, am I supposed to accept that the children sleep on floors, when I have already denied?

An hon. Member: No!

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, I think we have enough facilities and, as far as I am concerned, we should not have students sleeping on floors.

Mr. Ndolo: Thank you, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has told this House that his Ministry allocated Kshs15 million for the festival. That is a good amount of money to cater for the festival. However, students are spending nights on floors. If he is serious enough, will he allocate more money next time for the event, so that students can get proper accommodation in the City?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, we are serious. If it is confirmed that the amount which is allocated is inadequate, then we will have to enhance it, so that our students can stay in better conditions.

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 by poor people?

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

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

(a) I am aware that Matuu Sub-District Hospital has anti-rabies vaccine at the moment.

(b) The vaccine is expensive and, therefore, it is true that poor people cannot afford it.

(c) The Ministry distributed 1,200 vials to Eastern Province on 14th July, 2005, and the same has already been distributed to the districts, which include Matuu Sub-District Hospital. If the quantities are not adequate, then the Division of Public Health Laboratories has vaccines which can be obtained as per request. The most cost-effective way of controlling the spread of rabies is to ensure that all stray dogs are killed, and a vaccination programme for dogs is sustained. The vaccination programme for dogs is cheap and can easily be afforded by the community, if well mobilised. The lead

Ministry in this programme is the Ministry for Livestock and Fisheries Development.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for that good answer. As at yesterday, there was no anti-rabies vaccine in Matuu Sub-District Hospital. However, I am happy that today the hospital has been provided with the vaccine. Nevertheless, the problem of our hospitals not having drugs is becoming more serious. A very serious case is the Kenyatta National Hospital, which lacked a simple drug like *Panadol* for the whole of last week. What will the Assistant Minister do to ensure that drugs and vaccines do not lack in all district hospitals?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, the hon. Member has referred to the Kenyatta National Hospital. I do not know how that came about, because the hospital is run as a parastatal. It is run by a management team which takes care of it, and we only come in to assist when something is not available. The drug we are talking about is very expensive. The cost of one vaccine is Kshs6,500, which is a lot of money. We cannot afford, as a Ministry, to distribute the drug unless cases arise. But I want to urge the hon. Member to follow up the issue with the Ministry of Livestock and Fisheries Development, so that it can vaccinate all dogs in his district, since there is a crisis in terms of rabies in that particular part of the country. This is also worrying our Ministry.

Dr. Ojiambo: Mr. Temporary Deputy Speaker, Sir, we are talking about a very serious problem. The problem of rabies is just as bad as that of a snake bite. In rural areas, this is a big problem which does not arise at a time that the Assistant Minister can foresee and avail drugs. Nor do the people who are affected by rabies and snake bites know when it will happen. If these cases happened in Busia District, how would a patient come to Nairobi to inform the Assistant Minister that the drug is not available in the dispensaries and needs to be availed, when there is an emergency that needs to be attended to immediately? Could he tell this House what plans he has to ensure that drugs such as anti-rabies vaccine and those that treat snake bites are available all the time in areas where there are snakes and dogs?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Member for that question. The Ministry has set up a policy on procurement in this financial year. It is now in the process of processing tenders to procure drugs for all hospitals in the country. Owing to the additional financial resources in the Ministry, we will now stock very essential drugs like those of treating snake bites and rabies. This is on-going, and will take a few more months for actual stocks to be distributed everywhere. However, we have enough drugs, at the moment, to cater for emergency cases at all central points.

Mr. Mwancha: Mr. Temporary Deputy Speaker, Sir, as hon. Dr. Ojiambo has said, this is a very serious problem and arises at a time when we least expect it. For one to be cured, they require about seven injections, one of which costs at least Kshs1,000. Most of the time, it is young children of poor parents who are affected. I want to ask the Assistant Minister if he is satisfied that allocation of Kshs7,000 per patient, especially for poor people, is the best thing the Ministry can do for its poor countrymen and women?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, the Ministry does not charge patients for the treatment. It is in cases where patients go to private health providers that they incur high bills. Otherwise, the Ministry will endeavour to have enough stocks of medicine so as to treat people for free.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, the Ministry of Health is being run through Parliamentary Questions. Last week, I brought a Question here on Anti-Retroviral drugs. It was after I had asked the Question that the drugs were delivered to the hospital concerned. This week, again, it is after asking this Question that drugs have been supplied. Could the Assistant Minister tell us for how long he will run the Ministry through Parliamentary Questions?

Mr. Konchella: M. Temporary Deputy Speaker, Sir, that is a false allegation. It is not true that we run the Ministry through Parliamentary Questions. Indeed, the vaccine which was supplied to

Matuu Sub-District Hospital consisted 1,400 vials that were supposed to cater for the period from October last year to around July this year. So, we had already provided what we thought was enough to cater for the district for a period of six months. What has happened is that dogs infested with rabies have increased, because other Government departments are not doing their job. That is why we are saying that the Ministry of Livestock and Fisheries Development should vaccinate dogs. We give medicine to a district based on the history its problem. We have now given out 1,200 vials, which are supposed to take the hospital through the next half year. Should there be an increase of the reported cases, it should not be considered a problem of the Ministry, but an increase in the spread of the disease. Something has to be done to prevent it.

Mr. Mwancha: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is a well known fact that vaccines for rabies in hospitals are sold. That is a fact! Is the Assistant Minister in order to tell this House that they do not charge for the treatment?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, we know that there are costs which have to be met at all district hospitals. That does not necessarily mean that patients are charged for this drug. We know that a poor man cannot afford it. If there are any charges, then we will review the situation. The drug is costly, and cannot be sold to people since they cannot afford it.

TERMINATION OF ENVIRONMENTAL HEALTH
SCIENCE DIPLOMA CLASS AT LODWAR MTC

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

(a) Why was the entire class for Environmental Health Science Diploma Programme at the Lodwar Medical Training College (MTC) discontinued early this year?

(b) What steps is the Minister taking to accommodate the students elsewhere during the September, 2005 intake?

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

(a) I am aware that the whole class of Environmental Health Science Diploma Programme at the Lodwar Medical Training College (MTC) was not discontinued. The students were suspended after they boycotted lectures, and subsequently refused to hold a discussion with the Director of the Kenya Medical Training College.

(b) The Ministry has put in place the necessary measures to re-admit the students, and as soon as investigations are complete, it is anticipated that the students will be readmitted to the Lodwar MTC in September, 2005.

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, that is clearly an escapist approach to issues. I do not even have any of my constituents in this college. Why would the Ministry of Health, after having done an inspection and found the Lodwar MTC unsuitable to undertake a Diploma Course in Environmental Science, proceed to suspend students rather than just postponing their classes? It wants them to go back to class in September without even considering the suitability of the college. The report which was prepared by the officers from the Ministry is very clear that the necessary facilities have not been put in place.

What has the Ministry done to make sure that Lodwar MTC is suitable to offer that course? If it is not suitable, what efforts has the Ministry made to place the students in other colleges?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, early this year, students boycotted classes. As a result, 15 students were given suspension letters in January because they refused to discuss the matter with the college principal. The only course of action was to send them home while the issue, which was of concern, was being addressed. By the time the college opens in September this

year, the issue will have been addressed and the students will go back to class as usual.

Mr. Ngoyoni: Mr. Temporary Deputy Speaker, Sir, if I heard both the questioner and Assistant Minister well, one is talking about low quality facilities and the other is talking about suspension of the students due to indiscipline. In this scenario, who do we believe? I think the hon. Member has endeavoured to really indicate that the students were suspended simply because the facilities at the Lodwar MTC are not up to the standards of the Ministry of Health. Who is telling us the truth?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, the answer I have given to the House is the correct one. The Questioner might be having his own reasons for asking that Question. The complaint of the students about the state of the college, and what they want to be done, is being addressed now. This issue will have been addressed by September when the college opens, so that the students can go back to class.

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, I am surprised that the Assistant Minister is saying that his information is correct. I have with me a report on the inspection of the Lodwar MTC by the Ministry of Health which states that the college is unsuitable for learning. It states clearly:- "As the situation stands in MTC Lodwar, it is not suitable for mounting a course in environmental health". I have the document here, which is a report on the MTC and the Assistant Minister should be having it. So, mine is the correct position. The Assistant Minister has said that the students will report in September, but he is not telling us whether they will report to Lodwar, or if they will be distributed to other colleges. The Assistant Minister has also not told us whether they will pay fees afresh---

The Temporary Deputy Speaker (Mr. Khamasi): Is that the question you want to ask?

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

The Temporary Deputy Speaker (Mr. Khamasi) Mr. Konchella, could you answer it?

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, please, allow me to make this point very clear. The Assistant Minister says that the students were suspended, which was very bad for the students. That suspension was the escapist measure which I was talking about. The college should have been closed temporarily, because of the problem it was facing.

I beg to table this document so that the Assistant Minister can look at it, and tell us whether the students will report to the same college, and whether they will pay fees again.

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

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, the students will report to Lodwar MTC and nowhere else. They were suspended so that their problems could be addressed. The requests which they made are being looked into at the moment by the KMTC and---

Mr. Kipchumba: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the Assistant Minister say that the students were suspended. I am sure you are aware of the meaning of the word "suspension". At the same time, the Assistant Minister is admitting that the college was unsuitable for the students. Could he clarify this matter, because suspension is a serious matter?

The Temporary Deputy Speaker (Mr. Khamasi): That is not a point of order, Mr. Kipchumba. Mr. Konchella, could you complete your answer and give a clarification to Mr. Kipchumba?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, I want to clarify that the whole class was suspended, and all the students will resume at the same time. When their problems have been completely addressed, the students will go back to their classes.

(Several hon. Members stood up)

in their places)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members!
I will allow Mr. Munya, who has just walked in to ask his Question.

ILLEGAL REVENUE COLLECTION
FROM GACIBINE MARKET

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that Tharaka County Council has been collecting trade licence fees and market gate fees from Gacibine Market in Tigania East Constituency yet the market falls under Nyambene County Council?

(b) Is he further aware that this illegal activity by Tharaka County Council is contributing to tension in the area that could escalate into conflict any time soon?

(c) How much funds has the Tharaka County Council so far collected from the market?

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

(a) I am not aware that Tharaka County Council is collecting revenue from Gacibine Market in Tigania East Constituency, which falls under Nyambene County Council.

(b) I am not aware.

(c) No funds have been collected from the market.

Mr. Kagwima: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Munya did not consult me when he raised this Question about Tharaka County Council. He is talking about Tharaka County Council in Tharaka Constituency, which is in Tharaka District. Courtesy requires that he discusses with me first before he raises such a matter in the House. He is talking about Tharaka County Council, which is neither in Tigania East Constituency nor in Meru North District. So, the Question is improperly before the House. Mr. Munya should consult me.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kagwima! You are completely out of order. If this matter affects Kenyans, it is properly before this House and can be discussed.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, officers from Tharaka Country Council usually stand at the gate and collect money every Thursday, Saturday and Tuesday, which are market days for Gacibine Market. This is happening every week. Since the Assistant Minister is denying that this is happening, could he accompany me on a Thursday or a Tuesday to the market so that he can witness for himself what happens there?

Mr. Tarus: Mr. Temporary Deputy Speaker, Sir, I have no problem with visiting that part of the country to verify what exactly happens at that market. If the Meru North County Council has not been doing its work, I think it is high time it started doing its work. If there is a market and they are not collecting revenue, it is their business to start collecting revenue from that market.

Mr. Kagwima: Mr. Temporary Deputy Speaker, Sir, the chief's camp for Ntoroni Location, in Tharaka North Division, is situated in Gacibine Market. The Administration Police (AP) camp that maintains security in that area is also found in that market. The AP camp reports to Marimanti, Tharaka District Headquarters. I do not know who has put this market under the Meru North County Council. Ever since---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kagwima! This is Question Time.

Mr. Kagwima: Mr. Temporary Deputy Speaker, Sir, Gacibine Market is located close to the Chief's office and the Administration Police camp in Tharaka District. This market was there long

before Mr. Munya went to school. In fact, he was a small boy!

(Laughter)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kagwima! This is Question Time! You must ask a supplementary question that is relevant to the Question that has been put forward by Mr. Munya. That is what we are here to do. We are not here to argue as to whether Mr. Munya is right in asking this Question in the House!

Mr. Kagwima: Mr. Temporary Deputy Speaker, Sir, I would like to know when this market was transferred from Tharaka County Council to Meru North County Council.

Mr. Tarus: Mr. Temporary Deputy Speaker, Sir, I looked at both arguments as presented by the hon. Members. I noted that in Tharaka County Council, there is a market called Gacibine. I also looked at the map for Tigania East Constituency. I am informed that somewhere along the border, there is a place called Gacibine, which is not named on the map. Besides that, I would like to encourage the hon. Members, since they are not far from each other in that part of the country, to talk and meet their people, so that they agree on this issue.

Mr. Mwandawiro: Bw. Naibu Spika wa Muda, Swali hili ni muhimu sana. Ningeomba Wizara isilipuuze kwa sababu hata eneo Bunge langu la Wundanyi, kuna mizozo kati ya Wilaya ya Taita-Taveta na Wilaya ya Makueni, kwa sababu ya utozaji na ulipaji wa kodi katika eneo ya Mtito Andei. Je, Wizara hii itaangalia lini swala hili ili kuleta suluhisho la- kudumu la mizozo hii?

Mr. Tarus: Mr. Temporary Deputy Speaker, Sir, I am sure the hon. Member is aware that when we are dealing with boundaries, the Provincial Administration gets involved. Therefore, the people of the area also have to be involved. I am aware that this is a historical problem, emanating from districts and county councils being created without involvement of the people of that particular area. That is why I encourage the leaders, without any prejudice, to ensure that they liaise and establish appropriate rapport, so that affected county councils run without much hassle.

The Temporary Deputy Speaker (Mr. Khamasi): Last question, Mr. Munya!

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, Meru North District existed before Tharaka District was created. The boundaries of Tigania East Constituency have never changed. I have an official map from the Electoral Commission of Kenya (ECK), indicating these boundaries. Gacibine Primary School, which is in the market, is a polling station. In fact, it is Polling Station No.63. I would like to be allowed to table this map. If the Assistant Minister is in agreement that the market is in Tigania East Constituency, could he write an official letter directing the Clerk to Tharaka County Council never to step in Gacibine Market to collect gate fees?

Mr. Tarus: Mr. Temporary Deputy Speaker, Sir, I am not sure if that map is official. However, I would like to say that what Mr. Munya is presenting---

*(Mr. Munya moved towards the
Dispatch Box)*

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Munya! Could you go back to your seat? Let us first listen to the Assistant Minister!

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I wanted to lay the map on the Table.

The Temporary Deputy Speaker (Mr. Khamasi): All right, do so; we need to look at it.

(Mr. Munya laid the map on the Table)

Mr. Tarus: Mr. Temporary Deputy Speaker, Sir, I had the opportunity to see what the hon.

Member has presented. I had the opportunity to also compare the two maps. Since they refer to Gacibine Primary School and Gacibine Market, I would like to say that these are different institutions. So, the Ministry will not mind liaising with the hon. Members to see how to resolve the issue.

Mr. Kagwima: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to produce a map that was superseded by the gazette notice which created Tharaka District in 1992? Could the Assistant Minister get that gazette notice from the Office of the President, so that we look at a properly gazetted document?

Mr. Tarus: Mr. Temporary Deputy Speaker, Sir, since the Ministry is interested in peace and making sure that people work in harmony, we will look into that.

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, that marks the end of Questions by Private Notice. We will now move on to Ordinary Questions.

ORAL ANSWERS TO QUESTIONS

Question No.563

VEHICLES FOR DISTRICT OFFICERS

Mr. ole Metito asked the Minister of State, Office of the President:-

(a) if he could inform the House how many District Officers (DOs) have no official vehicles in the country; and,

(b) what plans the Government has to provide all DOs with official vehicles.

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Temporary Deputy Speaker, Sir, this Question came up yesterday. I addressed most of the hon. Member's concerns, except where he wanted to know the exact number of vehicles that we intend to buy. I wish to give the following additional information.

The Ministry has this year been provided with about Kshs400 million for the purchase of vehicles. The vehicles to be purchased are mainly utility vehicles, which are four-wheel-drive, to be used in the field for security operations. The Ministry has bought mainly Land Rovers and Toyota Land Cruisers for the above purpose through the annual tenders by the Ministry of Roads and Public Works, Supplies Branch. The annual tenders from the Supplies Branch are under process and will be ready in about a month's time. The total number of vehicles will, therefore, be determined after the Supplies Branch contract has been finalised.

The Temporary Deputy Speaker (Mr. Khamasi): This Question was dealt with yesterday. What remained was actually what the Assistant Minister has now given. Now, Mr. ole Metito, I will give you a chance if you want to query anything else.

Mr. ole Metito: Mr. Temporary Deputy Speaker, Sir, arising from the information given by the Assistant Minister yesterday, 46 per cent of our DOs have no official vehicles. One of them is the DO, Loitoktok Sub-District. I would like the Assistant Minister to assure this House that the DO, Loitoktok Sub-District, is among those in the priority list to be considered when these vehicles are bought.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Kingi, could you confirm that?

Mr. Kingi: Mr. Temporary Deputy Speaker, Sir, we had requested Kshs800 million, but we were given only Kshs400 million. In the circumstances, we will not be able to satisfy all the areas, but we will try to be as fair as possible.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question, Dr. Manduku.

Question No.565

MEASURES TO ENABLE KENYA BENEFIT FROM
WTO TRIPS AGREEMENT

Dr. Manduku asked the Minister of State, Office of the President:-

- (a) if he is aware that the Government in 1999 declared HIV/AIDS a national disaster;
- (b) if he is further aware that the country cannot benefit from the World Trade Organization TRIPS agreement and the Industrial Property Act of 2001 in enhancing access to essential medicines as the disaster was not gazetted as such; and,
- (c) what immediate action he is taking to ensure that the country takes full advantage of the opportunities provided under the TRIPS agreement to improve access to essential medicines, particularly in the fight against the AIDS scourge.

The Assistant Minister, Office of the President (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

- (a) I am aware that the Government declared HIV/AIDS a national disaster in 1999.
- (b) I am not aware that, as a result of not gazetting HIV/AIDS disaster, the country cannot benefit from the World Trade Organization (WTO) Trade Related Aspects of Intellectual Property Rights (TRIPS) and the Industrial Property Act of 2001 in enhancing access to essential medicines.
- (c) In order to ensure that the country takes full advantage of the opportunities provided by the TRIPS agreement, the Government has taken the following measures.
 - (1) The Government has revised the Industrial Property Act in order to allow parallel importation of drugs as well as a compulsory licensing of local manufacturers.
 - (2) The Government is also working on an agreement with the same firms, such as Cosmos Pharmaceuticals, to have HIV/AIDS drugs manufactured locally.
 - (3) The Government is importing generic drugs for HIV/AIDS patients.
 - (4) The Ministry of Health's Pharmacy and Poisons Board has constituted a working group of experts to look into legislation and TRIPS flexibility. The working group is composed of Pharmacy and Poisons Board experts from the Ministry of Health, intellectual property experts from the Kenya Intellectual Property Institute and lawyers from the Attorney-General's office, who will advise the Ministry of Health and the Ministry of Trade and Industry on how to exploit TRIPS flexibilities.

Dr. Manduku: Mr. Temporary Deputy Speaker, Sir, I want to thank Dr. Machage for that answer, but my Question was: When the former President declared HIV/AIDS a national disaster, that declaration needed to be gazetted or to be provided for in a law. If it was provided for in a law, then Kenya would be considered for licences for generic drugs. Kenya is now suffering from very severe deaths from HIV/AIDS, and the only saviour for our patients, who are already suffering, is Anti-Retroviral Drugs (ARVs), which are very expensive. The best way to deal with the situation is to manufacture generic ARVs, which other countries like India, Brazil and South Africa are doing. But Kenya cannot be allowed to do that because we have no law allowing us to do so, and HIV/AIDS has not been gazetted; therefore, we are not advantaged. Why can we not get this done?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, I will give a brief explanation of the phrase, "compulsory licensing", which I came up with. This is a licence given to a local manufacturing company without reference to patent protection. The limitation, in this case, would be the capacity for such a company to manufacture and the economies of scale. I believe that I have addressed that issue.

However, I am aware that the Government actually declared HIV/AIDS a national disaster in 1999 and, through legal notice No.170, established the National Aids Control Council (NACC) to co-ordinate a multi-sectoral response to the HIV/AIDS scourge. Now, we could not gazette the same because doing that would infringe on the Act that regulates a state of insecurity in this country.

Actually, there is no legal framework to enable HIV/AIDS to be gazetted as a national disaster because once you do that, there will be other political implications from it.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, as long as the NACC is under the Office of the President, nothing will go right. Nonetheless, we have previously asked the Assistant Minister to lay on the Table the conditions which the NACC uses to disburse funds to the community based organizations (CBOs) in the constituencies or districts. What is the criteria? You will find one constituency with three and another one with 20 CBOs. Could he table the conditions so that hon. Members can know them and advise their constituents and CBOs on how to apply for funding and also on fairness?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, I laid the relevant document on the Table in this House, and if the hon. Member wishes me to lay it on the Table again, then your instructions will supersede every other instruction I have.

However, for the sake of answering Dr. Manduku's question, there are other options for consideration on this issue, and this includes parallel importation. This is a licence given to importers to import drugs to compete with the patented ones in this country. The other option is pooled procurement, which applies to regional entities, such as the East African Community, the Common Market for Eastern and Southern Africa (COMESA).

May I inform the House that recently, the Kenyan Government ratified the Glare(?) Agreement, which was signed in Uganda last month.

Mr. Muiruri: Thank you, Mr. Temporary Deputy Speaker, Sir. From 1999, when the Government declared HIV/AIDS a national disaster, a lot of money has been spent on seminars and fighting this menace. Could the Assistant Minister tell us the number of people who were HIV/AIDS positive in 1999 and the number we have now?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, whereas I may not have the exact statistics the hon. Member wants, I may inform him that four years ago, the prevalence rate of HIV/AIDS was 14 per cent, but it is now only seven per cent.

The Temporary Deputy Speaker (Mr. Khamasi): Last question, Dr. Manduku!

Dr. Manduku: Thank you, Mr. Temporary Deputy Speaker, Sir. You know, this is one of those issues on which the Government is used to giving roadside declarations. We are fighting HIV/AIDS, and remember that we do not even have an Act of Parliament on how to handle this scourge. What is the difficulty in this Ministry bringing a Bill to this Parliament, so that we can have an Act of Parliament? Is the Ministry prepared to bring the Bill any other time?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, the hon. Member's sentiments are quite wise, but let me say this. Once a Government has declared a disease a national disaster, it is not obliged to protect patents, but it can use patented products. In this case, the Government grants instruments for, example, gazettment of justification to suspend patent protection. I think that takes care of the whole thing. Maybe, it is true that an Act is required.

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

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, all of you! Dr. Machage, the hon. Member is asking you whether the Government will propose legislation to this House to manage the HIV/AIDS scourge, and you are not addressing that question. But I saw a Bill which was published.

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, in a nutshell, I said that I am considering it and legislation is actually in the process of being looked into.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Dr. Machage in

order to mislead the House that he is considering the issue when there is already a Bill which has been published and read for the First Time? This confusion is caused by the reason which I alluded to earlier, that the Bill has been brought by the Ministry of Health and that is why the Assistant Minister from the Office of the President is not even aware of it. Is he in order?

(Applause)

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, the Question was actually directed to my Ministry. He talked of an Act, but what I know was brought before this House is a Bill by the Ministry of Health.

Question No.462

NUMBER OF DEATHS FROM MILK-BASED
MICRO-ORGANISMS

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

- (a) how many people have died from milk-based micro-organisms in the last three years; and,
- (b) whether he could consider the registration of all small-scale milk traders to facilitate their training for quality milk sales.

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

(a) My Ministry has no records indicating how many people have died from milk-based micro-organisms in the last three years. However, according to the available data, four people died this year after drinking contaminated milk.

(b) Registration of milk traders is not a pre-condition for training of milk traders by the Kenya Dairy Board (KDB). Nevertheless, the Board is organising milk traders into groups to facilitate their training on proper milk handling. The Board registers only those who have met the required sanitary and food handling requirements, as stipulated in the relevant food handling Act, in order to safeguard public health. The proposed dairy law and policy aim at tightening regulations on handling and trading in milk and milk products.

Mr. Mwanha: Mr. Temporary Deputy Speaker, Sir, I asked this Question because farmers who take fresh farm produce such as vegetables, potatoes and, especially, milk to the market are normally arrested. The Assistant Minister has said that the KDB has registered small-scale milk traders. I do not think that is true, but if that is the case, how many milk traders have been registered in Nyamira District?

Dr. Wekesa: Mr. Temporary Deputy Sir, I do not have any record of registered milk traders. However, in the same region, that is Nyamira, Kisii and Migori Districts, registration of milk traders has taken place.

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, again, this is a case where the right arm does not know what the left arm is doing. Does the Assistant Minister really have access to information on milk poisoning for him to be able to answer this Question, or should he, in fact, have directed this Question to the Ministry of Health?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, with respect to the hon. Member, who is a scientist of some sort---

(Laughter)

Prof. Oniang'o: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Order both of you! Dr. Wekesa, you cannot use that type of language in this House. It is offensive and you should withdraw it and apologise for using it.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I have a lot of respect for Prof. Oniang'o, who is also a good friend of mine. I wish to apologise to the House and her as well. However---

Hon. Members: Withdraw! Withdraw!

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I have withdrawn unreservedly!

I want to assure the hon. Member that we have done tests, and we keep on doing tests, through the KDB on milk that is consumed by our people. Indeed, even the milk that caused the death of four people in Gucha District was properly analyzed by the Government Chemist.

Mr. Mwanicha: Mr. Temporary Deputy Speaker, Sir, it is a fact that most milk traders cannot take their milk to the market. They are normally arrested and detained for no apparent reason. The Board's reason for doing this is that their milk contains micro-organisms. The Assistant Minister has talked of a proposed dairy law, yet it has been on the drawing board for the last ten years. When will the Bill be brought to this House?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, the Bill will be brought to this House as soon as it is ready. However, I want to inform the House that even under the present circumstances, the KDB ensures that the milk sold to Kenyans is properly inspected. We are trying, through the Board, to educate as many small traders and hawkers as possible to make sure that they comply with the present law, which requires that food handling should be properly organized.

Question No.521

TARMACKING OF STAND KISA-
EMUSUTSWI ROAD

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

(a) whether he could confirm that according to Government records, the Stand Kisa-Emusutswi Road, which joins the Kisumu-Kakamega Highway, was tarmacked about 10 years ago;

(b) what action he has taken against persons who allegedly misappropriated the over Kshs200 million set aside to tarmack the road; and,

(c) when he will take corrective measures to have the road, which is seriously dilapidated, tarmacked.

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

(a) According to the records held in my Ministry only two kilometres of Stand Kisa-Emusutswi-Khumsalaba Road were tarmacked in 1995 and not the entire road, which is approximately 16 kilometres long.

(b) I am not aware of the alleged misappropriation of any money set aside for [the project and, therefore, the issue of disciplinary action against anyone does not arise.

(c) The road will be prioritized for tarmacking alongside other roads in Western Province.

Mrs. Kihara: On a point of Order, Mr. Temporary Deputy Speaker. Is the Assistant Minister in order to mislead this House that the tarmacking of that particular road, alongside other roads in Western Province, will be prioritized when we know that all the money for roads has been given to Nyanza Province, Meru and Nyeri Districts?

(Applause)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mrs. Kihara! Order, hon. Members! Mrs. Kihara, you are out of order! You are being irrelevant!

Mr. Marende: Mr. Temporary Deputy Speaker, Sir, I have some respect for the Assistant Minister, but the answer he has given us is unsatisfactory, paradoxical and borders on being comical.

(Laughter)

I say so, because the Assistant Minister, Eng. Toro, and I visited the road in the company of hon. Raila, the Minister for Roads and Public Works. They both disclosed to us that Kshs210 million had been set aside to tarmac this road. The physical position is that, other than occasional patches of tarmac, there is no other tarmac at all on this road. Could the Assistant Minister confirm that, indeed, Kshs210 million was allocated for work on this road? Is he satisfied that the money was properly used? If he is not, what action has he taken to ensure that money, that is paid by Kenyans in form of taxes, is properly utilised?

The Temporary Deputy Speaker (Mr. Khamasi): Eng. Toro, did you ever go to inspect this road in the company of hon. Marende and the Minister, hon. Raila? If you did, please, address the issue raised.

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, with regard to what the hon. Member has said, we visited the road but, as usual, we did not have the facts. But the facts are as follows:-

That road was approved to be upgraded to bitumen standard in 1995, and work was to be done by the Provincial Works Officer, Western Province. But, at that time, only two kilometres were done. The money got finished. Thereafter, in 1996, a decision was made to do the entire road through contracting. A contractor by the name of Concorns Africa Limited was awarded the contract at a tender sum of Kshs268 million. However, after doing about 47 per cent of the work by preparing the base using gravel, the work was discontinued because the money got finished. At that time, the Government said that there was no more funding for the project. The contractor was paid Kshs155 million out of the Kshs268 million by the time he was discontinued. Those are the facts.

Mr. Arungah: Mr. Temporary Deputy Speaker, Sir, that was the only chance for the people of Khwisero to see an inch of tarmac. We have heard that Kshs168 million was paid. The contractor is known. From what we know, no action has been taken. We know that the Minister and the Assistant Minister do not condone corruption. Could the Assistant Minister tell us what action has been taken so far, to ensure that those who took that money and did no work are brought to book?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, may I correct the hon. Member. Only Kshs155 million was paid out of Kshs268 million. About 47 per cent of the work had been carried out and it was properly certified for payment. So, there was no misappropriation of funds as far as the contractor was concerned. The amount that he was paid was certified. What I am saying is that from 1998, when the Government put a freeze on expenditure, that road stalled. Nothing was done on that road until today. We are doing periodic maintenance on the road.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, when you drive along that road, you can only refer to the then Permanent Secretary, the Minister and the contractor as crooks and kin to drugs dealers. Mr. Akute, who was then the Permanent Secretary, was retired in public interest as a punishment. That, to me, is very mild! Could the Assistant Minister own up and recover from Mr. Akute the wealth he accumulated as a result of that misappropriation; and then move on to Mr. Juma the contractor and Mr. Wycliffe Musalia Mudavadi who acted as a Vice-President? We are very angry because our tea cannot reach Mudete Tea Factory! Are they being shielded because they are in the

same cahoot with the Minister in the same political party?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Dr. Khalwale! This is Parliament! This is not a *baraza*!

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, that sounds like a case for the Kenya Anti-Corruption Commission (KACC). I think it should be referred to them so that they can investigate and have that money repaid back so that we can tarmac that road.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question by Mr. Weya! Sorry! I will give you the last chance, Mr. Marende!

Mr. Marende: Mr. Temporary Deputy Speaker, Sir, notwithstanding the answers that the Assistant Minister has given, which are still unsatisfactory--- In one of the answers, the Assistant Minister has said that the road will be prioritised for tarmacking alongside other roads in Western Province. My Question had sought to know when it will be tarmacked. He has not answered that. A road that was prioritised in 1995 cannot be prioritised again in future! Could the Assistant Minister say exactly when that road will be tarmacked?

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, I cannot say when that road will be tarmacked because the priorities keep on changing. If it was a priority then, it is not a priority at the moment. As far as I am concerned, priority number one is Kisumu-Kakamega-Webuye Road, which is going to be rehabilitated this financial year.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question by Mr. Weya!

Question No.601

CONSTRUCTION OF NEW KPCU
MILLING PLANT AT DANDORA

Mr. Weya asked the Minister for Co-operative Development and Marketing:-

- (a) whether he is aware that Kenya Planters Co-operative Union (KPCU) is in the process of putting up a new milling plant at Dandora, Nairobi; and,
- (b) how the contractor for the project was identified.

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Mr. Temporary Deputy Speaker, Sir, first of all, I would like to apologise to this House because this Question was listed to be answered yesterday, but I was out of town. I wish to apologise to the House and beg to reply.

(a) I am aware.

(b) The contractor for the project was identified through a consultant, who floated quotations.

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, KPCU belongs to poor farmers and small co-operative societies. Kenya used to produce 150 million metric tonnes of coffee per year. But, today, it is [Mr. Weya] producing only 50 million metric tonnes of coffee. Could the Minister tell us whether a feasibility study was conducted? Could he also tell us when they advertised for that contract and lay the tender documents on the Table?

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, it is true that KPCU has been the premier coffee miller in Kenya for many years, until new coffee mills were allowed in the 1990s, after liberalising the coffee sector. Coffee mills were put up by KPCU in 1956 and have aged over the years. In 1988, KPCU decided to put up new coffee mills at an estimated cost of Kshs560 million. However, that proposal was revised in 1992 when members resolved to shelve the idea and have their deductions refunded. Later on, members decided to modernise the mills and replace the old machines with new ones, which could operate on modern technology. The cost of milling has effectively come down from

US\$80 to US\$40 per tonne. In the new resolution, in order to stay afloat in a liberalised environment, KPCU decided to translocate its mills from Nairobi City Centre to Dandora, where it has ample space for expansion. They also decided to pursue a new strategy of taking the milling services closer to the producers. They resolved to put up mills as follows:-

Mr. Temporary Deputy Speaker, Sir, it has decided to put up 6 tonnes per hour mills at Sagana, Fort Tenan, Bungoma, Meru, Kisii, Machakos, Dandora and Kitale. It has even acquired a mobile haulier. KPCU also bought 20 small hauliers that will be installed in co-operative societies with high production volumes in order to assist the producers reduce their costs.

Mr. Temporary Deputy Speaker, Sir, this move has assisted in lowering the Kenya Planters' Co-operative Union (KPCU) milling charges and costs to the producer. The new Dandora mill cost KPCU only Kshs25.1 million compared to the initial projected cost of Kshs560 million. KPCU has now turned its branches into business centres as opposed to---

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Minister, how long are you taking?

Mr. Ndwiga: Half a minute, Mr. Temporary Deputy Speaker, Sir.

KPCU has now turned its branches into business centres as opposed to the earlier arrangements when they were seen as core centres.

The process of identifying a contractor for the new milling project started way back in 1988 when members resolved to build a new mill to replace the old mill of 1956. Now, the cost of the project then was estimated at Kshs560 million. This idea was dropped when members rejected it in 1992.

Early in 2002, KPCU decided to revive the project but in a decentralised way. A suppliers survey was conducted and two countries in Latin America were identified as possible sources of the new mill. When the mills were being considered, there was a single sourcing through a consultant, Brass Afric Enterprises Limited who are knowledgeable in coffee processing. Costs of machinery from Latin America were found to be 50 per cent cheaper compared to those manufactured in Europe. Quotations were, therefore, floated in Brazil and Colombia.

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, you have heard the Minister say that it was single sourcing. There was no advertisement made in any newspaper. KPCU is owed Kshs2 billion by rich people. It is investing the little money it has in buying machines thus suffocating it. Could the Minister table in this House a list of the rich people who owe KPCU money?

(Applause)

Mr. Ndwiga: Yes, Mr. Temporary Deputy Speaker, Sir. I confirm that KPCU is owed close to Kshs3 billion by some estate farmers. When Parliament reconvenes, I will very happily table the list of those who owe KPCU money.

(Applause)

However, I want to say that the single sourcing was not for purchasing the mills. It was for the consultant and worldwide we know that the best consultant in the coffee business is Brass Afric Enterprises Limited.

Mr. O. K. Mwangi: Mr. Temporary Deputy Speaker, Sir, the Minister has said that the KPCU has decentralised its milling activities around the country. While I appreciate that, I notice that most of the milling factories are situated in coffee growing areas. Could the Minister tell us what area the Dandora mill will serve since coffee does not grow in Nairobi?

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I do not want to accuse my good friend of ignorance. It is true that there is no coffee in Nairobi but there is a lot of coffee in Kiambu.

Secondly, a mill does not exist in Kiambu.

Mr. Kimathi: Mr. Temporary Deputy Speaker, Sir, could the Minister auction the property of these people who owe KPCU Ksh3 billion?

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, part of the reason why I have revoked the exemption of the KPCU from the requirement of the Co-operative Act is because we want to be pro-active and the Government will take centre stage in recovering that money.

Mr. Weya: Mr. Temporary Deputy Speaker, Sir, KPCU is now intending to go and invest in added value to be able to produce coffee locally for export. Could the Minister tell us what he is doing to ensure that KPCU is protected and will not collapse the way the Kenya Co-operative Creameries (KCC) did because private mills are trying to suffocate it and some of them owe it money?

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, yes, it is true that the KPCU is investing in modern technology to add value to coffee i.e. to roast, grind and pack so that farmers can get better returns. Yes, KPCU will be protected by this Government from collapsing.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question by Mr Kagwe!

Question No.566

BENEFICIARIES OF CO-OPERATIVE
SOCIETIES' DEBT WRITE-OFF

Mr. Kagwe asked the Minister for Co-operative Development and Marketing:-

- (a) whether he could table the list of all coffee farmers' co-operative societies that benefitted from the recent debt write-off;
- (b) whether he could further inform the House which of the farmers' debts have been pardoned and which ones still stand; and,
- (c) considering that Mukurweini Farmers Co-operative Society is under liquidation, and that its assets are being sold to service the farmers' debts, whether he could give an account of the sold and the remaining assets for the former giant society.

The Minister for Co-operative Development and Marketing (Mr. Ndiwga): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

- (a) This is the list I wish to table.

*(Mr. Ndwiga laid the document
on the Table)*

(b) The farmers' debts that were pardoned were those given under the Smallholder Coffee Improvement Project, SCIP I and SCIP II, and the working capital loans sourced through the Co-operative Bank of Kenya as at 31st May, 2004. The rest of the debts including those on STABEX Programmes still stand.

(c) The assets of Mukurweini Farmers Co-operative Society that have been sold are as follows: Animals, stores and others, Kshs1,696,950; Motor vehicles, Kshs2,595,000; Waratha Farm, Kshs6 million and Woodland Farm, Kshs42,543,000. The balance of assets remaining to be sold is 607 acres amounting to Kshs42,490,000.

At this stage, I wish to also add the following: It now appears to me that part of the money that is still owing is perhaps part of the money that was written off by the Government. I, therefore, wish to invite the hon. "Minister" together with the leaders of the four co-operative societies so that we can do a proper balance of what is owed by Mukurweini Farmers Co-operative Society.

Mr. Mutahi: Mr. Temporary Deputy Speaker, Sir, first of all, I wish to thank the

Government for writing off both the sugar and coffee debts. Secondly, I wish to thank the Minister for promoting me to the position of "Minister" as well.

(Laughter)

Thirdly, I wish to confirm that I will get the chairmen of co-operative societies in Mukurweini Constituency and go to the Minister's office to sort out this problem because we have been there four times.

The Temporary Deputy Speaker (Mr. Khamasi): Ask your question!

Mr. Mutahi: Mr. Temporary Deputy Speaker, Sir, could the Minister avail the kind of information I have asked him for all other societies instead of waiting for a similar Question to come to Parliament again?

(Applause)

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, this kind of information is available to any hon. Member who is interested to access it. That is why when the Member of Parliament for Mukurweini Constituency asks for information, we bring it promptly.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question by Mr. Boit!

Question No.478

UPGRADING OF BARWESSA
HEALTH CENTRE

Mr. Boit asked the Minister for Health when the Ministry will upgrade Barwessa Health Centre to a sub-district hospital given that the facility serves over 20,000 people along the Kerio Valley which borders Keiyo and Marakwet districts.

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

Barwessa Health Centre is currently operating as a dispensary offering outpatient curative and MCH services. However, a maternity wing is currently under construction and its completion will enable the facility to run as a health centre. In the meantime, the workload for the facility does not warrant Barwessa Health Centre to be upgraded to a sub-district hospital.

Mr. Boit: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has missed the Question altogether. Barwessa Health Centre serves three districts. There are many people along Kerio Valley. Currently, the minimum number of people it serves is 20,000. I agree that currently it is serving as a health centre, but on the workload, the Assistant Minister has misled this House. Could he answer my Question properly because it is busier than Kabarnet District Hospital?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, as I said, this is actually a dispensary. Once the maternity wing is completed, then additional personnel will be sent to justify it to run as a health centre. But, at the moment, the workload there is very minimal. In fact, it serves about 20,000 outpatients annually. Therefore, we cannot upgrade it to a sub-district hospital. At the moment, it is not even a health centre. So, the upgrading has to be done gradually.

Mr. Abdirahman: Mr. Temporary Deputy Speaker, Sir, this Ministry is on record to have actually upgraded certain facilities to status which they do not deserve when it just sheds off the issues that relate, for instance, to Barwessa Health Centre. How long does it take to have, for instance, a dispensary upgraded to a health centre status, even after it has been approved by the district steering

group? We know of cases where it has taken two years---

Mr. Temporary Deputy Speaker (Mr. Khamasi): Please, ask your question!

Mr. Abdirahman: What mechanisms does the Ministry have in place to regularise this upgrading?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, upgrading of dispensaries to health centres depends on a number of things. However, once the dispensary meets the criteria for upgrading, it is registered by the Ministry. We have also to allocate money to the upgraded facility. Again, if it is a health centre, for example, the population it has to cater for is 50,000. In this particular case, we are talking about 20,000 people. So, the issue here really is the availability of funding to be able to upgrade it to that level.

Mr. Sudi: Mr. Temporary Deputy Speaker, Sir, I think the Assistant Minister got this Question wrong. Barwessa Health Centre serves over 20,000 people in Baringo and a similar number from Marakwet who mainly suffer from a disease called *kala-azar*. We need this facility because when we fought for Independence---

The Temporary Deputy Speaker (Mr. Khamasi): Please, ask your question, Mr Sudi!

Mr. Sudi: When will the Ministry upgrade this dispensary to a health centre? There is need for it.

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, as I said in my written reply, as soon as the maternity wing is completed, we will upgrade it. It will then have clinical officers and other staff to be able to undertake health services that will be required in a health centre. But it cannot be upgraded to a sub-district hospital status because that will require more resources.

The Temporary Deputy Speaker (Mr. Khamasi): Last question, Mr. Boit!

Mr. Boit: Mr. Temporary Deputy Speaker, Sir, you have heard an hon. Member questioning the Assistant Minister about *kala-azar* which is killing people by day. There are many expectant mothers who want to deliver, but there are no mobile clinic facilities. The ambulance which the Ministry gracefully gave us is still being retained at the district hospital. Therefore, it is not even serving us. The Assistant Minister is talking about the completion of a maternity wing when they cannot even serve the people who are present now. This facility is serving over 60,000 people from Baringo North Constituency, Marakwet District and Elgeyo. I am sure the Assistant Minister has not visited the facility for the last ten years.

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, when you look at the Question, it is the hon. Member himself who says it is only serving 20,000. He is now increasing the number. I suppose he knows also that, in Baringo, for example, there is another medical facility hardly two kilometres from this health facility. So, I do not see any reason why he should be panicking.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question, Mr. Sambu!

Question No.619

AUDITING OF LELMOKWO BOYS HIGH
SCHOOL ACCOUNTS

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

- (a) under what circumstances the bursar of Lelmokwo Boys High School in Mosop abandoned his job recently;
- (b) what the findings of the auditors who recently audited the books of accounts of the school were; and,
- (c) whether he could take punitive action against those found to have misappropriated

the school's funds.

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

(a) The Acting bursar of Lelmokwa High School, Mr. Peter Tirop deserted duty on 17th March, 2005 for unknown reasons. He was asked to appear before the Board of Governors (BOG) on 26th May, 2005 to explain why disciplinary action should not be taken against him for deserting duty, but he did not show up.

(b) Audit inspection on the school's financial management was carried out on 19th May, 2005 and 14th June, 2005. The report was tabled before the school's full BOG meeting held on 22nd July, 2005 and there were irregularities that were reported.

I do not have to go through them.

Mr. Sambu: Go through them!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Okay, I will.

- (i) The school management had failed to follow the public procurement procedures.
- (ii) Accounts records were not properly maintained.
- (iii) Financial returns were not being prepared.
- (iv) A considerable amount of Kshs447,000 had been advanced to the school workers.
- (v) Unpaid accrued rent arrears by teachers amounting to Kshs400,000 was not paid.
- (vi) There was poor maintenance of records.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Assistant Minister! Are you reading the entire report?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): No, Mr. Temporary Deputy Speaker, Sir. I said I did not want to read the entire report, but the hon. Member requested me to do so. In fact, he has a copy of the answer.

(c) It has been confirmed from the two audit reports that there were several financial and procurement irregularities. The Provincial Director of Education has been instructed to interdict the head teacher immediately. The bursar is out of the school and his fate will be determined by the BOG.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, sometimes we miss the gist of the matter. One of the reasons the Assistant Minister gave is that the headteacher could not explain the expenditure of a sum of Kshs502,000. Nonetheless, that is misappropriation. If it is misappropriation, it is defined as a crime in the Penal Code. Will the Ministry prosecute this teacher and other teachers who misappropriate school funds, besides just interdicting them?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, interdiction is the first step. Once one has been interdicted, then the legal process is followed. According to these records, I am sure that if legal action is taken against the victim, it will lead to imprisonment.

Mr. Chepkitony: Mr. Temporary Deputy Speaker, Sir, school bursars are employed by Boards of Governors. Most of them are low calibre staff who are not fully qualified in the field of accounting. That is why there are so many cases of misappropriation of funds in secondary schools. When will the Ministry start employing high calibre staff who are qualified, so that they are paid by the Ministry to man secondary schools, since they handle a lot of money?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, Boards of Governors have the mandate of employing fully-qualified bursars. In fact, in this particular case, the Board of Governors had already employed a qualified bursar, but for some reasons, he was relieved of his duties and an unqualified one employed. So, that is not an excuse. Our recommendation is that those who are employed as bursars must be qualified persons.

Mr. Serut: Mr. Temporary Deputy Speaker, Sir, you have heard the amount of money that has been misappropriated at Lelmokwo Boys High School. This money was not misappropriated overnight. It must have been misappropriated over a period of time. When will the Ministry start

taking prompt action against errant headteachers who misappropriate school funds?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, in fact, we take action as soon as a case is reported. To the credit of Mr. Sambu, he reported this particular case in May, 2005 and an audit team was sent to the school within a week. So, we take action promptly, but hon. Members must also help us by indicating to us where there are problems.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, I want it clear for the record. When school books of account are audited and funds are found to have been misappropriated or missing for one reason or the other, could the Ministry treat such a case as an offence punishable under the Penal Code and have the culprit arrested to face the law, rather than punish him under the Teachers Service Commission Code of Conduct?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, the action we can take against such a person is limited as per our mandate, which is to interdict him and let the law take its course. Obviously, given the available evidence, appropriate legal action will be taken against this person through the legal machinery.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have raised this matter because I have heard several cases of misappropriation of funds where teachers are interdicted for a while and then resume duty. There was such a case at Moi Sirgoi High School in Mosoriot where Kshs7 million went missing. Is the Assistant Minister in order to say that the action they can take against such persons is limited? Are headteachers above the Penal Code?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, of course, headteachers are not above the Penal Code. I am surprised that there was a teacher who was reinstated after misappropriating Kshs7 million. That should not have happened, unless it was found that there was no evidence against that teacher. The Ministry is not in the business of protecting thieves. Certainly, the law will follow its course, and if this man is found as guilty, as the documents prove, he will be jailed.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! Hon. Members, you realise that today's Question Time has been prolonged. This was an attempt to ensure that as many Questions as possible are disposed of. I am, however, sorry, that we will not dispose of Mr. Bett's Question this time round. The Question will come up when the House resumes, if at all we pass the Motion of Adjournment.

Question No.614

IMPLEMENTATION OF SPECIAL AUDIT
REPORT ON MUHORONI SUGAR COMPANY

(Question deferred)

COMMUNICATION FROM THE CHAIR

ADOPTION OF DRAFT CONSTITUTION OF
KENYA REVIEW REFERENDUM REGULATIONS

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, there are several Ministerial Statements to be issued, but first, I would like to communicate to the House that the Assistant Minister for Justice and Constitutional Affairs, Mr. Githae, earlier on today, tabled the Draft Constitution of Kenya Review Referendum Regulations. I wish to draw the attention of the House to the provisions of Section 34 of the Interpretation and General Provisions Act, Cap.2, which states as follows:-

"34(1): All rules and regulations made under an Act, shall, unless a contrary intention appears in the Act, be laid before the National Assembly without unreasonable delay and if a resolution is passed by the Assembly, within 20 days on which it next sits after the rule or regulation is laid before it, that the rule or regulation be annulled, it shall henceforth be void but without prejudice to the validity of anything previously done thereunder or to the making of new rule or regulation.

34(2): Sub-section (1) shall not apply to rules or regulations a draft of which is laid before the National Assembly and is approved by resolution before the making thereof nor to the rules of court.

34(3): In this Section, "rules" and "regulations" mean, respectively, those forms of subsidiary legislation which may be cited as rules or regulations, as the case may be."

Hon. Members, the interpretation of this section is that, the Draft will be deemed to have been passed after 20 House Sitting days. This means that the Draft Constitution of Kenya Review Referendum Regulations will be deemed to have been passed 19 days after our resumption, assuming that the House will adjourn today.

(Applause)

MINISTERIAL STATEMENTS

APPOINTMENT OF PAC AND PIC MEMBERS

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, the following hon. Members have been appointed to serve in the following Committees:-

The Public Accounts Committee (PAC).

Mr. Z. Opore, MP.

Mr. N. Nyagah, MP.

Mr. Kembu-Gitura, MP.

Ms. A. Mwau, MP.

Mr. D.E. Ethuro, MP.

Mr. K. Wamwere, MP.

Mr. Uhuru Kenyatta, MP.

Mr. C. Keter, MP.

Mr. Billow Kerow, MP.

Mr. J.L. Kipchumba, MP.

Mr. F.Y. Twaha, MP.

The Public Investments Committee (PIC).

Mr. E. Kibunguchy, MP.

Mr. P. Munya, MP.

Mr. K. Gitau, MP.

Mr. G. Muchiri, MP.

Mr. W. Wamunyinyi, MP.

Mr. J. Angwenyi, MP.

Mr. A. Bahari, MP.

Mr. A.H. Abdirahaman, MP.

Mr. M. Sang', MP.

Mr. J. Muturi, MP.

Dr. S. Rutto, MP.

OIL SUPPLY SITUATION IN KENYA

The Minister for Energy (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, yesterday, hon. Members, through Mr. Kipchumba, sought to know the oil situation in the country. In this connection, I wish to issue the following Ministerial Statement.

Hon. Members have expressed concerns regarding the situation of oil supply in the country. They have, therefore, demanded a Ministerial Statement on this matter. I would like to confirm that we have experienced oil supply disruptions in some parts of the country, particularly in Western Kenya. That situation is also being experienced in the export markets. While I would like to acknowledge that a few teething problems associated with the introduction of new collection measures have, somewhat, contributed to this situation, oil companies have a higher role to play in this matter. That is because they are opposed to the introduction of new tax collection systems, whose primary reason is to seal loopholes which have, hitherto, been exploited by some of the oil companies to avoid paying taxes.

Mr. Temporary Deputy Speaker, Sir, hon. Members are aware that a similar tax administration system is fully operational in neighbouring countries, where a significant improvement in tax collection has been observed. Hon. Members may wish to note that the Government is taking expeditious steps to address teething problems associated with the introduction of the new collection system. Those steps include:-

(i) Allowing oil companies which had positive balances by July, 31st, 2005 on their gross payment accounts with the Customs Services Department to continue lifting petroleum fuels. However, such companies will be required to adapt to the new system of payment arrangement, which will be effective from 15th, August, 2005, for those bonded old oil stocks that had been imported before 1st, August, 2005.

(ii) Allowing those petroleum companies which had negative balances on their gross payment accounts by 31st, July, 2005 to pay taxes on oil products on truck by truck basis, as they draw down stocks which were in the bonded oil installations before 1st, August, 2005. That arrangement is intended to help the affected companies to continue supplying oil products to the market, as they adjust to the new tax collection system.

(iii) Offering training in the new tax payment procedures to all oil companies and other players in the industry. That is being done because Kenya Revenue Authority (KRA) has observed that limited knowledge of the new system has partly contributed to the current oil supply problems.

(iv) Provision of free bureau services in Mombasa, Nairobi, Kisumu and Malaba to those companies and other players who do not have adequate skills and equipment necessary to effectively use the new revenue collection system. Those bureaus are going to be offered by the KRA.

Mr. Temporary Deputy Speaker, Sir, on the increase of consumer prices, as hon. Members are aware, international oil prices have been on the upward trend since last year. That has been a major concern to all oil importing countries, including Kenya. For example, last year, we spent more than US\$1 billion to finance our oil requirements and the import bill is likely to be higher this year, if the current upward trend in international oil prices persist.

Hon. Members may wish to note that, as has been the practice, oil companies have always exploited changes in the international oil prices to adjust pump prices by margins much higher than the commensurate increase in the international prices. The Government considers the recent increase in pump prices by Kshs3 per litre as unjustifiable, as it is not related to the latent cost of oil in July. That is because the marginal increase in the international crude oil prices in July, 2005, was offset by the drop in the freight cost in bringing oil into the country, and by the appreciation of the Kenya Shilling relative to the US dollar, which is the internationally accepted crude oil trading currency. That substantial price increase can only be seen in the context of oil companies wanting to frustrate---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Minister! Can you try and make it brief because we are running short of time?

The Minister for Energy (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, I am about to finish. This is an issue that Kenyans need to understand.

That substantial price increase can only be seen in the context of oil companies wanting to frustrate the implementation of the new tax collection system, and not in the increase in the cost of financing of the new tax collection system.

In conclusion, I wish to reassure Kenyans that the Kenya Government is taking expeditious measures to ensure that the supply of oil is normalised. In that regard, I urge oil companies and other players in the oil industry to co-operate with the Government and stop increasing oil prices. They should reduce what they have introduced in form of exploitation and adhere to the new tax system. Any company found - and I repeat - any company found deliberately not supplying oil to its bulk and retail outlets in order to create artificial shortages, will have its trading licence cancelled. It is me who issues the licences! I will cancel those licences if they do not behave!

(Applause)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! I have given the Minister a little bit more time. We have gone past our mandatory time. Therefore, I will give a chance to about one or two hon. Members to seek clarification. The Minister will respond and then we will proceed to the next Motion! I will give a chance to Mr. Kipchumba and then Capt. Nakitare.

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, while we appreciate the elaborate response by the Minister, once you introduce rules that require companies to pre-pay taxes in bulk--- You pay taxes and then take 14 to 19 days to lift your product from Eldoret or Kisumu. It is common sense that you must finance the same. The cost of financing is so high that the price must go up. There is no shortcut to that.

I want the Minister to consider that Kenyans are paying for that. It is not the Government that is paying for the increase. It is Kenyans who are paying for the same. Could the Minister consider extending that requirement until such a time that companies, KRA and Kenya Pipeline Corporation (KPC) have been trained? Those teething problems can be solved within that span of time, so that Kenyans do not pay extra money! We cannot blame oil companies for the increase, when the Government has imposed regulations which require them to borrow money.

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, we are heading towards a national disaster. I would like the Minister to clarify the following. As of now, fuel at the pumps--- We are not talking about oil in the drums, tanks and pipelines. Fuel at the pumps is expensive for Kenyans and is not available. Already, Western Province has a fuel shortage at a time when people are harvesting their crops.

Mr. Temporary Deputy Speaker, Sir, the Ministry is suffocating Kenyans. The importation of things here---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Capt. Nakitare! Seek a clarification!

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, could the Minister tell us how he is going to compensate oil suppliers who are supposed to pay tax upfront before they can draw fuel from reservoirs?

The Minister for Energy (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, as I stated earlier on, this system is not new in East Africa. In fact, it is working very smoothly in Tanzania. From the time the Budget Statement was read here, several meetings were held with the oil companies. Some oil companies are able to understand, and they have brought the equipment to calculate their

taxes. Right now, to allow this situation to settle down, we have said that those who are unable to pay at once can pay their taxes truck by truck, as opposed to paying the total amount. So, we have given concessions until the system settles down.

Mr. Temporary Deputy Speaker, Sir, on the question of the fuel not reaching the farmer and other users out there, it is not because there is shortage of oil in the country. It is the oil distributors who have decided to arm-twist this country by rejecting a system of tax collection so that they can force the Government to change its stand. Otherwise, we have more than enough fuel. The tanks at the Kenya Pipeline Company (KPC) are full, and the oil refineries have full tanks. It is only that these companies do not want to collect and distribute oil. We do not have a *kiboko* to force companies to distribute the oil. The only *kiboko* I have is, if they do not do the business, then the licences are cancelled. That is all.

(Applause)

The Temporary Deputy Speaker (Mr. Khamasi): Very well. Hon. Members, the mandatory time is already up, and we must now move to the next Order, which is the Motion for the Adjournment. That Motion will end at 7.38 p.m.

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE TO
A DAY OTHER THAN THE NEXT
NORMAL SITTING DAY

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, this House do now adjourn until Tuesday, 27th September, 2005.

Mr. Temporary Deputy Speaker, Sir, this is a Procedural Motion. For the last three months, we have been here in the House debating development programmes and making laws.

I am, indeed, very happy that in the last three weeks, we have dealt with the Forests Bill, the Procurement Bill and the Privatisation Bill. If we moved at the speed with which we did recently, we would be earning our keep as law-makers.

Mr. Temporary Deputy Speaker, Sir, out there in the country, there have always been grumbles about Members of Parliament and their performance. We have introduced in the Government, and parastatals, the performance contracts. We, ourselves, were given a five-year contract by our people, and it is about time that we started showing our performance.

In introducing the Constituency Development Fund (CDF), we revolutionised the way of financing development in the country, where money goes directly to the people. In the same way, with the District Roads Committees, money is going directly to help the infrastructure. The same applies to the HIV/AIDS pandemic, where people themselves make proposals about the economic empowerment of their people and sensitisation. All these add up to quite a lot of money. In some constituencies, this comes to between Kshs50 and Kshs70 million a year. This is improving the quality of life of our people.

During the recess, I would like us to borrow a leaf from Bahari Constituency's usage of its CDF money. When I visited that Constituency sometime back, I found that they have notice boards at the various divisions showing the programmes which are being funded through CDF. In doing this, *wananchi*, in fact, are really seeing that their parliamentary representatives are working for them.

Mr. Temporary Deputy Speaker, Sir, I would also like to urge my colleagues to visit one

another during the recess and do some bonding. It is incredible that we sit here and make friends and yet we do not visit one another. If we did this, we would be creating unity and peace among ourselves. Without unity, there will be no peace. Without peace, we cannot develop.

Mr. Temporary Deputy Speaker, Sir, we have just given the Attorney-General the constitutional review findings. May I suggest that we wait until the completed document is in our hands so that we start discussing. Many times, we have found that there are arguments on points that are already taken care of.

Finally, I want to urge everyone to accept that we are all God's children. As such, it does not matter in which way we pray to God. Let us not try and use God to divide our people.

With those remarks, I beg to move.

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion.

This Motion comes at an appropriate time. The job of a Member of Parliament is twofold. The important one naturally, once one is elected, is to be in this House in order to represent those who elected us. Secondly, we also have a duty to interact with the people that we represent. This is why we have these adjournments in intervals so that we can talk to our people.

Mr. Temporary Deputy Speaker, Sir, we have just passed the Budget, which is the most important instrument of Government. It has to do with the funding of a number of projects, which means a lot in as far as the welfare of Kenyans is concerned.

Mr. Temporary Deputy Speaker, Sir, we have also transacted a great deal of business here. We have passed the Public Procurement and Disposal Bill, which is an extremely important legislation for easy and watertight procurement purposes.

Mr. Temporary Deputy Speaker, Sir, we have passed the Privatisation Bill, which is very fundamental. We also went through two Sessional Papers. One of them was on education which is an extremely important framework for the kind of education that we will require for the first few decades of our Independence. I am happy to inform the House that we have produced an investment programme in the first five years of the educational reforms. The Forests Bill has also been passed. This is a clear re-affirmation of our concern for the conservation of environment in this country.

There is something else which I think is utterly important. We all know that [there was the Bomas of Kenya. There was a great deal of disagreement to the extent that a consensus team was put in place. The Constitutional Review Act was amended here to allow the Parliamentary Select Committee on Constitutional Review to address the contentious issues.

The Motion on the contentious issues was brought here by the Chairman of the Parliamentary Select Committee on Constitutional Review, hon. Nyachae. We deliberated at length, and I want to congratulate the hon. Members for staying up to almost midnight to discuss that Motion. That again, demonstrated our commitment to the fact that anything that goes into the Constitution must be thought of very carefully. We did that, and in accordance with the Standing Orders, the House was able to pass that Motion. The House agreed that the recommendations of the Nyachae Committee should be forwarded to the Attorney-General to prepare the Bill, and he is doing precisely that. I understand that the Bill will be ready by the 21st of August.

Mr. Temporary Deputy Speaker, Sir, when time comes, Kenyans will be allowed to pronounce themselves through the referendum. They should not be muzzled at all, in any way.

With those few remarks, I beg to second.

(Question proposed)

Mr. Kenyatta: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion of Adjournment. I agree with my colleagues on the Government side that it is about time, after three

months, for us to adjourn the sittings of this House in order to avail hon. Members an opportunity to be with their constituents and inspect the various development projects which are being undertaken through the Constituencies Development Fund (CDF). They should also take this opportunity to update their constituents on the business that they have been conducting in this House.

As we go on recess, there are a number of issues that I would like to bring to the attention of the hon. Members. The first one is the issue of a new Constitution. As has been stated by the Deputy Leader of Government Business, we passed a Draft Constitution, which was handed over to the Attorney-General. However, it is important for us to remember that, so far, we have not handled the situation of a new Constitution either in a constitutional or legal manner. It is important for the Government to continue realising and understanding that the position that has now been projected to the people is both illegal and unconstitutional.

On that note, I wish to remind the Government that as much as we are all for a new Constitution, we must bear in mind that we do not want a Constitution that will divide Kenyans. We want to have a Constitution that will bring Kenyans together. It is my belief that the process that we follow to bring about the new Constitution is as important as the new Constitution itself.

Mr. Temporary Deputy Speaker, Sir, we are concerned that as we pass laws and drafts in this House, there are numerous issues still pending in our courts that pertain to the new Constitution. In fact, there are increasing doubts in our minds as to the independence of our Judiciary. As has been stated continuously, the Constitution is one of the most important documents for the posterity of this nation. One wonders why rulings that have been waited for to guide us as to whether we are following the correct process are languishing in cold storage in the Office of the Chief Justice. One wonders whether our courts are truly as independent as our Government would like us to believe.

There are other issues that continue to raise concern amongst Kenyans and the Government needs to address them during the recess. For example, the issues of corruption. When our Ministers are being denied visas for reasons that are yet to be made clear to the people of this country, one wonders what is going on.

The other issue is the prevalent insecurity in this country. In my constituency, two people have been shot dead by thugs in the last two weeks. These were young people in the prime of their youth and they could have contributed to the development of this nation. We have been told that security is improving in this country. We want to request the Government to look deeper into the issue of security. There cannot be economic growth and development in this country with the prevalent insecurity.

Recently, we passed the Budget in this House. However, a great deal of concern was raised about the manner in which the Budget was presented this year. The obscure manner in which the Budget was presented was intended to hide things that we are not supposed to see and understand. This came out when we were debating the Vote of the Ministry of Roads and Public Works.

The Minister for Finance (Mr. Mwiraria): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to impute improper motive by saying that the Budget was presented the way it was, to hide some things?

Mr. Kenyatta: Mr. Temporary Deputy Speaker, Sir, you will recall that the Chair ruled that we needed more details. So, we were just left to assume why it was done in the manner it was done.

Mr. Temporary Deputy Speaker, Sir, like I said, as we were discussing the Vote of the Ministry of Roads and Public Works, numerous issues were raised by the hon. Members from both sides of the House. Actually, the Vote was deferred and the Minister was asked to go and reconsider it.

With those few remarks, I beg to support.

The Assistant Minister for Transport (Mr. Ligale): Thank you, Mr. Temporary Deputy Speaker, Sir, for affording me the opportunity to contribute to this Motion. I wish to support the

Motion.

Indeed, we deserve to go on recess having worked for the last three months. We need to go back to our electorate to explain to them the Government policies and give them direction to the future.

Mr. Temporary Deputy Speaker, Sir, we want to go to our constituencies to give out monies from the Constituencies Development Fund (CDF), which I believe is one of the best things that ever happened in this Parliament. The resources are able to trickle down to our people and they, themselves, through committees, can decide on their priorities and put forward the projects for funding from the CDF.

Mr. Temporary Deputy Speaker, Sir, HIV/AIDS is still ravaging many of our communities. We need to talk to them and ensure that any resources coming from the National AIDS Control Council (NACC) go to assist our people. We need to ensure that the communities are taught to protect themselves from HIV/AIDS.

The roads money that is disbursed through our various committees is another important element that we need to explain to our people. We should be able to do so once we are on recess.

Mr. Temporary Deputy Speaker, Sir, at the moment, there is a lot of heat with regard to the constitutional review process. Although we passed here the Consensus Bill, and it is now with the Attorney-General, I will urge restraint among all of us. Some of us did not vote for the consensus process because of the flawed manner in which this matter was being handled. However, I would urge restraint that we await the outcome of the Bill that the Attorney-General is working on; to read through it and see whether some of the aspects we may have thought were not being covered--- Some of us did not go to Kilifi because we believed that the process was flawed. However, we would like to urge restraint that when the actual Bill is printed, we should look at it. If there are any matters that are still contentious with regard to the process, let us re-look at them. As the Leader of the Official Opposition has said, we want a Constitution that is going to unite Kenyans rather than one that is going to divide us. That is why I am asking for restraint from both sides of the House. We do not want Kenyans to be torn apart.

Mr. Temporary Deputy Speaker, Sir, the question of security is very important. We still hear of incidences of carjackings in this country. Even my own son was carjacked about two weeks ago. It is only by the grace of God that he survived but his car was written off because he fought them off and his car landed into a ditch. However, I am glad that he survived. There are many others who are being carjacked everyday. We urge the Minister of State, Office of the President to address the question of security so that our people can go about their businesses freely. Mr. Temporary Deputy Speaker, Sir, we want to encourage the economy to grow. It is only by so doing and creating employment, particularly among the youth, that this security problem can be resolved. As long as we have too many youths roaming all the over the place, they become an easy target for people who want to cause mischief. I, therefore, urge that we create a conducive environment in which the economy can grow and create jobs so that the youth can be given hope for the future. This will ensure that they are not lured into drugs and other activities that hinder our security.

With those few remarks, I beg to support.

Mr. Okemo: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to support the Motion of Adjournment. In so doing, I would like to make a couple of remarks, particularly with regard to the constitution-making process up to where we have reached. As the Leader of the Official Opposition and the Leader of Government Business rightly said, this is an important process. It can be either a unifying or a process of disintegration of this nation, if the process is not carried out properly. Unfortunately, the way the process has so far gone, indicates a lot of partisanship. We do not know the product that is going to come out of the Attorney-General's Office. Therefore, we cannot talk much about the contents. However, it is not very difficult to guess what is

going to come out of the Attorney-General's Office in the form of a Draft Constitution that is going to be subjected to a referendum. As has been pointed out, the process has been flawed right from the beginning. It is a process that is illegal. The Government has insisted on going ahead with this process despite the opinion of their own legal adviser; the Attorney-General. The Attorney-General had advised the Government that Section 47 must be amended. However, since the Government was bent on doing a particular thing, in order to achieve a particular outcome, they decided to ignore that advice. This has caused acrimony and divisions and people are feeling that they are not part of the process. That should not be the case. The Constitution is not a document for a particular section of this country. It is for every Kenyan irrespective of political affiliation and whether you are important or not. This is a document that should protect the interests of even the smallest of small Kenyans. Therefore, when some of us feel strongly that the Constitution should be made according to the wishes of the people, and the people have expressed their wishes and they are on record, it is not guesswork to say what the people want. It is there on record. I hope that what the Attorney-General comes up with will be more of what the people would want rather than what a section of an interested group within the Government wants. If the Attorney-General comes up with a Draft that is acceptable to the ordinary Kenyan, we will be quite happy to support it. However, that is as far as the content is concerned, but the process is flawed. There are numerous court cases which are challenging the process. We hope that the Judiciary will exercise independence; to come up with a judgement that truly reflects its independence to point out that the process is flawed and must, therefore, stop.

Mr. Temporary Deputy Speaker, Sir, I also would like address the issue of our recess. The general public ought to know that the recess---

(The House Public Address System went off)

The Temporary Deputy Speaker (Mr. Khamasi): Could the orderlies find out what has happened?

Mr. Okemo: May I continue, Mr. Temporary Deputy Speaker, Sir?

The Temporary Deputy Speaker (Mr. Khamasi): No! Just hold on until the problem is sorted out!

Order, hon. Members! There seems to be a problem. We will, therefore, take a break until the problem is rectified.

*(The House adjourned temporarily
at 5.05 p.m.)*

*(The House resumed in the
Old Chamber at 5.55 p.m.)*

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! I am very sorry about the incident that occurred in the main Chamber. We will resume from where we left. Mr. Okemo was on the Floor, and had two minutes to go and that is where we will start from.

Mr. Okemo: Mr. Temporary Deputy Speaker, Sir, I thought that I had five minutes! As I was speaking, I turned to the idea of the recess and what we will use it for. I know that the normal thing will be to go back to the constituencies. That is what many of us will do. But, besides that, I think it is also a period when some of us become very engaged in community work, particularly some of us who are involved in very active committees like the one I belong to. We intend to have a number of meetings, where we will be discussing important issues relating to pending legislation.

I believe that it will be useful, at some point, for members of the public to be educated on the

functions of the Constituencies Development Fund (CDF). This is an issue which has come up in media reports from time to time. Many times, the CDF issues are not featured properly. What we see being featured is how the Fund is misused and how participation of hon. Members should be stopped. I think we should look at the examples of where it has worked well. There are many examples of places where the CDF projects have worked. Why do we not emphasise that and make the public know that the Fund concept works? Those who are making mistakes will pay for it in one way or another. But, I think that to condemn the whole concept is bad because it is a good test of devolution. It is a mini-devolution, so to speak, where money comes down to the ground and is controlled by people. I think we should use this period to educate the public on the merits of the CDF.

In conclusion, I would like to appeal to hon. Members to visit each other, as the Leader of Government Business said, so that we can try and bridge the gap that exists between us. It is a form of building national unity, and I believe that if we invite hon. Members from the opposite side to accompany us to our constituencies, and participate in activities there, it will be one way of solidifying national unity.

With those few remarks, I support.

Mr. Kamotho: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion. It is necessary to go for recess after being in this House for a long period. But, it is important for hon. Members to understand one another and their role as constituency representatives. We all know that, since Independence, there has been a gentlemen's trend in this House, that an hon. Member should not visit another hon. Member's constituency without consulting him or her because, if that kind of thing happens, it is a reflection of undermining a colleague. When election time comes, no hon. Member goes to campaign for another one because everyone is busy in their own respective constituencies.

Secondly, the President of this Republic has two constituencies. He has his own constituency, in this respect Othaya, and the second constituency, the Republic of Kenya. The President is at liberty to visit any constituency and any home in the Republic without anyone questioning. So, let us respect the institution of the Presidency. The President does not belong to any individual, group of people or a political party. After elections, the work programme of the Head of State is non-partisan. He is free to visit Mr. Okemo's, Mr. Raila's and Dr. Shaban's place and any other constituency. The President can pass through Mathioya Constituency any time, day or hour. We are neighbours and that is like his constituency.

We are witnessing some scenes in the country, nowadays, which create a lot of fear and worry. The country appears to have many centres of power. In the Civil Service, there appears to be two heads. In the Judiciary, there seems to be two Attorney-Generals. The Attorney-General says one thing, while someone else says another. I am not talking about the Shadow Attorney-General. I am talking about someone else.

On the issue of the constitutional review process, the Attorney-General gave a written opinion; that for the process to be both legal and constitutional, Section 47 needed to be amended and expanded, in order to embrace the review. But, some other forces went ahead and said that it did not matter. They said that they would handle the process politically. I do not know what they meant by that. This is an issue of serious national concern, because you can never force a constitution on people. Every Kenyan wants a better and new Constitution, and it must be done in the right way.

Dr. Godana: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the Floor to make a few remarks in support of the Motion of Adjournment. I will comment on two issues; the Constitution and security.

As regards the Constitution, I am glad the Chair made a ruling today about the legal importance of us sticking to the law and legal procedures regarding the rules which were tabled for the referendum. When the debate on the constitutional review process started, many who are now on the

opposite side of the House wanted us to hurry and pass through shortcuts in the process. Some of us warned then, that nothing could be more dangerous than taking for granted the sanctity of the Constitution, or taking it so cheaply as to take shortcuts on procedures. If we are not right on procedures, we will never be right on the content. I want to plead, even this late in the day, that we do not rush the so-called referendum.

Mr. Temporary Deputy Speaker, Sir, on security, you will no doubt realise that, for the last few weeks, I have not talked on the Floor of this House after the major security breakdown in Marsabit District which, planning for months, culminated in that brutal massacre of 59 people among them 22 school children. There was also the retaliatory murder of nine church-going people by my constituents, from the neighbouring constituency where the first raiders were suspected to have come from. It is ugly.

I used to wonder how Somalia and Rwanda sank to the levels they did. Now I understand how close to the surface the animalistic instinct in man is. Let me take this opportunity to thank Kenyans, NGOs, hon. Members of Parliament, the media, the Red Cross, the President of the Republic, the Leader of the Official Opposition and the Office of the President, for rushing to the scene to condole the families and trying to restore normalcy again. We are committed to re-establish peace.

Mr. Temporary Deputy Speaker, Sir, according to the survivors of the massacre at Turbi, including children, they said that they heard the killers say: "Kill them! Kill all of them! Do not spare any! Do not spare children!" That really indicates how dangerous we can get as a society. We just thought that the word "kill" was just a vocabulary in our language. It is hard to believe that people can actually commit genocide on identifiable groups. I hope the Government will take this warning into account; not just for the sake of Marsabit District, but for the whole country.

Mr. Temporary Deputy Speaker, Sir, I want to emphasise that, for all cases of a breakdown in security, we have to go back to our basic values that, murder, robbery or looting is a crime which is not pardonable under any circumstances. I want to congratulate the President for what he said when he went to Mandera. He said:-

"Haya mambo ya kusema tuna compensate maisha ya mtu na ngamia mia moja, halafu unaona muuaji akitembea hapa ni upuzi."

I fully agree with his sentiments. We must never substitute regional law or inter-communal agreements for the public criminal law of this country. If we do that, we will be setting a terrible precedent.

People who took others properties by force must never be allowed to keep the fruits of their loot because it will be an encouragement to others to do the same. I want to plead with the Government, that they must make the Ethiopian Government and the Kenyans, some of whom have been arrested, who have still kept most of those animals in their possession return them. They should be pursued to the limit.

Mr. Temporary Deputy Speaker, Sir, I am glad that yesterday, as we had a meeting as hon. Members of Parliament from the region under the Pastoralists Parliamentary Group, it was agreed that the Oromo Liberation Front (OLF) factor has become a major complicating factor. This is a matter the Government must decide to deal with once and for all. In all African societies, which have broken down in recent times, namely: Somalia, Liberia and Sierra Leone, there is a common trend which runs through. A country which supports guerrilla warfare, tolerates or turns a blind eye to hide-and-seek activities on its soil against a neighbour, invariably gets sucked into the violence, with the spread of small arms and the culture of violence.

So, the OLF might be in a remote corner of Kenya today, but it is a factor which affects and which will affect everybody in every corner of this country.

With those remarks, I beg to support.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few words. I thank every hon.

Member in this Parliament for the co-operation they have given to my Ministry, individually and collectively.

I know we are going for a six-week recess and we have so many things to do. One of them is to spread the gospel of the new Constitution so that people can read and understand it.

Mr. Temporary Deputy Speaker, Sir, Kenya's market for livestock, locally and internationally, has suffered a setback because our country was branded a disease-prone area. Since I took over the Ministry, I have been working hard to eliminate livestock diseases and market our animals. We have done very well because we have shipped livestock to Mauritius and, in fact, last week we air-freighted live goats to Dubai. We are even going to do much more than that. We will send more animals, which are currently at the showground, to Rwanda which would like to adopt our system of rearing and breeding animals.

Farmers are very happy now because their milk has got a market. During the recess, I would like to urge hon. Members to use their resources to revive cattle dips all over the country. The question regarding revival of cattle dips has been raised in Parliament time and again. In the last 25 years, cattle dips have not been in operation and yet they are required to rid animals of diseases.

We also need to provide acaricides to be used in the cattle dips. You only require about Kshs50,000 to revive a cattle dip and within three months, a farmer will be having about Kshs300,000 in his bank account.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal to hon. Members in this House to commit Kshs1 million out of the CDF account to revive cattle dips in their areas. We are set to expand the market for our livestock. What we have done so far is just an example of things to come. We intend to sell about 15 million goats to Saudi Arabia after the *Ramadhan* holiday when every Muslim male must slaughter a goat or sheep. That is how Kenya will benefit in terms of revenue. The only way to get that market is to keep our animals clean and free of disease.

We have talked so many times about the Kenya Meat Commission and people thought it was impossible to revive it. The reason for the delay in reviving the KMC is because it was under receivership which was lifted this week. In the Privatisation Bill we passed yesterday, the Government intends to either privatise the KMC or concession it so that we can get experts to run it. We want to add value to the KMC. Our intention is not to start doing business through the KMC.

My Ministry also intends to utilise some money towards eliminating livestock diseases in all areas. We have started this process in Coast Province. We will then move to North Eastern Province, Central Province and Rift Valley. The idea is to eliminate livestock diseases, so that we can create a better market for our animals locally and internationally.

I support the Motion.

Mr. Salat: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. From the outset, I would like to thank the President for his stand on the issue of water catchment areas in Mau Narok. In fact, I wondered what his position on this matter was. But I am pleased to note that he recently said that those people who are genuinely in possession of title deeds, and I believe many of them are genuine owners of this land in Mau Narok, will be allowed to go back to their land.

I always thought that Ministers had the blessings of the President when they make some of these crucial decisions. Now I know that they do not even brief their boss on most of these issues. When the President got wind of what was happening in Mau Narok, he decided that this issue needed urgent attention. I am told that there is a team of officers from the Ministry of Lands and Housing who are actually on the ground trying to sort out this matter. I believe that, that team will actually clarify a situation which has been misunderstood by many people. We have about three **[Mr. Salat]** Ministers each giving his or her own opinion on this matter. So, I hope the team will, at this time, directly brief the President on their findings. I am sure the true position of those Kenyans who are

suffering in Mau Narok will be known.

Mr. Temporary Deputy Speaker, Sir, on the issue of disjointed statements, I am glad the Minister is here---

Hon. Members: Which one?

Mr. Salat: Mr. Kimunya! I am glad he is here to listen to my sentiments on this issue. I am also glad he was around when the President said that a title deed is not a mere piece of paper. A title deed has and will remain a valid document in this Government and successive governments to come.

I condemn those hon. Members of Parliament who have sold their souls to be in the good books with the Government when, we, leaders from Rift Valley Province, are stating our position; that we are staying on the right side of the law. They are now telling our people to register afresh, so that they can be allocated land elsewhere. Those registration forms are actually asking where one originally came from and who sold the land to you. We have told our people not to register because Kenyans are free to buy land anywhere. So, no one has a right to ask questions like those. If we start asking these kinds of questions, this country will be empty because we all came from somewhere.

Mr. Temporary Deputy Speaker, Sir, we must be humane in our approach to issues. I would like to thank the Ministry of Education, Science and Technology for coming in handy to assist many children who were suffering as a result of evictions in Mau Narok. Some of these children are refugees in their own country because their homes were razed down. I congratulate the Minister for Education, Science and Technology for coming in to assist while we have other Ministers who do not even care about the lives of those children. So, once the team on the ground at Mau Narok is through with its work, I expect that the likes of Mr. Kimunya and Mr. ole Ntimama will know that we have a President in this country, and not one who cares for individuals. Upon the return of that team, I expect that a final decision will be made, so that this matter is put to rest.

Mr. Temporary Deputy Speaker, Sir, finally, I agree totally with Mr. Kamotho when he says that the President does not belong to a particular tribe, but to this country.

With those remarks, I beg to support.

Mr. ole Metito: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. My contribution will be on two issues. One is on the Constituencies Development Fund (CDF). I would kindly request my colleagues that, as we go on recess, we should take issues pertaining to the CDF seriously. I would like to urge hon. Members to take advantage of this recess to go round our constituencies to monitor and supervise projects funded through the CDF. I would also wish to ask the Government to seriously take stock of the projects that are being carried out on the ground through the CDF. A lot has been done. If taken seriously, some of these projects will uplift the living standards of our people. I would like to single out two Ministries which are service-oriented and have helped our people in a big way; that is the Ministry of Education, Science and Technology and the Ministry Health. Most of the CDF projects across the country focus on those two Ministries. We are building new schools and rehabilitating old ones. I would kindly request the Ministry of Education, Science and Technology to take stock of those new schools. They should look for a plan, or measures that can make those projects a reality on the ground. If we build many schools and there are no teachers; I am sure with the Free Primary School Education Programme (FPSEP), even if we build, for example, one million primary schools in one constituency, there will be children to enrol in those schools. However, if we continue having a shortage of teachers, we will not make those projects beneficial to our people. So, I would like the Ministry of Education, Science and Technology, which is the best performing Ministry so far, to actually take stock of those new schools and ensure that they recruit more teachers who will take over the management and teaching in those schools.

Mr. Temporary Deputy Speaker, Sir, I would now like to focus on the Ministry of Health. We are building many dispensaries and health centres, but if we do not have personnel to run these

institutions, they will just be white elephant projects. I know the NARC Government does not want to be associated with white elephant projects. So, the Ministry of Health should actually come up with a formula of employing more nurses, especially in new dispensaries and health centres that are being built through the CDF.

Finally, I wish to say a word on the constitutional review process. I would kindly wish to ask my colleagues to remain true to their word. Every hon. Member here wants to see peace maintained in this country. They also want us to air our views constructively. I would be very happy if we remained that way. I know not all of us will speak with one voice. I would kindly request those who will oppose this process to do so constructively, so that by the end of that referendum, we will get a new constitution that will unite our people, as one people and one nation.

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

Mr. Sasura: Thank you, Mr. Temporary Deputy Speaker, Sir. Sometimes, when we hear of recess, it becomes very difficult to some of us, because we wonder what to go and tell our people because most of the things we have told them have not become a reality. It is difficult to go and tell people who have just had deaths--- If you go to a constituency where there are funerals all over, you spend your recess in *matangas* and come back.

Mr. Temporary Deputy Speaker, Sir, I am talking about insecurity in this country. If we sing about insecurity for the sake of being in position and pleasing people, we will never stop insecurity in this country. Over the last one month, Marsabit and Moyale districts were the focus of insecurity in this country. It beats reason when 300 to 400 people come into this country, cause mayhem, go across the border and the Government says that they were not aware or they were not told about them. It is an open secret that the Government has its agents even in bars. We know that the security intelligence machinery of this Government is a very efficient one; we know that the Government has intelligence officers who masquerade as taxi drivers and even in brothels. So, when the Government tells us that they did not know or they were not aware that 300 people were crossing into Marsabit to kill Kenyans, then the Government is not being true to its word.

Secondly, Mr. Temporary Deputy Speaker, Sir, when such a thing happens, it is very sad when the Government tries to pass the buck to leaders, especially to political leaders, just because it has failed in its duty. The political leaders forewarned the Government of the impending attacks at the district level when tensions were building up. We are talking about the massacre of 59 people and not about the cumulative deaths of more than 100 people over the last six months, which the Government was aware of and it refused to act on. Maybe, the Government was compromised at the district level and because it was a bang, the Government is ready to pass the buck by saying that it is the politicians who are inciting people to do A, B, C and D. Nobody is above the law in this country and the Government cannot run away from its responsibilities.

Mr. Temporary Deputy Speaker, Sir, you can remember that, after the Turbi massacre, ten people were killed in revenge when they were pulled from their priest's car. Only two days ago, the Government made a statement and said that they have charged three people with robbery with violence for stealing the priest's car and not for killing the children who were in the car. There was a survivor in the car, so they cannot say that they do not have evidence of the murderers. They have evidence of the theft of the car because the car has been recovered. They are charging those three people with robbery with violence of the car but not with the murder of nine people; four of whom were children, four women and one man. So, the Government cannot convince us that they are operating fairly.

Mr. Temporary Deputy Speaker, Sir, as I speak now, we know that the Government has deployed its security machinery all over Marsabit, but we are not satisfied that they are working impartially. If, for the sake of Government presence, they want to spend Government resources, including fuel and the others, make their presence felt and arrest people arbitrarily just for the sake of

arresting them, that will not bring an end to the conflict, especially in northern Kenya. Conflict in that part of Kenya is of its own kind because of the porosity of our borders which have been left open, and guns are crossing the borders every other minute. There are nine police roadblocks between Marsabit and Isiolo, and we wonder what those people are checking for. Every lorry that stops at the roadblocks is only stopped for a bare three minutes and it proceeds. It does not matter whether it is carrying 20 head of cattle and 20 AK-47 rifles; that is not the business of the police. But when the ammunition and firearms, which have been carried from the border cause mayhem, then the Government is very fast in blaming political leaders. It is utter folly for a political leader to incite his own people to kill his own people! So, the Government should not run away from its responsibilities.

With those few remarks, I beg to support.

The Minister for Roads and Public Works (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir. Last week, we lost a very great son of Africa through a tragic accident. The death of Gen. Garang is a great loss to the people of Africa and I am sure that I am also expressing the feelings of hon. Members of this House when I say that we are sending our condolences to the people of Sudan in general, and Southern Sudan in particular, for this great loss.

(Applause)

At this time of mourning, we would like to urge all leaders to desist from making inflammatory statements and allegations that could excite passion and excitement. Gen. Garang was as much a Kenyan as he was Sudanese.

Mr. Temporary Deputy Speaker, Sir, last year, hon. Kimeto brought a Motion whose purpose was to have the Fuel Levy Fund administered by the Constituency Development Committees (CDCs). I gave an undertaking that we were not satisfied with the manner in which the Fuel Levy Fund is being used in the districts and also in the constituencies, because we do not have a proper oversight machinery at those levels, and that the CDCs which administer the Constituencies Development Fund (CDF) money are better constituted to carry out this work.

(Applause)

I would like to inform hon. Members that my officers drafted an amendment, and on consultation with the Attorney-General, I was advised that I should submit this draft amendment through the Clerk of the National Assembly to the relevant Departmental Committee, so that it can come up when the Miscellaneous (Amendments) Bill comes before the House. I want to confirm to hon. Members that I did so in March, 2005.

(Applause)

I hope that, when the Miscellaneous (Amendments) Bill comes before the House, it will be approved.

Mr. Temporary Deputy Speaker, Sir, I always like transparency and all hon. Members know that I like fairness. As a result of the discussion that we had in the House the day before yesterday, I would like to inform hon. Members that I have appointed a committee to have a thorough look at the allocation of the resources in the Vote of my Ministry. When we come back here after recess, I will be able to give hon. Members a detailed account and, where there was any kind of unfairness, I will ensure that there is fairness.

(Applause)

I would, therefore, like to urge hon. Members to ignore what has been given out in the media; those figures are not the exact figures and I will give the proper figures to this House, because I believe that hon. Members deserve to be given proper information about the Budget.

Mr. Temporary Deputy Speaker, Sir, I did not have a chance yesterday to talk about the Motion on Budget Committee, but if I got a chance, I would have fully supported the creation of the Budget Committee in the House.

(Applause)

Finally, we are going on recess when we are in the process of conducting a major exercise; the constitutional review process. This is an event that can be used for national healing. Constitutional review can be used to unite a country; it should not be used to divide it. That is the reason why we keep on appealing that the counsels of goodwill should prevail so that we can have some consensus. In the even that there is no consensus and we have to go to a referendum divided, once again, I want us to be democrats and carry out the referendum in a very civilized manner; the way they did in France without any kind of acrimony.

With those few remarks, I beg to support.

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion of Adjournment.

(Loud consultations)

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

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, it is important that we go on recess because that will give us a chance to rest, reflect, think about where we want to go and who we really are. As leaders, this will be a time for us to think about how we can lead this country properly.

I will not take much time because I know hon. Members want to speak. However, as we go on recess we should realise that schools are on holiday. Our children are now at home and we need to think about out-of-school recreation. Research has shown that most school-girl pregnancies occur during the school holidays. Most cases of rape and sodomy occur during school holidays too. Therefore, since hon. Members will be in their constituencies, I would like to urge them to ensure that there is security for all the youth who are on holiday. I would also like to urge those Members of Parliament who have television sets to sit in front of them the whole day, so that they can see what our children are being exposed to. In fact, that way, when we come back to debate matters on advertising and what our children are exposed to, we will actually be aware of what is happening.

Mr. Temporary Deputy Speaker, Sir, I take this opportunity to wish my colleagues a good recess.

I beg to support.

Mr. Munya: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to contribute to this Motion of Adjournment. One of the issues that have been bothering me is the way this Government has treated the Murungaru saga.

Hon. Murungaru is a Cabinet Minister and not an ordinary Member of Parliament, or an ordinary citizen of this country. When a foreign Government, that is friendly to this country, makes allegations against a Cabinet Minister, the best that our Government could do, and which is in keeping with international law, is to intervene on behalf of that person and demand proper a explanation. It is not the individual Murungaru that is an issue here, rather it is the dignity of this country. If you are a Cabinet Minister you, in essence, carry the dignity of the country, and if accusations are made against you, it is always important for Kenyans to know exactly what is happening. If there are diplomatic

wars, it is always important for the Government to do something that brings out the issues involved, so that Kenyans can understand whatever is happening.

Mr. Temporary Deputy Speaker, Sir, with regard to the Constitution, the stage we have reached in the constitutional review exercise is one where Kenyans themselves are going to make a decision as to whether they want that Constitution or not. Since both sides have been claiming that they speak for the people, it is now time for the people themselves to decide. It is disheartening to see some people trying to take a short-cut in the process, so that the people do not have the opportunity to say "yes" or "no". Some of us have misgivings about some of the provisions in the Draft Constitution. However, we can never have a perfect document, and we cannot continue discussing the Constitution for 20 to 30 years. Time has come for us to close that chapter, so that this country can move on. The best judge will always remain the people. Let the people decide for themselves what they want. Political leaders should not decide for them.

There is another phenomenon that has been disturbing many people a lot, especially hon. Members of Parliament. Ministers are basically working for each other! When there are projects in a certain Ministry, they are taken to a Minister's constituency, so that he can pay back when projects arise in his Ministry. When there are employment opportunities in one Ministry, a Cabinet Minister gives the chances to a colleague so that he can reciprocate some other time.

Hon. Members: Shame! Shame!

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, we have reached a stage where the President has to use his whip, so that his Ministers can realise that they are working for everybody in this country and not for themselves. They have been given that responsibility so that they can put national interests before their own interests when serving the country.

Finally, I would like to talk about the issue of disputes occurring at borders of constituencies, for example the dispute that caused the Marsabit crisis. The Tharaka-Tigania issue, which I raised today is one, if not handled properly--- I can see the Minister in charge of internal security here. He needs to take this matter very seriously. It is an issue that is simmering, and when it erupts, he will again say that he was not aware of what was happening. He does not want to resolve a dispute that he knows is causing problems. People die during every harvest season because of the conflict. I am appealing to the Minister to take this matter seriously. He could hand over the matter to the Electoral Commission of Kenya, which has the machinery and resources to resolve a dispute. Let them be given the mandate to do that, so that the Tigania and Tharaka people can live in peace and develop.

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

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few words in support of this Motion.

I feel that it is high time we took a break. We deserve the break so that we can go and work closely with the people we represent. However, as we go for recess, there are a few matters that are still bothering some of us. Indeed, one has been raised by hon. Munya in his contribution. It is about Ministers being denied visas and yet the Government appears to be *ji-enjoying*. I cannot understand how a sovereign Government can keep quiet in the face of this kind of assault on one of its own. I really have never come across this. Fortunately, it has never happened since Independence. It is happening during this time of "Government of National Confusion", or is it unity?

(Laughter)

All that is happening because of that confusion. It is for that reason that there is nobody who is able to respond to what the Britons are doing to one of our Cabinet Ministers. The response that we got was as confusing and confounding as the initial announcement made by the British Government.

Mr. Temporary Deputy Speaker, Sir, the other day we saw the Minister for Justice and

Constitutional Affairs announcing that they are unable to fight corruption. I really wondered. Did the President watch that clip? If that is the Minister who is supposed to be in the forefront in the fight against corruption, then the man should be back in South Imenti looking after the many roads that have been allocated a lot of money this financial year. He should not be leading the war against corruption for us!

Mr. Temporary Deputy Speaker, Sir, I want to put the Judiciary in this country on notice. In the coming months, it will increasingly be the focus of attention not only by Kenyans, but the international community as well. This is because cases have been filed in courts, but they are deliberately not being resolved. The Chief Justice is compromised, so that cases are being kept in suspense until after the so-called referendum. I am, indeed, surprised that hon. Munya says that political leaders should not be the ones to say this or that. Unfortunately, it is the political leaders who have created what they now want *mwananchi* to say "yes" or "no" to.

Mr. Temporary Deputy Speaker, Sir, in light of that, it is clear that our Judiciary, for whom we are working so hard to develop a Judicial Service Bill for---

The Minister for Education, Science and Technology (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to take the hon. Member's time but, if I heard him correctly, he has made an affirmative statement that the Chief Justice of this country has been compromised. That is against the Standing Orders of this House. You cannot discuss the conduct of the Chief Justice without a substantive Motion. I, therefore, demand that the hon. Member withdraws that remark.

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, fortunately, those are matters that are within the public domain. Mr. M. Kariuki and Mr. Githae have been telling us that no cases will be entertained until after the referendum has been carried out in December. What does that---

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! I do not care who told you what, but the Standing Orders are our guiding principles here!

Standing Order No.73(1) states:-

"Neither the personal conduct of the President, nor any conduct of Mr. Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the ruler or the government or the representative in Kenya of any friendly country shall be referred to adversely, except upon a specific substantive Motion moved for that purpose."

For me, that suffices, unless one has anything to substantiate that kind of thing. You should very quickly withdraw those remarks!

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, very quickly and in compliance, I withdraw the allegations that he is compromised! But---

An. hon. Member: Apologise!

Mr. Muturi: There is nothing to apologise for! That is not the requirement. Some of these people need to learn the Standing Orders!

Mr. Temporary Deputy Speaker, Sir, what we are saying is that we want the Chief Justice, and the Judiciary as a whole, to really appreciate that they must now show that they are truly independent! When they bring their Bill here - which we have tirelessly been working on--- We are giving independence to people who have shown to us that they have the strength to withstand political pressures, no matter how highly-placed those pressures may be.

In conclusion, I want to thank the hon. Members for coming together and showing that, contrary to Press reports that we have not been working, even though they just came to vote, that momentous occasion when they came in their droves to vote up to around midnight, that was commendable even though in the negative sense.

With those few remarks, I support.

The Assistant Minister for East African and Regional Co-operation (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. It is a great privilege for me to stand here because my father stood here 50 years ago. So, it is a great honour for me to have this privilege.

As we prepare to go home, it is important that we relax and get ready to go round our constituencies. We are very important people. We are the leaders of this country. Kenyans look up to us for leadership. I would urge that all of us behave like leaders, so that we can lead this country. If leaders make a mistake and give the wrong impression, or indication, to their people, we will end up having problems like the ones we are having now.

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members! I do not know whether you are aware that we still have some time. Some of you are beginning to think that we are ending this sitting at 7.00 p.m. The time that we lost due to the interruption was added. We shall go on up to 8.15 p.m. So, everyone will have a chance to talk. Let us not worry about that.

The Assistant Minister for East African and Regional Co-operation (Mr. J. Nyagah): Mr. Temporary Deputy Speaker, Sir, as we go home, I would like to thank the Government for introducing the Constituencies Development Fund (CDF). That is a very important thing and Members of Parliament should take advantage of it. Our people are very poor and poverty levels are very frightening. So, I hope that, in the next few weeks, we will have an occasion to look at the little money that we have been given. I hope that, next year, we shall think of increasing that amount so that we can improve the lives of our people. I would like to focus on the Ministry of Health. We are building very many dispensaries, health facilities and laboratory equipment, but we do not have enough staff. I hope the Ministry will assist us by recruiting laboratory assistants or allowing us to levy special fees for the use of laboratories, so that our people can be assisted at the grassroots level.

Mr. Temporary Deputy Speaker, Sir, similarly, on education, we have just gone through an exercise of recruiting teachers. I hope that my good friends, the Minister for Education, Science and Technology and the Minister for Finance, will find a way of getting extra funds to recruit more teachers. We are building many schools and they will require teachers.

Mr. Temporary Deputy Speaker, Sir, I am involved in the East African Community (EAC). I would like to thank Members because they passed a very important document that encouraged us to move towards a federation. May I urge all of you that, during the recess, we need to take the opportunity to preach about the East African Community and its advantages. We want to avoid a situation where it will be seen as an elite organisation. We want our mothers and people at the grassroots level to understand what the EAC is all about. I urge all hon. Members to spend the next few weeks, as you address your meetings, to mention what we are trying to do in East Africa, in an effort to improve business opportunities and resolving some of the potential conflicts by working together.

Mr. Temporary Deputy Speaker, Sir, with regard to insecurity, may I urge the Government to involve the local people and the civil society. I urge the Government to involve religious groups, elders, Parliamentarians and people on the ground so that we could have early warning systems to avoid what happened in Marsabit and other parts of this country. We need to prevent those conflicts before they become real clashes and expensive conflicts like we have seen.

In conclusion, I want to repeat that, as leaders of this country, people look up to us. Let us say the right things at the right time.

With those few remarks, I support.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to join my colleagues in supporting this Motion. As you are well aware, for some of us, this is a very trying moment. Arid and Semi-Arid Lands (ASALs) are experiencing extremely dry spells. There is scarcity of water and pasture. It is very challenging for our community. Some of the lifelines of that society originate from the mountainous areas of Ewaso Nyiro. They originate from the Aberdares.

Despite the fact that we have discussions with the Ministry of Water and Irrigation and also raised issues in this House regarding water catchment areas and use of water downstream, up to now, I do not see serious measures that have been taken by the Ministry of Water and Irrigation to address this problem. I request the Ministry of Water and Irrigation to move with speed and ensure that unnecessary irrigation, that is going to threaten the lives of the people downstream, is checked by this Government. It is extremely important, at this time of the year, that this should be done.

In the past, when I was a young man looking after cattle, there used to be no problem at all because the rivers were flowing and the people at this particular time did not need relief food because their animals were able to feed and drink water also around the Ewaso Nyiro River. This river used to be the lifeline for the entire northern Kenya where herdsmen from Wajir, Garissa, Moyale and everywhere would flock over to the Ewaso zone and ensure that their animals do not die during this period. It is, therefore, my appeal to the Ministry of Water and Irrigation to ensure that they manage the use of water upstream.

Mr. Temporary Deputy Speaker, Sir, the Minister for Livestock and Fisheries Development has just talked about the possibilities and potential with which we can export livestock to other countries. I was surprised that his statement on cattle dips and control of livestock diseases negated what would have, in fact, boosted the livestock industry because livestock can be a very good foreign exchange earner. If the Ministry is not ready to invest in dips and control of diseases, then I do not take it very seriously because the CDF money is only 2.5 per cent of the Budget. The other 97.5 per cent is still with the Treasury and the Minister for Livestock and Fisheries Development should be able to talk to his counterpart in Treasury to be able to allocate him more funds. It is high time we stopped giving lip service to the livestock sector and started taking it seriously.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about recruitment of teachers. I am happy the Minister is here. I must say that year in, year out, we have seen a situation where in the arid and semi arid areas, in spite of the fact that the Ministry has said that they are putting in place a number of measures, those measures, in terms of performance, are not yielding fruit because virtually in every school in our constituencies, there is a shortage of teachers. The Ministry sits back and says: "We are looking at the teacher-student ratio" and yet when you go to the schools, half of the children are playing around because there are no teachers. In Isiolo, we were given only eight positions. What do we do with eight positions? While I appreciate that the Ministry is doing something, I think it is high time these issues were taken seriously and the Minister addressed them appropriately.

One area where the Ministry has taken the issue very lightly is in the central divisions where a lot of teachers are sick. They are unable to attend to this or that. They influence the education office at the district headquarters not to be transferred to the outlying areas. I am happy to say that those teachers can be transferred to other areas and the Ministry recruits teachers who can work anywhere. It is high time the Minister engaged the union properly to ensure that the deployment of teachers is not influenced by the union to the extent that the Ministry is unable to carry out its functions properly.

Mr. Temporary Deputy Speaker, Sir, I would like to raise the issue of the Budget and, perhaps, as it relates to the Public Procurement and Disposal Bill. It is okay that this House has now passed the Public Procurement and Disposal Bill. You very much know that procurement is one of the areas where---

The Temporary Deputy Speaker (Mr. Poghio): Your time is up!

Mr. Bahari: With those few remarks, I beg to support.

Dr. Ojiambo: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me the opportunity to also support this Motion. I thank the Leader of Government Business for moving this Motion this afternoon.

Mr. Temporary Deputy Speaker, Sir, I want to start by appreciating the work that hon. Members of Parliament are doing for our people in respective constituencies in utilising the CDF

money. I want to wish them well as they go on recess but I want to urge them to take care of the youth and women. I know hon. Members have been concentrating on investing this money in schools and larger projects which is very commendable but I also want to draw their attention to the fact that, for us to be able to start vibrant economic activities at the grassroots, they should consider giving a little money to the women and youth groups. The activities of vegetable growing, poultry keeping and rearing of goats and sheep, help to create income generation among our people at the family level very quickly. More and above that, they support the nutrition of our people and especially school-going children who need to be better fed to be able to utilise the opportunity that the Minister for Education, Science and Technology has made available to the children through the free primary education.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the youth; particularly from the border areas. Some of our youth are not aided to get their identification cards in good time particularly at this time when we are urging Kenyans to register in large numbers in order to be able to participate in the Constitution Referendum. Youths, particularly on the Kenya/Uganda border, are not registering as voters because the process of getting identification cards is bogged down by very many roadblocks that have been put in their way by the local administration and registration officers. Some of them are still complaining of being asked to pay money in order to obtain identification cards. Even when others appear with their parents and elders of their communities, the chiefs do not agree that they are locals of their respective areas and, therefore, keep making them wait. In waiting, they are not able to register as voters. I request the Members of Parliament to assist the youth of this country to register as voters.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about our youth and their mothers. Members of Parliament, please when you go back to your constituencies, ensure that no women and their children sleep in the streets, under trees or in the open because they have been moved from their residences for one reason or another. For goodness sake, it is so hurting to see such a situation. Think of your own wife or husband and your children sleeping outside their homes. Make sure that nobody in your constituency sleeps outside. Help them to find a shelter. I want to appeal to the Government and whoever is in charge of carrying out that exercise, to have a human heart. We are spending so much time trying to keep these children at school and yet their mothers are in the open. How are they going to benefit from the schools we are building for them? Take care of our young people and their mothers.

In summary, I want to say that the HIV/AIDS pandemic is still killing our people and the drugs are not there. For those of us who live in malaria and other parasitic-infested areas, the drugs are not there. When you are at home and touring your constituency, make sure that dispensaries and health centres are stocked adequately to take care of the welfare of the family.

With those few remarks, I beg to support.

Maj. Madoka: Thank you, Mr. Temporary Deputy Speaker, Sir. In supporting this Motion of Adjournment, I want to state that I had my own misgivings which were almost confirmed this afternoon when the Referendum Rules were tabled here and we were expected to adopt them a while ago. It is our hope that the Government will not try and do anything, between now and when we reopen Parliament, which may confuse the process, as it is, at the moment. We may not have any objections to the content of the Constitution. I think our party position is clear; that we will only discuss the content when we have finally seen the Draft Constitution by the Attorney-General. The only disturbing thing is that the Government seems to take this Constitution as if it is its own. It must know that this is a Constitution for Kenya, by Kenyans. So, let us have that dialogue. Let us be prepared to sit and discuss issues where there may be a difference so that, eventually, we may get a Constitution which is acceptable to all Kenyans.

Mr. Temporary Deputy Speaker, Sir, many hon. Members, including the Ministers, have spoken about the Constituencies Development Fund (CDF). Each time they keep on asking us to use the money for project "A", "B", "C" or "D". We know what we need to do in our constituencies. What

I am appealing to the Ministers is for them to ensure that we get a fair allocation of the Central Government resources. I am glad that the Vote of the Ministry of Roads and Public Works is being prepared afresh; to ensure that there is a fair and equitable distribution of resources. It is also our hope that the other Ministries whose Votes we have not gone through, will make the necessary adjustments, so that when they are presented before the House, we see an equitable distribution of these resources.

I also want to appeal to the Ministers to continue doing their various functions in their various areas. In our various constituencies, we have our own problems. In my own area, I want to thank the Minister for Lands and Housing, who is here, for helping in the adjudication process. But I would like to see them speed up the entire process, so that we can get it completed and our people get, not just pieces of papers, but title deeds which they will be able to use effectively in terms of getting loans *et cetera*.

Mr. Temporary Deputy Speaker, Sir, it is also necessary for us to get the Government to look at the various areas where there is still looming hunger. In my area, because of the elephant menace and failure of the rains, we have had a crop failure and we still need a lot more of relief food. I would like to appeal to the Government to ensure that we get food for these particular areas, so that these Kenyans do not suffer. The people are hardworking, but because of the conditions which were beyond their control, they were not able to plough and get enough harvest to be able to sustain themselves.

Mr. Temporary Deputy Speaker, Sir, enough has been said about the question of security. It is our hope that the Government will intensify its efforts to ensure that there is adequate security in all parts of the country.

I also want to take this opportunity to commend the President on what I would term as fair distribution of appointments in the promotion of the various armed forces personnel. I think the distribution was fair and we hope that those officers appointed to those positions will continue to exercise professionalism as they have done in the past. We also hope that there will be no further political interference in such appointments.

Mr. Temporary Deputy Speaker, Sir, on the question of CDF, I think the requirement that we submit our proposals well before we are allocated the funds, needs to be re-examined. As we go along, we may feel there is a need to change the various allocations to some other needy projects. I think the process should be simplified, so that we do not delay the implementation of certain projects.

I also want to make my final appeal to my colleagues that, as we go into recess, let us be careful about the words we use in making various statements, so that we do not create any antagonism or enmity amongst ourselves. This is because we, as Kenyans, do need to live and work together for the benefit of Kenya.

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

The Assistant Minister, Office of the President (Mr. M. Kariuki): Thank you, Mr. Temporary Deputy Speaker, Sir. I think Members of Parliament are the only people in this country who do not have a very precise job description. Apart from the legislative role, we are supposed to be masters of every other trade. I think it is appropriate that, as we break now, we exercise our role in those other trades.

Mr. Temporary Deputy Speaker, Sir, I would like to address very briefly the issue of security which has been raised in a very passionate manner by hon. Members here. I would like to say that we cannot succeed in ensuring security for all, unless we get the co-operation of all Kenyans, and in particular the leaders and hon. Members of this House. As we go for this break, it is important that we provide leadership in our respective areas, by ensuring that we relate to each other as leaders. The problem in Marsabit which has been raised here, I think, is a big challenge to the leadership. I am really appealing to the hon. Members from that particular district, and the neighbouring Moyale District, to sit together and try to act and provide leadership as one people. The Government continues to be blamed; that it is not doing enough. Some hon. Members have appealed to us to arrest their

colleagues. But we cannot arrest people unless we have sufficient evidence. All I can say is that, as long as hon. Members behave within the bounds of the law, we will not be able to interfere with their work. But if any hon. Member of this House breaks the law, then he or she is not above the law, and we will act appropriately. We do not want to politicise the issue of security without good cause.

Community policing has been launched in many districts. I am happy that hon. Members have supported it. This is very important in terms of restoring confidence between the people and the police. It is also important in terms of sensitizing our people that they have a role to play to ensure security for all. Ours is to provide leadership and an enabling environment where *wananchi* can feel free to make appropriate reports regarding issues of security.

Mr. Temporary Deputy Speaker, Sir, it is important that we ensure the grassroots levels in this country are empowered economically. It is in that regard that I would like to acknowledge the efforts we have made towards the CDF. However, I must say we have left one important item out, as we talk about grassroots empowerment; the issue of Local Authorities Transfer Fund (LATF). I think the Ministry of Local Government needs to pull up its socks. A lot of resources are pumped into the local authorities and there is absolutely no accountability whatsoever. If I speak for Nakuru Municipality, in the last financial year, it received Kshs140 million. It is a pity that it cannot show a single project in that particular town that it came up with using that money. With Kshs22 million from CDF, we have been able to do numerous projects and we keep wondering which hole that this Kshs140 million goes to. I think the Ministry of Local Government must ensure there is a greater accountability for this money. This is because it is the money that is supposed to empower grassroots and also initiate projects at that level.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about the Constitution. Let us not unduly politicise this issue. We are aware that many people have gone to court about it. Some hon. Members of this House went to court today. If it is a case of sour grapes, and we are not able to get order as we sought, we should not blame it on the Chief Justice or the court. Let us be honest enough and patient to wait for our day in court. However, we cannot continue to blame members of the Judiciary because we did not get what we sought from them. I think we have to respect the independence of the Judiciary and move forward. There is no constitution-making process in the world that is so peaceful. There is always acrimony. We have seen it in the European Union (EU) as it tried to get its constitution through. They were unable to do that because many countries differed and the referendum, at one point, had to be stopped. We are not an exceptional people. We can never get 100 per cent consensus from Kenyans. But as long as we can get a sizeable majority of Kenyans saying they want this Constitution, I think we should be able to move forward. It is in the nature of human beings not to agree 100 per cent. So, these problems will be with us for a long time.

Mr. Temporary Deputy Speaker, Sir, it is important to look at the region now with some peace coming to our neighbours in Somalia and Sudan. This is an opportunity for us Kenyans to exploit the potential market in Southern Sudan and Somalia. We need to make our economy stronger. We are already a regional giant. We are able to export so much to Uganda and Tanzania. According to the last financial year, we exported goods worth over Kshs32 billion and over Kshs17 billion to Uganda and Tanzania, respectively. Their imports compared to our exports show that we are really a major economy in this region. Let us spread to Sudan and Somalia and enrich our country.

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

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

As we go on recess, I would like to remind my colleagues that the issue of drugs has become so rampant amongst our youth. It is so worrying that so many students are dropping out of school because of this problem. Some students are causing strikes in schools. Today we read in the Press that some Kenya Airways staffer was found in possession of drugs.

That brings me to the question of an issue we have been reading about in our daily newspapers; that there was a consignment of drugs worth Kshs6 billion which was supposedly kept somewhere at the General Service Unit (GSU) headquarters. This makes me ask the Government a lot of questions: Whether those drugs are still there, or whether they are the same drugs which have found their way to the black market and are destroying our population. So, it is important for the Minister in charge of internal security to look into this issue.

We have also been told that some senior Government officials have travelled to the Netherlands. I do not know whether they went there to negotiate for the release of those drugs. So, we want the Government to be bold enough and tell us exactly what is happening. Do we have the drugs or they are no longer there?

An hon. Member: Those are rumours!

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, these are not rumours; they are facts!

We know that there are only three people who have custody of the keys to the premises in which the drugs are locked, and some of them have travelled to the Netherlands. We are challenging the Government to---

The Assistant Minister for Trade and Industry (Mr. Syongo): On a point of order, Mr. Temporary Deputy Speaker, Sir. You have just heard the hon. Member for Belgut make a very serious allegation. Would I be in order to ask him to substantiate and elaborate?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, it is common knowledge that some Cabinet Ministers, senior police officers and senior judicial officers went to the Netherlands. That is a fact! So, I am not saying---

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, Mr. Keter has made a serious allegation which he has to substantiate. He is treating us to rumours. After all, Government Ministers and Government officials have a right to travel anywhere. Could he provide us with any information which can show which Minister went to the Netherlands and with who he negotiated, rather than treat us to rumours? Otherwise, he should withdraw the remarks!

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, I forgot the manifest in my office showing the names of the Cabinet Ministers, a senior police officer and some judicial officers who went to the Netherlands.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghiso): Order! Order! Hon. Members, what is the problem with going to the Netherlands? I am asking that question to both sides of the House. What is the problem with going to the Netherlands?

The Assistant Minister for Trade and Industry (Mr. Syongo): Mr. Temporary Deputy Speaker, Sir, the hon. Member is associating those who travelled to the Netherlands with the issue of the drugs. That is a very serious allegation. So, if he has any evidence to associate those who travelled to the Netherlands with the problem of the drugs, this House and the country are entitled to more information.

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, I have not named anybody. I just asked whether the exhibits which were supposed to be kept are safe, because these people travelled to the Netherlands where the key suspect has been locked up, maybe to negotiate. That was my argument.

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, this is not a matter that can be treated lightly. We all heard the hon. Member say that there is, indeed, a manifest of the Ministers who travelled to the Netherlands, and that they went there to negotiate about the drugs. The hon. Member has to substantiate who are the Ministers who went to the Netherlands to discuss matters of drugs. If he does not have that information, he should

gracefully withdraw.

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, I said that I am wondering whether---

The Minister for Education, Science and Technology (Prof. Saitoti): No! No! No!

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, that is the wording I used, unless Prof. Saitoti thinks otherwise!

The Minister for Education, Science and Technology (Prof. Saitoti): No! No! No!

Mr. Keter: Stop wasting my time!

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. We must treat this matter with a lot of seriousness. An insinuation has been made about certain hon. Members of this Government; that they travelled to the Netherlands, and that there is a manifest in some place in Mr. Keter's office. We do not want any insinuations or any names published in tomorrow's newspapers. Could our very good friend, whom we respect, either substantiate now with the manifest, about those who went to the Netherlands or withdraw and continue?

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, as I continue with my contribution, I would like to clarify that it is a fact that today's edition of the *Daily Nation* carried a story about a Kenya Airways air hostess who was found in possession of drugs. That is why I asked whether the drugs which are here are safe.

The Minister for Education, Science and Technology (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. We all heard about that story, so let him not tell us about it! He talked about Ministers going to the Netherlands to negotiate on matters of drugs. We are Ministers ourselves! Unless the hon. Member has got substantive information, he should withdraw this allegation. It is not a very simple matter!

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, I wonder what is wrong with Prof. Saitoti. I have not mentioned anybody.

The Temporary Deputy Speaker (Mr. Poghisio): Your time is up!

Mr. Keter: With those remarks, I beg to support.

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. I want your guidance on this matter, where an hon. Member makes a serious allegation and we ask him to substantiate but he ignores us. [**The Assistant Minister for Finance**] Could you guide this House? Could you force the hon. Member to come forward and withdraw those remarks?

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! The rules of debate require that hon. Members are responsible for the accuracy of the information that they give. I agree with that bit to the letter. However, I am yet to confirm. But what I am hearing is that the hon. Member actually said that Ministers went and negotiated.

An hon. Member: Yes!

The Temporary Deputy Speaker (Mr. Poghisio): I will check the details of that issue and be able to decide.

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Does anyone want to contribute?

(Loud consultations)

Order, all of you! It is in the HANSARD. It is not going to change! If I find in the HANSARD that, that is what Mr. Keter said in this House, he is not going to get away with it!

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

Order, hon. Members! What you are doing does not help your cause!

The Minister for Education, Science and Technology (Prof. Saitoti): It does!

The Temporary Deputy Speaker (Mr. Poghisio): Okay! Let it help! If you think it will help your cause and my ruling is not important, then let it help!

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I will not mind your order now!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Prof. Saitoti! You know that I do not have to commit the Chair! In fact, I can even defer the ruling! I can still rule! Okay?

The hon. Member for Bura Constituency!

Mr. Wario: Ahsante sana, Bw. Naibu Spika wa Muda kwa kunipa fursa hii ili niweze kuchangia Hoja iliyo mbele yetu. Nasimama kuunga mkono Hoja hii---

Mr. Wanjala: On a point of order, The Chair has set a precedent in this House that, when an hon. Member makes statements that are irresponsible, he or she is forced to withdraw and apologise. When you defer this ruling, the damage against the whole Cabinet will already have been done by tomorrow. It is the whole Cabinet because he did not specify any Minister! This is a responsible Government. Could you, therefore, force the hon. Member to withdraw and apologise?

The Temporary Deputy Speaker (Mr. Poghisio): So, what is new in that? I have already made a ruling and---

Hon. Members: Ah! Ah!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! It is a ruling! I do not want to commit myself. You heard what he said, but I did not hear. I have to look at the wording. Otherwise, there is nothing irresponsible in saying that So-and-so travelled to Netherlands. If I do not have the details of the words used, I have the HANSARD.

The Assistant Minister for Trade and Industry (Mr. Syongo): Mr. Temporary Deputy Speaker, Sir, we do appreciate your predicament. We respect the ruling that you have just made. But I just want to appeal to you that a very serious statement has been made. It is an umbrella statement.

Mr. Temporary Deputy Speaker, Sir, presently, the world is very concerned about security issues and drugs are also a major problem. We know that we are debating a Motion of Adjournment. Until you are able to look at the HANSARD and rule appropriately, members of the Cabinet of the Republic of Kenya, especially after newspapers report this tomorrow, will be suspect. It will be a full six weeks before the House resumes. I know that members of the Cabinet might still be travelling during that period. In view of the seriousness of the allegation, and in view of the fact that there is going to an interval between today and when we reconvene as a House on the 27th, September, 2005, members of the Cabinet of this country will be in dire situation.

It is for that reason that we are really appealing to you to use your discretion and ask the hon. Member to withdraw that statement.

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Members of the Cabinet will be in trouble from what you have just said. They will just quote you saying that they will be in trouble! Hon. Members, you know, do not under-estimate our ability to get the HANSARD sooner than you think. All I have said is that I am going to look at the HANSARD and make a ruling on that. Let us not take any more time on this!

Proceed, Mr. Wario!

Mr. Wario: Bw. Naibu wa Spika wa Muda, muda wangu ni mchache na naomba unilinde!

Hivi majuzi, amekuja kibaraka mmoja katika eneo la Bunge la Bura na kuomba kura ya urais. Ningependa kumwambia kibaraka huyo kwamba akitaka kiti cha Rais, ni lazima apitie---

(Loud consultations)

Bw. Naibu Spika wa Muda, naomba unilinde ili niweze kuendelea!

The Assistant Minister for Finance (Mr. Katuku): We cannot allow a criminal who has a case in court to make allegations against other people!

(Mr. Keter withdrew from the Chamber)

Let him run away, but we cannot allow that!

An hon. Member: No recess!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! You cannot allow--- You can refuse to go for recess! But you cannot say you "cannot allow!" What is that? Are you threatening the Chair? Mr. Katuku, you cannot allow what? Do you want to stop? Are you saying you cannot allow? What did you mean by that? What can you not allow? That is what I want to know!

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, I said that, as a House, we cannot allow allegations to be made here against hon. Members, which are not substantiated and hon. Members run away! This is injuring the integrity of this House. We cannot allow it as hon. Members of this House. That is what we are saying. We know that Mr. Keter has a criminal case in court. How can he make allegations against the Cabinet? We cannot allow that! That is what I said.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! There is no amount of intimidation or name calling--- You do not right two wrongs. The hon. Member that you have just referred to is also a Member of this House!

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, I withdraw the remark "criminal", but that is what we expect. He should also withdraw his remarks on the aspect of the Cabinet being corrupt and dealing in drugs.

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! You know that everybody here is an hon. Member of Parliament. The Ministers are Members of Parliament and so is everybody else. First and foremost, we are Members of Parliament. The ruling from the Chair will not be pushed just because some hon. Members of Parliament are more important than others! I do not think that going on recess or not is something that the Chair decides. It is for you to decide, as hon. Members. What I decide while sitting here, is whether what was said deserves a particular line of ruling. Since I did not hear what you heard, the only guide that I have is the HANSARD. If anybody uses hearsay to report, depending on what they heard, that is their own story. But on the day the HANSARD tells us exactly what was said by Mr. Keter, we will then issue a statement to say that he was wrong. The only thing I heard was about some members of the Cabinet going to Holland. If there was something else that I did not hear, the HANSARD will bear me out. After that, the hon. Member will be called upon to withdraw. My ruling is not being unfair. I am not saying that the Press will pick that up. In fact, you are the ones who are telling the Press to pick up what they should write!

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, hon. Members! You cannot be on your feet when I am standing!

The Minister for Education, Science and Technology (Prof. Saitoti): On a point of order,

Mr. Temporary Deputy Speaker, Sir. We want to get out of this quagmire. As Deputy Leader of Government Business, I must make this clear. Many of us heard what hon. Keter said. However, the Chair could help the situation by asking the media to refrain from reporting what hon. Keter said until the contents of his speech have been confirmed in the HANSARD. We are the Government Ministers and we have been accused. The whole world will go and write that this is a Government of drug traffickers. The amount of harm that will be done to this Government is enormous. So, please, I sympathise with Chair's position, but I hope that you also realise that we are the Government. The image of this Government is also at stake because of those careless remarks!

The Temporary Deputy Speaker (Mr. Poghisio): All right, you have made your case! The Member for Nakuru Town has something to add.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, I want to propose the way forward. I see hon. Keter has ducked out of the House very conveniently when we are in the middle of this discussion. I did not hear Mr. Keter refute the position we are trying to assert here, that he related the trip of the Ministers and Judicial officers to Holland with drugs. He has not refuted that. Since he has not refuted that, we should proceed on the premise that what we are now asserting before you is the correct position and, therefore, should either be expunged from the HANSARD, if it is there, or the Member is forced to withdraw.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, ideally, what you hear here and what the HANSARD has is the same thing that the media also has. I have already told you that the position of the Chair is that I did not hear the connection. Otherwise, he should have withdrawn if he said something like that. But I did not hear the connection. I heard about people going to Holland, which I even said from the Chair that there is nothing wrong with it. There was no need to try and push him to say who went to Holland because it is a friendly country. So, if from this Chair I did not hear what you heard, my view is that hon. Keter will be held responsible for his statement. But I have to read the HANSARD and make the ruling. Normally, if an hon. Member knows he has said something that is going to hurt one side or cause acrimony, courtesy demands that a Member, on his own accord, should withdraw. But now, I have no option other than to look at the HANSARD, because I cannot ask somebody to withdraw on the basis of what I do not know. If he comes back here, he knows what he said and we can ask him to withdraw. Remember that I am also here to protect this Chair. If I did not hear anything, I am going to read it in the HANSARD. I am sure the HANSARD will bear us out. That is the only accurate report. Anything else may not be as accurate as you think.

However, on the plea that the media does not report, I think they are hearing us---

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! I am still on my feet! Why are you interrupting me?

The media can hear your plea. So, I want you to know that this is a continuation. Whenever we resume, we will continue, and I do not think I can do anything about it at the moment. I just have to wait for the HANSARD.

QUORUM

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. Great damage has been done to the Government of Kenya, whichever way we look at it. The media will carry what they want to carry; to sell their newspapers. In that case, I want to do something that is extremely unorthodox, so that we do not have to wait for six weeks. I want it to go on record as the Chief Government Whip; I am calling for no quorum so that we can meet on Tuesday, next week.

Thank you.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Mr. N. Nyagah! Could somebody put off that microphone?

Mr. N. Nyagah, I do not think you are even helping your own position as Government Chief Whip!

Mr. N. Nyagah: I do!

The Temporary Deputy Speaker (Mr. Poghisio): You do not! I think you are being very disorderly! If we look at the HANSARD tomorrow, quoting you as saying you deliberately want to do something unorthodox, where are we heading to? If the Chief Whip does something unorthodox in the House, where are we heading to? By the way, calling for quorum is not an issue you need to announce that you are doing something unorthodox! You just stand up on a point of order and raise quorum; you do not have to announce that you are doing something unorthodox. So, do not do things just because you can! I think you can just rise and raise quorum and I would be happy with that.

Very well, we have no quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, due to lack of quorum, the House is adjourned until Tuesday, 16th August, 2005, at 2.30 p.m.

The House rose at 7.50 p.m.