

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 12th May, 2005

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Report of the 112th Assembly of the Inter-Parliamentary Union (IPU) held in Manila, Philippines, between 3rd and 8th April, 2005.

Report of the 50th CPA conference held in Canada between 29th August, 2004 and 9th September, 2004.

*(By the Assistant Minister for
Transport (Mr. Ligale) on behalf of
the Minister for Transport)*

Mr. Deputy Speaker: Mr. Sungu, are you now ready to table your report properly?

Mr. Sungu: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed!

Report of the Select Committee investigating the circumstances leading to the death of the late hon. Dr. John Robert Ouko, EGH MP, Volumes I, II and III.

(By the Chairman (Mr. Sungu))

NOTICES OF MOTIONS

ADOPTION OF THE REPORT OF THE 112TH IPU ASSEMBLY

The Assistant Minister for Transport

(Mr. Ligale): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the 112th Assembly of the Inter-Parliamentary Union (IPU) held in Manila, Philippines, from 3rd April to 8th April, 2005, laid on the Table of the House on Thursday, 12th May, 2005.

ADOPTION OF THE REPORT OF THE SELECT COMMITTEE INVESTIGATING THE DEATH OF DR. OUKO

Mr. Sungu: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, this House adopts the Report of the Select Committee investigating the death of the late Hon. Dr. Robert John Ouko EGH MP, laid on the Table of the House on Thursday, 12th May, 2005.

Mr. Deputy Speaker: Very well, next Order!

QUESTIONS BY PRIVATE NOTICE

FINANCIAL MISMANAGEMENT IN MURATA SACCO

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Co-operative Development and Marketing the following Question by Private Notice.

(a) Did the directive by the Minister that all co-operative societies hold elections by 30th April, 2005, cover societies under investigation?

(b) If the answer to "a" above is in the affirmative, could he state whether he has instituted an inquiry into the legality and financial mismanagement of Murata Sacco in Murang'a District?

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

(a) The directive I gave that all co-operative societies hold their elections by 30th April, 2005, covers all societies within the Republic.

(b) I have not instituted an inquiry into the legality and financial mismanagement of Murata SACCO Society (MSS).

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, this is a very unfortunate case. The Minister says he has not instituted an inquiry to look into (MSS). He knows very well that the affairs of MSS have destroyed the economic stand of the people of Murang'a District because of the massive corruption and embezzlement of funds. Now that he confirms that he has not instituted an inquiry despite having promised hon. Members of Parliament from greater Murang'a District that he were to do so, could he promise this House that he will institute this inquiry immediately? Could he also table and gazette the names of the people concerned?

Mr. Deputy Speaker: Now, Mr. O.K. Mwangi, the second part of your question is not necessary. You are asking the Minister to table the report of the inquiry. First of all, let us hear his report as to whether he will appoint a committee to conduct the inquiry.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, MSS was registered as a co-operative society in 1999 after being transformed from a union banking section of the former Murang'a District Farmers Co-operative Union (MDFCU). An inquiry was ordered, like I had promised, into the society on 25th April, 2001 under Section 58 of the Co-operative Societies Act. However, it was not conducted because the officers were barred by a court order obtained by the society. But to date, the case has not been determined. The inquiry team was composed of seven officers who included two police officers and an auditor from the Auditor-General (Corporations).

Mr. Muriithi: Mr. Deputy Speaker, Sir, I appreciate what the Minister is doing with regard to this issue of co-operative societies. However, in Nyeri District, Tetu Dairy Farmers Co-operative Society (TDFCS) has totally been mismanaged by the management committee. In fact, farmers are owed in excess of Kshs4 million. I am a member of that SACCO. Now, has the Minister sent his officers to ensure the safety of the assets and liabilities of TDFCS?

Mr. Ndwiga: Mr. Deputy Speaker, Sir, that is an entirely different question. But because I know what happens in co-operative societies throughout the country, I instituted an inquiry to look

into affairs of TDFCS. As a result, their management committee was kicked out by the members, who include Mr. Muriithi. There is now a new committee in place in TDFCS.

Mr. Muiruri: Mr. Deputy Speaker, Sir, I would like to thank the Minister for the effort he has put in making the co-operative movement economically strong as it was many years back. For example, the revival of the Kenya Co-operative Creameries (KCC) is a positive move in co-operative movements in this country. However, what does he intend to do to those co-operative societies which deliberately refused to hold elections by 30th April, 2005? What will be their legality?

Mr. Ndwiga: Mr. Deputy Speaker, Sir, if a society did not hold elections by 30th April, 2005, and it was not exempted by the Commissioner of Co-operatives, it ceases to exist. It will be deregistered.

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, the Minister is definitely aware that on April, 2004, he instituted an inquiry to look into Mugama Co-operative Union (MCU), which is the mother of MSS. In the inquiry report, there was a recommendation that anybody who has been a member of the union committee should not be elected or hold office in a co-operative society. Why is it that the Chairman of MSS has been allowed to continue holding office? Why has he been allowed to continue embezzling public funds? The Minister says he cannot put MSS into inquiry on the basis that there was a court order.

Mr. Deputy Speaker: Order, Mr. O.K. Mwangi! That is enough. I will now ask the Minister to respond to your question.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, I appreciate the concerns of the hon. Member. I wish to confirm that an inquiry will soon be conducted in MSS. I am not aware that there is any illegality in the office of chairman of MSS. **Mr. O.K. Mwangi:** Mr. Deputy Speaker, Sir, is the Minister in order to say that he is not aware of the illegality when it was recommended in the inquiry that anybody who was a member of the committee of the union should not hold any office of any society! Is that not an illegality?

Mr. Ndwiga: Mr. Deputy Speaker, Sir, as I said, I am not aware. Obviously, when we conduct inquiries, I do not know the individual members of those societies. Now that I have been made aware, I promise the hon. Member that I will look into it.

Mr. Deputy Speaker: Next Question, Mr. Kingi!

REHABILITATION OF ELECTRICITY DISTRIBUTION EQUIPMENT IN MARIAKANI

Mr. Kingi: Bw. Naibu Spika, ningependa kumuuliza Waziri wa Kawi Swali Maalum lifuatalo.

(a) Je, Waziri anafahamu kwamba baadhi ya nguzo za stima zinazopeleka umeme Bamba kutoka Mariakani zimeoza na ziko karibu kuanguka na hivyo kuhatarisha maisha ya wananchi katika sehemu hiyo?

(b) Ni jambo gani Wizara inafanya kurekebisha jambo hili kabla ya janga kutokea?

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

(a) Yes, I am aware of the rotten poles along the 33KV Rabai-Bamba line.

(b) An inspection on the Coast region distribution network carried out last year revealed that there are a total of 5,200 rotten poles. Out of those, 38 poles are on the Rabai-Bamba line. However, due to the workload involved in replacing these rotten poles, Kenya Power and Lighting Company (KPLC) has contracted out the replacement and a contractor will be on site by Friday 13th May, 2005. The work is expected to be completed within eight weeks.

Mr. Kingi: Asante, Bw. Naibu Spika. Ningependa kumshukuru Waziri Msaidizi kwa jibu hilo. Nguzo za stima ni muhimu sana. Kwa hivyo, ninafahamu kwamba ni lazima zikaguliwe na kituo cha kudhibitisha ubora wa bidhaa, kabla hazijaingia katika soko. Ningependa kufahamu kutoka kwa

Waziri Msaidizi kama nguzo hizi zilipitia mikononi mwa kituo hiki na kama zilipitia huko, ni kwa nini zilipitishwa kwa sababu ni mbaya na zimeharibika baada ya muda mfupi sana?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I do not have a record of when those poles got into the area. But, one thing I want to assure this House is that we are supposed to take every pole through the Kenya Bureau of Standards (KBS) before they are distributed. However, I want to assure the hon. Member that we are already doing ground work. The poles we have brought in this time round, are of the standards required.

Mr. Khamisi: Mr. Deputy Speaker, Sir, how long will it take to replace the 5,000 rotten poles in that particular area?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the hon. Member did not hear what I said. I said that the poles will be replaced within eight weeks.

Mr. Kingi: Bw. Naibu Spika, ningetaka kufahamu ni kampuni gani imepatiwa kazi hii, kwa sababu tarehe 13 ni kesho nami nitakuwa huko. Ningetaka kuleta ripoti nzuri, kama kweli kampuni hiyo itakuwa huko ama tu, ni maneno matupu tunaambiwa.

Mr. Deputy Speaker: Nilidhani ungesema asante kwa sababu umeambiwa kampuni hiyo itakuwa huko kesho. Yaonekana huamini!

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I will go with the hon. Member to my office and give him full details on this issue.

SHOOTING OF GIASAIGA PRIMARY SCHOOL PUPILS BY POLICE

Mr. Manoti: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice, although I do not have a written response.

(a) Is the Minister aware that Motonu Ayora, a pupil at Giasaiga Primary School, Richard Maticha and others were shot by police officers on 5th May, 2005 at Nyabite in Nyamache Division?

(b) Is he further aware that Motonu Ayora died from gunshot wounds on 8th May, 2005 at Kisii General Hospital where he was admitted after the incident?

(c) What immediate action is the Minister taking against the officers who used live ammunition on unarmed people including school children?

(Mr. Mwiraria stood up in his place)

Mr. Deputy Speaker: I did not call upon Mr. Mwiraria to answer the Question. I called the Minister of State, Office of the President!

The Minister of State, Office of the President (Mr. Michuki): Mr. Deputy Speaker, Sir, I must apologise because I was engaged in another discussion. However, I beg to reply.

(a) The death of Motonu Ayora was reported to the police on 10th May, 2005 at 4.00 p.m, despite the alleged shooting on 5th May, 2005. Previous to that, no report had been made to any police station regarding the incident.

(b) I am aware that the deceased died as a result of an injury in the stomach. The cause of the death shall be established after the postmortem.

(c) An inquest file No.9/2005 has been opened at Ogembo Police Station. Statements are already being recorded to establish how police officers resorted to the use of firearms to scare the riotous mob after several police officers were seriously injured and a police vehicle damaged by the rioters. Appropriate action will be taken against any officer, if proved to have been negligent in conduct, during the incident.

Mr. Manoti: Thank you, Mr. Deputy Speaker, Sir. I am surprised to get such an answer

from a Minister I respect very much. My people have been killed by police officers. The school boy was shot, only two kilometres from where elections were being held. Police officers were shooting anyhow. The answer the Minister has given shows that he has been misled by the people who are on the ground. When the Minister talks of "an alleged shooting" having taken place, how does he think the boy was shot in the stomach?

Mr. Michuki: Mr. Deputy Speaker, Sir, I have explained that there was a riot that took place. There was an election by the Kenya Tea Development Authority (KTDA) officials and in such instances, particularly in the tea industry, tempers flare. One of the intriguing things about this case, and maybe, the hon. Member can guide this House, is that we are yet to know where the victim was, between the 5th and 10th May, when he was reported to have died in hospital. Who had hidden him and where was he? These are the issues we are trying to investigate.

Dr. Galgalo: Mr. Deputy Speaker, Sir, unfortunately, our police officers in this country have despicable behaviour of shooting at Kenyans using live bullets, when people are demonstrating peacefully. Why did police officers in this case use live ammunition on Kenyans who were unarmed?

Mr. Michuki: Mr. Deputy Speaker, Sir, with your permission, I will repeat what I had said because it appears as if the hon. Member who asked this Question did not listen to me. I said that statements are being recorded to establish how those officers resorted to the use of firearms to scare a riotous mob after several police officers were seriously injured and police vehicles damaged. There was a riot during that election. Police officers had been attacked by a mob, including their vehicles.

Mr. Angwenyi: Thank you, Mr. Deputy Speaker, Sir. Earlier, the Minister had told us that police officers would only shoot if the person being pursued is armed. Was this boy armed or anybody else in the mob?

Mr. Michuki: Mr. Deputy Speaker Sir, the hon. Member who is a friend of mine, knows that the boy was neither armed nor shot deliberately. This is a case of a riot and everybody was throwing stones, pushing vehicles and doing other things. Some action had to be taken to scare people. I have no evidence of the circumstances that led to the death, and I would not be out of order to suggest that we wait for outcome of the investigations.

Mr. Manoti: Mr. Deputy Speaker, Sir, police officers are allowed to use rubber bullets or tear gas to scare mobs. But in this case, the police officers decided to use live bullets. The Minister is asking where the boy was for the five days before the incident was reported. The boy was admitted in Kisii General Hospital, which is 60 kilometres away from my constituency. People used to go and visit the boy---

Mr. Deputy Speaker: Order, Mr. Manoti! I have given you a lot of time to explain your issue. Could you now ask a question please?

Mr. Manoti: Mr. Deputy Speaker, Sir, I wanted the Minister to know what exactly happened.

Mr. Deputy Speaker: Please ask your question!

Mr. Manoti: Mr. Deputy Speaker, this is the second time that police officers have killed my people. The first incident was in the year 2002.

Mr. Deputy Speaker: Order, Mr. Manoti! If you do not ask your question now, I will discontinue you.

Mr. Manoti: Mr. Deputy Speaker, Sir, I will ask my question now.

Since this kind of incident has happened twice in my constituency, could the Minister ask KTDA, whenever it is holding such elections, to do it through secret ballot and not through the queuing system?

Mr. Michuki: Mr. Deputy Speaker, Sir, I accept that we have a collective responsibility as the Government. I will pass on the same information to the Minister for Agriculture, who is responsible for such regulations. However, I am sure that there will be no difficulty in this.

BANK OF KENYA

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

(a) What is the status of the ownership of Development Bank of Kenya?

(b) Is the Minister aware of the intended merger of the bank with Housing Finance Company of Kenya Limited?

(c) If the answer to (b) above, is in the affirmative, could the Minister confirm that there are adequate measures to protect the interests of the Government?

The Minister for Finance (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The current ownership structure of Development Bank of Kenya Limited (DBK) is as follows: ICDC owns 15,520,900 shares valued at Kshs310,400,000. This constitutes 89.3 per cent of the total shareholding. The CDC Group PLC, owns 1,850,000 shares valued at Kshs37,100,000 constituting 10.7 per cent.

(b) Yes, I am aware of a proposed merger between the DBK Ltd. and Housing Finance Company of Kenya Ltd. I understand that exploratory discussions have been initiated, but none of the parties involved has applied to my office for approval, as required under Section 9(1) of the Banking Act and Prudential Regulation No.CBK/RG/11, issued by the Central Bank of Kenya.

(c) So far, no decision on the intended merger has been taken. As and when the decision on the matter is taken, the due process in acquisition and merger will be followed and adequate measures to protect the interests of shareholders will be taken.

Mr. Billow: Mr. Deputy Speaker, Sir, I thank the Minister for the answer. You heard him say that the Government, through ICDC, owns almost 90 per cent of the shareholding of DBK. That ownership, which came about two years ago when ICDC bought those shares, should have been gazetted to allow the Government to appoint directors and a CEO to the company. When will the Minister gazette the DBK under the State Corporations Act?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I did not think that was necessary. But, I am already in the process of appointing directors to the company. I will look into the issue as to whether we really need to gazette this bank or not.

Mr. Billow: Mr. Deputy Speaker, Sir, the Central Bank of Kenya encourages mergers to strengthen financial institutions. Most of the major financial institutions are managed by foreigners, who sometimes do not have the interests of this country at heart. Could the Minister undertake to ensure that the merger is done transparently, so that the Government does not lose in terms of value obtained in the local management of the company?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I do undertake to do exactly that.

Mr. Deputy Speaker: Next Question by the Member of Parliament for Ikolomani Constituency.

REFUND OF VAT DEDUCTIONS
ON CDF PROJECTS

Dr. Khalwale: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Is the Minister aware that contrary to his position on the matter, District Accountants continue to recover money as VAT on CDF projects?

(b) Could he direct that the money which has been recovered so far as VAT on CDF be refunded immediately to the respective Constituencies' Development Fund?

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

(a) Like any other projects financed from funds by the Exchequer, Constituency Development Fund (CDF) projects are subject to Value Added Tax (VAT). Accordingly, direct purchases of taxable goods, or services using funds allocated to CDF attract VAT. However, when CDF money is released directly to the projects, it will not be subject to VAT, as no purchases are being paid for. Where the projects make purchases, they will pay for VAT on them directly and when the funds are released to the suppliers of taxable goods or services, VAT will be withheld.

(b) The VAT on the CDF purchases is not refundable as this has been legally charged or withheld. Any VAT withheld on funds directly released to projects or any VAT withheld on non taxable goods or supplies, will be refunded by the Kenya Revenue Authority (KRA) upon proof. That means that no VAT will be charged on CDF released directly to projects. Any purchases done directly, for example, cement, it is subject to VAT in the shops where one buys.

Dr. Khalwale: Mr. Deputy Speaker, Sir, the question of CDF will build and break political careers in this country. But we are lucky the Minister for Finance is a very compassionate man. He is so compassionate, that he gave a tax waiver to one of the richest Ministers in this country. Could he, please---

(Applause)

The Minister for Finance (Mr. Mwiraria): On a point of order, Mr. Deputy Speaker, Sir. Waivers are given according to law and not on compassion, or lack of it. So, is the hon. Member in order to allege that it is out of compassion that I gave a waiver?

Mr. Deputy Speaker: Mr. Minister, that was not a point of order, but a point of information. But you have put it right.

Now, Dr. Khalwale, could you finish your question?

Dr. Khalwale: Mr. Deputy Speaker, Sir, the first tranche of Kshs6 million released, the people of Ikolomani Constituency paid Kshs900,000 as VAT. Could the Minister, using the same good heart, consider reversing this situation, so that, as rich people enjoy, the poor people in the constituencies also appreciate the goodness of his heart?

(Laughter)

Mr. Obwocha: Mr. Deputy Speaker, Sir, as I have said, if these funds were released directly to the projects and VAT was deducted, let the people of Ikolomani present proof to the KRA and they will get a refund.

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! There is nothing out of order. If you wish to ask a question, please, stand up, catch the Chair's eye and you will be given a chance.

Eng. Muriuki: Mr. Deputy Speaker, Sir, the issue being raised here is quite pertinent. What happened is that, District Accountants arbitrarily, at the beginning, were charging VAT on the money going to the projects. So, if we now tell the individual constituencies that they are the ones who will follow up the issue with the KRA, and they are not registered VAT agents, it will be very complicated. So, since these District Accountants are operating under the Ministry of Finance, its officers do know which constituencies they deducted money from. Therefore, they should follow the process and the money be taken back to the constituencies.

(Applause)

Mr. Obwocha: Mr. Deputy Speaker, Sir, if this money was deducted by the District Accountants, it has been forwarded to the KRA. So, the money is with the KRA and there is a procedure on refund. All we are saying is: Let them fill the necessary forms for refund.

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir. Will I be in order to ask the Assistant Minister to clarify this further? This is the taxpayers' money taxed by the Government again. Is this not a double taxation? Could he tell us exactly what format he has to charge VAT on CDF?

Mr. Deputy Speaker: Capt. Nakitare, I cautioned you earlier! That is not a point of order! Mr. Obwocha do not answer that.

Mr. Mukiri: Mr. Deputy Speaker, Sir, normally, when Government money is deposited in banks, it does not attract bank charges. I think this is the same money. It is coming from the Government. But the banks are charging the constituency committees a lot of money in terms of bank charges. Could the Assistant Minister intervene and confirm that the committees will not be subjected to these charges?

Mr. Obwocha: Mr. Deputy Speaker, Sir, it is true that bank charges are being levied on CDF money because they are operating bank accounts. This is how banks work. But the national committee is addressing the issue of compensating the various CDF committees on the various charges that are being levied on their accounts.

Mr. Deputy Speaker: Last question, Dr. Khalwale!

Dr. Khalwale: Mr. Deputy Speaker, Sir, the policy of CDF is one reason why Malaysia, Indonesia and Singapore developed very fast. I would like the Assistant Minister to tell this House when he will bring a Bill to this House to enhance the allocation that we give to CDF from 2.5 to 15 per cent.

(Applause)

Mr. Obwocha: Mr. Deputy Speaker, Sir, the CDF is one of the greatest thing that has happened to this country. We agree that this money could be raised. But our own position is: Use the money that has been given now. We are in the process of assessing whether this money is spent properly. Also, we are in the process of seeing whether the channels and provisions that we have put in place will be respected. As we go on, I would urge the hon. Member to bring a Motion here for us to start amending the Act when it has been seen that this money has been used properly and the provisions have been adhered to.

Mr. Deputy Speaker: Next Question by the Member of Parliament for Muhoroni Constituency!

RELEASE OF LOAN BALANCE TO MUSOCO

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

(a) Is the Minister aware that the Kenya Sugar Board and the Ministry of Agriculture last year approved sugar development loan for Muhoroni Sugar-cane Outgrowers Company (MUSOCO) to the tune of Kshs100 million and that Kshs67.5 million of this has been released for land preparation and planting of cane?

(b) Is he further aware that the Treasury has refused to release the balance of Kshs32.5 million to be used by farmers to weed the sugar-cane fields which are currently being smothered by heavy weed infestation?

(c) What efforts is the Minister making to ensure that the loan balance of Kshs32.5 million is released immediately to MUSOCO, so that the farmers can embark on weeding their sugar-cane fields?

The Assistant Minister for Agriculture (Mr. Akaranga): Mr. Deputy Speaker, Sir, having

looked at the answer which has been provided by my officers, I have discussed this issue with my friend, Prof. Olweny. We agreed that we ask the Chair to defer the Question until I have come up with a proper answer.

Mr. Deputy Speaker: What do you have to say, Prof. Olweny?

Prof. Olweny: Mr. Deputy Speaker, Sir, we have talked with the Assistant Minister. But this is the third time we are deferring this Question. I hope when it is brought back, I will get a satisfactory answer. What I have here is not sufficient. I believe that someone somewhere is---

Mr. Deputy Speaker: Order, Prof. Olweny! I only asked you as far as it relates to deferment of the Question. I did not ask you to go into details. This Question is deferred generally, although it is a Question by Private Notice. I hate to do so.

(Question deferred)

We now move on to Ordinary Questions. Question by Mr. Kimeto!

ORAL ANSWERS TO QUESTIONS

Question No.042

LACK OF TELEPHONE SERVICES IN SOTIK CONSTITUENCY

Mr. Kimeto asked the Minister for Information and Communications:-

(a) whether he is aware that Mulot and Olulunga Divisions and Sagamian areas have not been covered by mobile telephone services; and,

(b) when he will compel mobile phone companies to take telephone services to the people of these areas.

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

(a) Yes, I am aware that Mulot and Olulunga divisions and Sagamian area are not covered by mobile telephone services.

(b) There are plans to provide mobile services to Mulot and Olulunga divisions between June and December, 2005, with parts of Sagamian being covered in the process. Celtel Limited intends to cover Olulunga by September, 2005 and Mulot by December 2005. At the moment, Mulot, Olulunga and Sagamian are served via three wireless systems with a combined capacity of 72 channels. Out of which, a total of 33 are already connected.

Mr. Kimeto: Mr. Deputy Speaker, Sir, let me thank the Assistant Minister for giving that information. However, could he ensure that Mulot, Bomet and Trans Mara are also covered by mobile telephone services by December 2005?

Mr. Gumo: Mr. Deputy Speaker, Sir, at the moment, we have plans to cover the areas I have mentioned. After that, we will consider what the hon. Member has just proposed.

Mr. Poghiso: Mr. Deputy Speaker, Sir, as you know, this Assistant Minister knows how to deal with Questions on mobile phone services. I need to know the actual process he takes and assure an hon. Member that Celtel, for example, will cover such-and-such an area by such-and-such a time. Is this vide a telephone conversation, or a letter from Celtel? Could he table the letter that confirms their intentions?

Mr. Gumo: Mr. Deputy Speaker, Sir, feasibility studies have been done in most of these

areas. So, it is just according to priority that these services are given. But when there is a Question like this one and we promise to take action, then obviously, those areas will be given first priority.

Mr. Kimeto: Mr. Deputy Speaker, Sir, these areas I have talked about practise agriculture and a lot of produce gets spoilt because of lack of effective communication. Could the Assistant Minister follow up with Celtel Limited, or any other mobile service provider, to get these areas covered?

Mr. Gumo: Mr. Deputy Speaker, Sir, my friend, Mr. Kimeto should not worry because his constituency has many people. Therefore, it will be given consideration immediately.

Mr. Deputy Speaker: Next Question by the Member of Parliament for Molo Constituency!

Question No.252

LIST OF KFA DEBTORS

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

(a) whether he could table the list of people who owe money to the Kenya Farmers Association (KFA); and,

(b) what efforts the Government is making to restructure the Association.

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

(a) I now table the list of people who owe money to the KFA.

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

(b) The Government, through an approval given by the Cabinet on 14th December seeking for financial support to the KFA, did bring before this House the Sessional Paper on Government Bank Guarantee to KFA, of Kshs2 billion, which was tabled before this House, and for which approval was granted the day before yesterday.

Mr. Mukiri: Mr. Deputy Speaker, Sir, I am protesting because the answer I have been given does not have the list of---

Mr. Deputy Speaker: Mr. Mukiri, I cannot hear you!

Mr. Mukiri: Mr. Deputy Speaker, Sir, I am protesting because the Assistant Minister deliberately refused to hand over the answer and the list, despite the fact that I had asked for the same.

Mr. Deputy Speaker: Indeed, if that is so, then it is not right. The hon. Member is entitled to a written answer and all the attachments. That is because part (a) of the Question requires you to provide a list of people who owe money to the Kenya Farmers Association (KFA). Could you make up for that anomaly?

Mr. Kenneth: Mr. Deputy Speaker, Sir, part (a) of the Question reads:-
"Could the Minister table the list of people who owe money to the KFA?"
That is what we have done.

Mr. Deputy Speaker: The hon. Member is entitled to a written answer because he may wish to ask supplementary questions on that list.

Mr. Mukiri: Mr. Deputy Speaker, Sir, despite my disadvantage, could the Assistant Minister confirm--- KFA is asking for Kshs2 billion from the taxpayers' money, and yet it is owed Kshs800 million by individual Kenyans and companies. Could he confirm to us, from that list, how many former directors owe KFA money and how much? How many hon. Members owe KFA money and how much?

Mr. Kenneth: Mr. Deputy Speaker, Sir, the list is quite long. I would have to analyze which directors were in office at which year and how many hon. Members owe KFA money and when. But the list is inclusive of all those details. It has the names of those who owe KFA money, however little it is.

Mr. Deputy Speaker: I think to be fair to Mr. Mukiri and other hon. Members, I will defer this Question so that you can peruse the list. So, the Question is deferred. It will, probably, be the first one when we meet again.

(Question deferred)

Question No.332

HOUSING OF KAPSOKWONY DISTRICT
DEPARTMENTAL HEADS

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

- (a) whether he is aware that 90 per cent of departmental heads at Kapsokwony District Headquarters, including the Medical Officer of Health (MOH), Officer Commanding Police Division (OCPD), District Criminal Investigations Officer (DCIO), Deputy District Criminal Investigations Officer (DDCIO) and District Security Intelligence Officer (DSIO) reside outside the district;
- (b) whether he is further aware that during instances of emergency, the District Commissioner (DC) has to send for officers from as far away as 20 kilometres;
- (c) how much fuel is spent on Government of Kenya vehicles to transport those officers between their residences and places of work monthly; and,
- (d) what urgent measures he is taking to ensure that officers reside within their districts of deployment.

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

(a) Yes, I am aware that departmental heads at Kapsokwony District Headquarters, including MOH, OCPD, DCIO and DDCIO reside outside the district headquarters. The DSIO actually lives in Kapsokwony Market.

(b) The fact that officers live outside Kapsokwony has not compromised provision of emergency services since they live at Kimilili Town, which is only 9 kilometres away. It is not 20 kilometres as alleged by the hon. Member.

(c) About five vehicles normally transport all officers to and from their places of work to Kimilili. On the average, most vehicles use four litres daily. However, the acute shortage of housing in the district headquarters and lack of basic facilities like water and electricity have caused all those problems.

(d) The Government is looking into the possibility of equipping the district headquarters with the necessary facilities to ensure that officers reside within their district of deployment.

Mr. Serut: Mr. Deputy Speaker, Sir, let me thank the Minister for reading an answer that was given to him! I do not blame him. I raised this Question because---

Mr. Deputy Speaker: Mr. Serut, that is not being fair to the Minister. Where did you expect him to get the answer other than from the officers?

Proceed.

Mr. Serut: I apologise, Mr. Deputy Speaker, Sir. The truth of the matter is that the distance is not nine kilometres. But that is not the issue. The issue is what has been stated in the answer. The

power in Kapsokwony was installed in 1975. If there is any fresh water in this country, it comes from Mt. Elgon. Therefore, to say that there is lack of power and water in Kapsokwony is not true. That is unheard of. The MOH has his own house, but he has decided to give it to his junior officers so that he can stay outside the district and come once per week. All those officers are never in Kapsokwony. Most of the vehicles there are misused. They carry murrum and sand. When will the Minister ensure that all those officers reside in Mt. Elgon District?

Mr. Deputy Speaker, Sir, could he ensure that those who are misusing Government vehicles are surcharged and made to pay?

Mr. Michuki: Mr. Deputy Speaker, Sir, the hon. Member has raised a number of questions, which is rather unusual under our procedures. But I would like to request the hon. Member to look at the other side of the coin in this issue. Lack of housing at the district headquarters is an opportunity for him and his own people to invest in housing, which can be leased by the Government. Otherwise, I have given the answer. We are planning to provide those facilities in future.

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

Mr. Deputy Speaker: No! No! No point of order. You will have an opportunity if you want to ask something.

Mr. Ojaamong!

Mr. Ojaamong: Mr. Deputy Speaker, Sir, according to Civil Service Regulations, once a civil servant is posted to an area, he or she is supposed to stay and serve in that place. I am aware of some administration police officers who have been posted to Kapsokwony and they are living there. Why are those heads of departments, who are also civil servants, given special consideration to stay out of Mt. Elgon District?

Mr. Michuki: Mr. Deputy Speaker, Sir, housing is very central to this Question. I have now said for the third time that those officers stay at Kimilili because there are no houses at the district headquarters.

Mr. Wario: On a point of order, Mr. Deputy Speaker, Sir. I beg the indulgence of the Chair. The hon. Member from that area has said that there are enough houses. But the Minister insists that there are no houses. Could you intervene and give us the right position?

Mr. Deputy Speaker: The Chair cannot intervene and give the right answer. Both the Minister and the hon. Member have conflicting information. Could we allow the Minister to finish what he was saying and then ask Mr. Serut to ask a question.

Mr. Minister, could you finish?

Mr. Michuki: Mr. Deputy Speaker, Sir, I was trying to advise the hon. Member that housing is the main problem in that district headquarters. It is a district and one constituency at the same time. Other facilities may be a problem. But even when the MOH leaves his house to be occupied by his juniors, we must remember that each and every employee of this Republic can only work for certain hours, which are stipulated in the law. Sleeping away from the district headquarters is not an impediment to their performance.

Mr. Deputy Speaker: Last question, Mr. Serut!

Mr. Serut: Mr. Deputy Speaker, Sir, I think I have explained the issue of housing. First, let me invite the Minister to Kapsokwony and see for himself whether there is lack of housing or not. I would like to tell the Minister that the problem is not lack of housing. They want to stay outside the district because they have free vehicles with free fuel to go wherever they want. My last question is this: Those officers are paid a salary and a house allowance. They are entitled to stay anywhere in the district. Could the Minister consider, instead of giving them free Government vehicles, allowing them to hire vehicles or use *matatus* to go to their offices and make sure they report at 8.00 a.m and leave at 5.00 p.m.?

Mr. Michuki: Mr. Deputy Speaker, Sir, the hon. Member is trying to persuade me to infringe

the terms of employment of officers, which is a different matter from the original Question which I have answered. As long as those officers perform, I have no problem. It is the wish of the Government that officers reside at their places of work. But there are limitations which can only be overcome over time, and not as suddenly as the hon. Member would like to see.

Mr. Deputy Speaker: Hon. Members, if you look at the clock, you can realise that we do not have time to continue with Question Time. I, therefore, wish to proceed as follows:-

With regard to Question No.374, the Minister for Health has requested that it be deferred. It is so deferred. Question No.382 will be deferred owing to shortage of time. There has been a request to defer Question No.024. For the rest of the Questions, I seek the indulgence of hon. Members and Ministers concerned to defer them. So, Questions Nos.349, 381 and 383 are deferred.

Question No. 374

COMPLETION OF KANGUNDO
NYAYO WARDS

(Question deferred)

Question No. 382

FUNDING FOR MASINGA PRIMARY SCHOOLS

(Question deferred)

Question No. 024

MEASURES TO SAVE NYAKONGO
VILLAGE POLYTECHNIC FROM COLLAPSE

(Question deferred)

Question No.349

REVIVAL OF YOUTH POLYTECHNICS IN
KAJIADO SOUTH CONSTITUENCY

(Question deferred)

Question No.381

LICENSING OF BARS/NIGHT CLUBS
IN RESIDENTIAL AREAS

(Question deferred)

Question No.383

NUMBER OF BBC EMPLOYEES IN NAIROBI

(Question deferred)

Mr. M. Maitha: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister for Health is here! When I talked to him, he did not tell me that he was going to ask for the deferment of this Question. I have a written answer. Could he be allowed to answer the Question?

Mr. Deputy Speaker: Mr. M. Maitha, could you hold your peace. Already, the Chair has been approached by the Minister to defer the Question. Even if the Chair had not been approached, the Question would suffer the same fate like others. It is deferred. I think it is not a big deal. The Question will be answered on the Floor of the House. Keep the answer that you have and the Minister will answer the Question when it is brought. The Clerk of the National Assembly will arrange that.

POINTS OF ORDER

MINISTER NOT PRESENT TO ISSUE STATEMENT ON SECURITY SITUATION IN WEST POKOT

Mr. Poghiso: On a point of order, Mr. Deputy Speaker, Sir. I demanded a Ministerial Statement from the Minister in charge of internal security on the situation in West Pokot. He was requested by the Chair to bring it. I think the Minister is ready with it. Could he deliver it?

Mr. Deputy Speaker: Is the Minister of State, Office of the President here? He is not here, Mr. Poghiso.

Mr. Poghiso: Mr. Deputy Speaker, Sir, what about Mr. M. Kariuki? He is the one who read the Statement?

Mr. Deputy Speaker: He is not here either. None of them is here. Is Mr. M. Kariuki here? I did ask that, that Statement be read when Mr. Poghiso comes. But there is nothing we can do now because the Minister is not here. I think it should be the first Statement to be issued here when we come back! That is if we will break for recess!

INVITATION TO NATIONAL PRAYER BREAKFAST MEETING

Maj. Madoka: Mr. Deputy Speaker, Sir, I rise to extend an invitation to all hon. Members to the National Prayer Breakfast meeting on the 28th May at the Safari Park Hotel. The theme this year is "Seeking Humility in Leadership." I assure Members that we will not keep them for very long. As you know, it is us leaders who can either break this country or develop it. So, come we pray together for God's divine guidance as we move this country forward. Thank you.

(Applause)

Mr. Deputy Speaker: The Chair wishes to urge all hon. Members to, please, avail themselves to seek God's guidance on the 28th of May, 2005. That will be on a Saturday.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): On a point of order, Mr. Deputy Speaker, Sir. I am very grateful to the hon. Member for inviting us to the National Prayer Breakfast. But I hope, after the prayer session, we are going to see a clear change in our politicians. Otherwise, there is no need having these prayers every year.

MINISTER NOT PRESENT TO ISSUE STATEMENT ON STATUS OF FIRST LADY

Mr. Billow: Mr. Deputy Speaker, Sir, sometime last week, I sought a Ministerial Statement from the Office of the President or the Leader of Government Business on the issue of the First Lady's status; her role and her recent public actions and utterances. We were promised that the Statement would be given today.

Mr. Deputy Speaker: Well, the Minister of State, Office of the President, is not here. Could the Leader of Government Business respond? Indeed, an undertaking was made that a Statement would be forthcoming.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I have no information. The Minister of State, Office of the President, was here a few minutes ago, and he did not leave me with any information.

Mr. Deputy Speaker: Very well. Mr. Billow, you should be patient until next time.

Now, I have to proceed. It is now 3.32 p.m. Therefore, this House will rise at 6.32. p.m. So, we move to the Motion for Adjournment.

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. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, This House do now adjourn until Tuesday, 7th June, 2005.

Mr. Deputy Speaker, Sir, I would like to appeal to hon. Members that as we go on this very short recess, before we return for the Budget, we turn a new leaf. In the current Session we have not done very much in the way of law-making. If you look at the number of Bills that we have passed in this House, they are extremely few.

Mr. Deputy Speaker, Sir, the conduct of all of us has been unbecoming. There has been a lot of bickering and frivolous points of order in the House, taking up a lot of time that we should have used to do what we were sent here to do.

Mr. Deputy Speaker, Sir, I say with conviction that *wananchi* are actually fed up with us. We are polarising this country on ethnic levels. Taking Parliamentary matters from Parliament to public rallies is not the way we should be doing. The Speaker has repeatedly told us to use the House to say anything that we want to say in enhancing the development of the country. But repeatedly, we take matters that are before the House into the public gallery.

Mr. Deputy Speaker, Sir, we, as Parliamentarians, should be working together and not taking rigid stands. If we continue to do so, we will not get very far. Why do we not take genuine and honest steps to have dialogue between ourselves? We are supposed to be lawmakers and this is what we should be doing here. We are supposed to be giving service to *wananchi*. Why do we not take a leaf from His Excellency the President himself, who does not quarrel or back-bite or even answer back? Why do we feel that we are men or women, and that we have to answer back when people are hurling insults at us?

Mr. Deputy Speaker, Sir, let us build on what the Government has done. Let us build on the achievements that we have made. If you take the free primary education, this is something that we should be proud of. Let us talk about it and improve on it. The bursary fund that is now helping poor but clever children to continue with their education is something to talk about. We have also taken very many steps in dealing with the HIV/AIDS pandemic. These are the sort of things that we should

be talking about. Today, many roads in the rural areas have been improved because of the District Roads Board finances. These are the things we should be talking about.

Let us try and use the media positively. Let it be not a media that divides people. I cannot blame the media; it is us who actually encourage the media to publish matters that continue to polarise this country. Let us unite our people. Let us use the media to unite our people; to exhort family values so that we are seen as true leaders. Let us use the media to give hope to our people.

Mr. Deputy Speaker, Sir, I want to plead with Members of Parliament that during this recess, avoid press conferences because they are not helping us at all. I think they are simply trying to divide us.

(Applause)

Mr. Deputy Speaker, Sir, during this recess, I also want to urge my colleagues to go home. Get out of Nairobi and be with your people and tell them what we are doing and what we want them to do. Visit each other. Try to bond. We are friends here. We should not look at each other as enemies. We were elected to improve the quality of life of our people. We have talked a great deal about famine relief, which has come because there is not enough rain coming. Rain used to come in plenty, but we have destroyed the environment. Let us go home and plant trees so that our environment can improve.

We are lucky to have among us, a Member of Parliament who won a Nobel Prize because of her passion for the environment. Why do we not use her to do that? Let us concentrate on law-making. Let us pass enough Bills.

With those remarks, I beg to move.

(Applause)

The Minister for Roads and Public Works (Mr. Raila): Mr. Deputy Speaker, Sir, I beg to second this Motion.

I would like to congratulate my fellow hon. Members of Parliament for the very good contribution they have made during the period they have been here, since this Parliament was opened this year. Hon. Members do not need to be reminded to go home because I know the majority of them will seize the opportunity to go home and be with their constituents.

Mr. Deputy Speaker, Sir, I would like to take this opportunity to also appeal to the media to help the good work that is being done by hon. Members. I have in mind the Constituency Development Fund (CDF), whose management is at the moment being demonised. I want to say here, without fear of contradiction, that I know that the majority of hon. Members of Parliament, as patrons of the CDF, are doing what is necessary to ensure that these funds are properly utilised.

(Applause)

Mr. Deputy Speaker, Sir, an audit has been instituted, which is being carried out by competent authorities here, whose outcome, I am sure, is going to vindicate the majority of the hon. Members of Parliament. So, this is an area where we need the co-operation of the media. Hon. Members are not greedy people who would like to fleece public funds for their own personal or individual benefits.

Having said that, I would like to address myself to something that appeared in the media, which portrayed what I said on Sunday as implying that I was planning to marshal people to storm Parliament. What I said was: If somebody attempts to impose on the people of Kenya an unfair Constitution, then the people of Kenya will be justified to carry out peaceful demonstrations in order to express their anger.

(Applause)

Mr. Bifwoli: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead this House that he never said that he would marshal people to storm Parliament, when some of us saw him on television saying that he would mobilise the crowd to disrupt us? Is he apologising and reversing his own decision?

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Order! You know, that is a point of order. It cannot be responded to by anybody else. It has been addressed to the Minister.

Proceed, Mr. Raila!

The Minister for Roads and Public Works (Mr. Raila): Mr. Deputy Speaker, Sir, I am the one who made the speech, in Kiswahili. I have just interpreted into English what I said in Kiswahili, to explain what I implied. If nobody intends to impose an unfair Constitution on Kenyans, they have nothing to fear, because this situation will not arise. What I was trying to say is that if the Bomas Draft is mutilated beyond recognition, then the people of Kenya, whose views were taken by the Constitution Review Commission and drafted into the Draft Constitution, will have the right to reject it. Peaceful demonstrations to express dissent is a civilised way, which is used in all civilised societies---

(Loud consultations)

Mr. Deputy Speaker: Order! Order, hon. Members! Hon. Members, everyone here is entitled to his opinion. Each one of you will have an opportunity to say whatever you want.

Proceed, Mr. Minister!

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

Mr. Deputy Speaker: Overruled!

The Minister for Roads and Public Works (Mr. Raila): Mr. Deputy Speaker, Sir, hon. Members will have their time. I have only five more minutes. I would like hon. Members to be democrats. If they do not know, I want them to know that peaceful demonstration is a civilised way of expressing dissent worldwide.

(Applause)

Mr. Deputy Speaker, Sir, that is done in the House of Commons and when they go to the streets, they are escorted by the police. So---

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

Mr. Deputy Speaker: Order, Mr. Mwenje! I have ruled you out of order.

Proceed, Mr. Raila!

The Minister for Roads and Public Works (Mr. Raila): Mr. Deputy Speaker, Sir, this intolerance is not what we expect in a civilised society. We should be prepared to tolerate one another and listen to other views. Otherwise, we will look like people who are living in a primitive society. That is what we do not want in this country.

With those few remarks, I beg to second the Motion.

(Question proposed)

Mr. Deputy Speaker: Who is representing the Official Leader of the Opposition? If there is

nobody, I will give the Floor to Mr. Mwandawiro.

Mr. Mwandawiro: Ahsante sana, Bw. Naibu Spika, kwa kunipa nafasi nizungumzie Hoja hii.

Wabunge ni watu wanaofanya kazi sana. Ninasema hivi kwa sababu nimekuwa nikifuatilia taarifa ambazo zinaonyesha kwamba tunapata hela za bure. Kulingana na jinsi nilivyofanya kazi kama Mbunge, mpaka kufikia sasa, ninajua kwamba, kwa kweli, Wabunge si watu wa kuambiwa eti kwamba, hawafanyi kazi. Kazi tunazofanya Bungeni, tukitafuta Maswali ya Bunge, na zile kazi tunazofanya pamoja na wananchi kila siku, zikiwemo zile ambazo hazimo katika kanuni za Wabunge, ni kazi nyingi. Inafaa tupongezwe kwa juhudi zetu. Kwa hivyo, ninawaomba wale wanaoona kwamba hatufanyi kazi, wazitembelee sehemu tunazoziwakilisha Bungeni na wazungumze na wananchi badala ya kutuharibia sifa kupitia vyombo vya habari.

[Mr. Deputy Speaker left the Chair]

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

Bw. Naibu Spika wa Muda, ningependa kuwakumbusha Wabunge wenzangu kwamba, wakati huu tunapoenda likizoni katika sehemu tunazowakilisha Bungeni, swala la Katiba mpya ni swala nyeti. Wakenya waliulizwa wanataka Katiba ya aina gani. Maoni yao yalikusanywa. Kukawa na vikao katika Bomas, na wananchi walifuatilia mazungumzo hayo kwa makini. Pesa nyingi zilitumiwa. Kama kuna njama zozote za kuirarua Katiba ya Bomas na kuiharibu kabisa, wananchi watasema. Ni jukumu letu kama Wabunge kuhubiri Katiba ambayo itapendwa na Wakenya wenyewe. Tuhubiri Katiba ambayo itaongeza demokrasia, utendaji haki na kuwaunganisha wananchi. Tutakapotengeneza Katiba hiyo, inafaa tuzingatie hisia zetu na tukumbuke kwamba tumefika hapa tulipo kutokana na mapambano halisi ya wananchi.

Bw. Naibu Spika wa Muda, kwa hivyo, uhuru wa wananchi ni lazima tuuweke mbele. Wananchi wa Kenya wana haki ya kusema wanachotaka na hata kuandamana, bora waandamane kwa amani. Nilikuwa katika ule mkutano uliofanywa kule Langata, ambako Waziri wa Barabara na Ujenzi aliwahutubia wananchi. Nilishiriki katika mkutano huo. Na kama mtu yeyote angeangalia muktadha wa hotuba ya Waziri Raila, atagundua kwamba hakusema kwamba angewaongoza wananchi kuja kuvamia majengo ya Bunge. Maneno yaliyosemwa na Bw. Raila, na watu wengine waliozungumza, ni kwamba wananchi wa Kenya wana haki ya kuendelea kudai Katiba mpya ya kidemokrasia.

Bw. Naibu Spika wa Muda, hizo ni kanuni za kidemokrasia, na ni lazima tuziunge mkono kwa sababu Bunge lina jukumu la kuendeleza demokrasia, bali siyo kupinga demokrasia. Kwa hivyo, ni lazima tutetee haki ya wananchi kusema wanavyotaka na hata kuandamana, bora maandamano hayo yafanywe kwa amani, bila kuvuruga mali ya mtu yeyote. Hiyo ni haki ya kidemokrasia, na Mbunge yeyote atakayehofisha wananchi kutekeleza haki yao ya kuandamana, atakuwa anapinga maendeleo na demokrasia ya wananchi wa Kenya.

Kwa hayo machache, ninaomba kuiunga Hoja hii.

Mr. Kembi-Gitura: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion.

This has been a very interesting Session of Parliament. Despite the short time we have been here, we have seen various developments in the national perspective. We are now able to go home for the next two weeks to, at least, share out the over Kshs21 million each one of us got towards the Constituency Development Fund (CDF). This is an issue for which we should be grateful as hon. Members. For the last 42 years that our country has been Independent, at no time has any Government given back to the people directly so that they are able to own and share in the national wealth.

Mr. Temporary Deputy Speaker, Sir, it has also been a very interesting Session because we have had time to try and form consensus between ourselves towards constitution making. It is now

common knowledge that the Constitution is not the province of any single individual or group of individuals. If we are honest that we want to have a new Constitution, then all of us must embrace it. However, we are not going to have a Constitution if we start chest-thumping and issuing ultimatums. We must sit down as a nation and elected leaders and give Kenyans a new Constitution. It is very sad that Ministers and Assistant Ministers are the ones creating despondency in this country. They are making it quite obvious that they do not want to give Kenyans a new Constitution.

(Applause)

We, as hon. Members, should not be taken for granted because we were all elected by the people. The fact that somebody is in the Cabinet, or holds any other position given by the President, is not because he or she knows any better than we do. It is not because he or she has been to any schools that we have not been to. They have been given positions of leadership as a prerogative of the President. They should, therefore, respect other hon. Members and the people of this nation. None of us is a minion of the other. We are one among equals in this House.

Mr. Temporary Deputy Speaker, Sir, on the issue of the Constitution, once we lose our collective responsibility in the Cabinet, as we appear to be doing, then our people will continue to be confused about where we are going to. Any nation that does not know where it has been, where it is and where it wants to go to cannot succeed. History is very important. In 1963, we got our Constitution. It may not have been the best that Kenyans would have had then. Otherwise, we would not be clamouring for a new Constitution. Why are we being given ultimatums that, if we do not do this and that, we will not have a new Constitution? Who in this House is greater than this nation? Who can tell us what must be done and what cannot be done? If all of us agree that we are one among equals, we are going to have a new Constitution. We cannot have leaders who incite Kenyans to go back to the streets and start throwing stones. What have we done to warrant such action?

With those few remarks, I beg to support.

(Applause)

Mr. Kenyatta: Thank you, Mr. Temporary Deputy Speaker, Sir. I also rise to join my colleagues in supporting this Motion of Adjournment. It gives all of us, as hon. Members, time to be with our constituents and assess various development projects that have been undertaken under the CDF. It also gives us time to consult with our various constituents on various issues that face this nation.

I hope that the Government will use this recess to begin to heal wounds amongst its members. We have seen divisions flowing into the Floor of this House and they are likely to split it. We fear that these divisions will spill over to our people during this recess period. The people of Kenya yearn for a new Constitution that will keep this nation peaceful. They also yearn for a Constitution that will respect the dignity of life and assure every Kenyan a share of the national cake. They yearn for a Constitution that will last for generations to come.

It is clear to some of us that this position will not be if the divisions that we see within the Government continue. This is an opportunity that we hope shall be used for healing and not for creating further divisions. There are numerous issues that face the people of this Republic that need urgent attention. These issues cannot be waived aside as leaders squabble over positions.

The issue of corruption is still endemic in this nation. Today, we have read of expired drugs that are being given to our citizens through our hospitals.

Mr. Temporary Deputy Speaker, Sir, the issue of rising insecurity is another thing that this

Government needs to deal with as a matter of urgency. We are a nation of 42 communities. Each one of those 42 communities, who comprise our 30 million people, are desirous for the security situation to improve in order for our economy to start having an upward trend. These are the issues that this Government needs to deal with. We hope that these issues will not be overtaken by some of the shenanigans that we have seen from this Government during this particular Session.

As we go on recess, we should try to work together as leaders and build consensus on issues that are of national importance. As soon as we have done that, we can return to our parties and politics. However, on those issues that can shred, divide and spill blood, we have a responsibility to this nation to bring healing and understanding. That is why we are leaders and hon. Members.

(Applause)

If we cannot do that, we will have failed the people of this Republic. With due respect to all party leaders, including myself, if as leaders we are unable to resolve our differences, hon. Members should not accept to be drawn into our petty fights. They should move on and fulfil their mandate on behalf of the people of Kenya.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we will be back in June to debate the Budget. We hope that the Budget will address some of these critical issues that we have been raising.

With those few remarks, I beg to support.

Mr. Khamasi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. From the outset, I would like to say that I support it. I hope that the short stint during the recess will help a majority of hon. Members to go back to their constituencies and see how best we can utilise the CDF money, which is the most important thing that has ever happened in the history of this country.

Mr. Temporary Deputy Speaker, Sir, as we go on recess, we are going to places where there is plenty of rain and there are almost no roads any more. Most of the roads have been washed away by the rain. I would kindly ask the Minister for Roads and Public Works to avail funds to make sure that most of our roads are passable, particularly in areas where there is too much rainfall. He should make sure that our roads are motorable.

I want to talk about insecurity that some of my colleagues have referred to. The insecurity situation in this country is still a matter of concern, particularly in my constituency. We still have thugs roaming about and killing people. I would like to advise the Minister in charge of internal security to have a word with his police *gurus* and instruct them to ensure that the fuel that is provided to the police to be used for security patrols is used for that purpose. The police should not use this fuel to chase *busaa* drinkers who are not harmful at all.

They should hunt for the thugs who are roaming around and killing our people. It is necessary for us to reform the police. I do not think that even the salary increments that we awarded them will bring about any change. This is a matter of concern. We should retrain our policemen. However, they should know what their role is and be people-friendly.

Mr. Temporary Deputy Speaker, Sir, most of the Constituencies Development Fund (CDF) funds are now going towards providing electricity in several areas, for example, market places, schools and health centres. I am afraid the Kenya Power and Lighting Company (KPLC) is incapable of dealing with the matter. The company does not have the capacity to do so. I want to appeal to the Minister for Energy to make sure that there is another agency in place to help the KPLC so that the company can make sure that the funds, which have been identified from the CDF for electrification, are used for that purpose. Unless we do that, there are too many places on the waiting list and the company is unable to cope with the demand.

Lastly, I want to comment about the Kenya Anti-Corruption Commission (KACC). We have been told by the Minister that the Commission has now been fully established. We want to see results. There is no point in the Commission aiming at the National Assembly of Kenya and chasing around hon. Members who have not committed any crime at all. Some of our colleagues here have been harassed by the KACC. Many people have misappropriated public funds running into billions of shillings and they are still roaming around and nobody is talking about them. The KACC alleged that some hon. Members had over-claimed mileage. This is the responsibility of the Clerk of the National Assembly and not the hon. Members. I would like the KACC to concentrate on those who have misappropriated public funds in this country. We have lost billions of shillings and this is what the KACC needs to investigate, so that we can recover these funds and give them to the CDF to make sure that we make a difference in this country.

With those few remarks, I beg to support.

Mr. Musila: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute.

I support this Motion. Indeed, we are going home to continue with our work. I want to join one of my colleagues in commending the hon. Members for the hard work that they have put in their schedules. Recently, we raised a very serious objection to insinuations that hon. Members work for only a few hours a day. It was alleged that we work for 57 days in a year. I had an opportunity to confront some of the people who authored that report and they told me that they only went by the HANSARD reports. We need to put the record straight; that most hon. Members work for 24 hours for 365 days. It is for this reason that I am asking those who want to know what hon. Members do to take this opportunity to follow them and know the kind of work that they do. If they do this, I am sure next year, they will produce a better report.

Mr. Temporary Deputy Speaker, Sir, when we come back, the Budget for this year will be read. Time and again, we have asked the Ministry of Finance to ensure that the resources of this country are equitably distributed. We have heard about certain Ministries, particularly the Ministry of Roads and Public Works, which have distributed money inequitably and to the disadvantage of some areas. My home district is being marginalised and has been marginalised for many years. This time round, we do not want to come here to listen to a Budget being read, and later on Estimates, whereby our districts are getting nothing. We have had cases where the Ministry of Water and Irrigation has allocated money for water to districts which have a lot of water and not allocating money to districts that do not have water. Time has come when we must address this issue squarely. This House cannot be used as a rubber-stamp to be rubber stamping projects that are arranged to suit certain areas while other areas are suffering.

Mr. Temporary Deputy Speaker, Sir, all the Ministries that are responsible for the infrastructure, particularly the Ministry of Roads and Public Works, the Ministry of Energy and the Ministry of Water and Irrigation, should ensure that the areas which have been left behind are allocated more resources, so that they can catch up with the other areas. This is my eighth year in Parliament and very little has been accomplished by the Government in my district in as far as the infrastructure is concerned. When we come back to debate the Budget Speech, we expect that Ministries will ensure that areas that have hitherto been left behind are taken care of. This must be the trend from now onwards. It does not make any sense to continue marginalising some communities. The issues of Arid and Semi-Arid Lands (ASALs), livestock development and fisheries are the issues that can help in reducing poverty that is so rampant in our constituencies.

In my constituency, we discovered a very rich mineral called coal, which is lying there unexploited. I hope the Ministry of Energy will take steps immediately to exploit this mineral. If this was done, there would be so much demand for coal in cement manufacturing. As I speak, cement companies are importing coal from South Africa and other areas. If we were to mine this resource in

my constituency, we would go a long way in reducing, if not eliminating, poverty in my district. I want to urge that this be done.

With those few remarks, I beg to support.

The Assistant Minister for Co-operative Development and Marketing (Mr. Kenneth): Mr. Temporary Deputy Speaker, I beg to support the Motion that we adjourn. A lot has been said about Constituency Development Fund (CDF). Indeed, CDF is a way of having an equitable distribution of resources throughout the constituencies. However, there is a lot of bashing on how we are spending the CDF funds. This has come about because of lack of information. I would appeal to the constituency committee members to go an extra mile and advertise the number of projects they have already been implemented and those ones they are intending to implement. This will enable the entire country to know what projects are being undertaken and in which constituency. In the same vein, we should make monthly returns of how much we have spent on CDF projects. Let them go that extra step and tell us how much they have spent out of what a constituency was allocated. This is because the feeling out there is that hon. Members have this money in their kitty and they are spending it the way they want. We all know that there are very strong procedures that ought to be followed before this money is spent.

Mr. Temporary Deputy Speaker, sir, on insecurity, this House has had to adjourn once to discuss the state of insecurity in this country. It is actually deteriorating from worse to pathetic. I think we are now seeing situations of execution taking place in our big cities. We know what is happening in Nairobi. It is now spreading to Mombasa. The insecurity is rampant in most of our towns and literally getting into the villages. I think this is an issue that needs to be addressed. As we go for our three weeks break, the Minister in charge of internal security needs to address this matter and come up with new strategies to combat insecurity in the country.

Mr. Temporary Deputy Speaker, Sir, His Excellency the Vice-President, in his speech, talked about the good work being done by our Nobel Prize winner. But what have we done to compliment the award she won? Fortunately, she is the Assistant Minister for Environment and Natural Resources. This is the rainy season. Would this not be the right time for us to compliment her by sending seedlings to all the constituencies in the country? That is the only way we could appreciate the award she won by planting more trees. I do hope that, in the coming Budget, the Ministry of Environment and Natural Resources will be allocated enough money which will help to enhance the forest cover of this country.

Mr. Temporary Deputy Speaker, Sir, I want to make an appeal to the Ministry of Planning and National Development. I am doing so, because the statistics we get from them in terms of poverty index need to be looked into afresh. We all know that the poverty index is used to determine the CDF allocations and bursaries. Even the development partners and other donors use them to give us some aid. However, we know that poverty level is not the same throughout the country. We cannot say it is equitable. In fact, some hon. Members of this House have had occasions to question how that poverty index is arrived at. When we look at our own figures, and the population arising from the national census, sometimes they do not tally.

On the constitutional review process, we must look for a road map that will lead us to getting a new constitution. There is no point of having a road map that will lead us to nowhere. Indeed, that road map should have a target date in which there is a completion of the process. Any road that is permanently under construction, is not worth that construction. So, we need to have a road map that will give us a constitution. We do not need a bloodbath road that will not give this country a constitution. We need to agree on how to move forward. We need to do away with people who are an impediment to that road map.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about corruption. Even before the Kenya Anti-Corruption Commission (KACC) was established, we had the right Penal Code that could

deal with corruption matters. We are often told that nobody is above the law. I also hope that there is nobody below the law; so that nobody hides anywhere. If we say that we are going to fight corruption, the law must be applied to everybody.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about the Ministry of Energy. I appreciate the role that it is playing. Mr. Khamasi talked about the Kenya Power and Lighting Company (KPLC). I want to appeal to the Minister to look at the implementation of projects under the KPLC again.

With those few remarks, I beg to support.

Dr. Shaban: Mr. Temporary Deputy Speaker, Sir, as we break after a very hectic time of parliamentary work, there are quite a number of issues that come to our minds. There is so much insecurity from within and without our borders. It is very important for the Government to look into the issue insecurity, so that our people can be more productive, happy and peaceful as they live with their families.

Mr. Temporary Deputy Speaker, Sir, there are also too many rape cases. We read of cases where babies, ten months old or three months old, are being raped by their own parents. Right now, this country needs a lot of prayers because we have gone wrong. In God's eyes, what we are doing to our own children shows that there is something very wrong somewhere. It is very important for us, as leaders, to talk to our people and find out what has gone wrong.

On environmental issues, quite a number of people have destroyed their own environments. People are busy farming on riparian areas. Rivers are getting silted and, in some areas, lakes are drying up. That is simply because of our bad habits. It is very important for us to talk to our people and sensitize them on the environment. We should also talk to environmentalists to educate our people during the recess period.

Mr. Temporary Deputy Speaker, Sir, on education, it is not enough to have free primary education if leaders are not involved in it. It is very important for us to sit down with our teachers and have a proper road map. Education standards in my constituency have been falling. I believe quite a number of people have complained about the same. We should take this opportunity to talk to our teachers, parents and children who are in schools and know what problems they are facing. That way, we can assist them. Some problems only need a bit of guidance on the way forward.

There have been a lot of negative reports about the Constituency Development Fund (CDF). But, believe you me, we know that this is the best thing that has ever happened in this country. Resources are now reaching our people at the grassroots. They are able to say what they need and how they would like the resources to be utilised. It is not enough for journalists to keep on giving wrong information to the people. I believe that journalists are people who have gone to proper schools. They know what they are supposed to do. Their duty is to inform the public and not to give wrong information.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I hope that most of my colleagues will, in future, allocate funds to education. Some of our children do not even have places to sit. They sit in roofless classrooms. They do not have anywhere to go. So, it is very important to look at that and spend most of our CDF money on that.

Last but not least, I wish my colleagues all the best during the recess, so that we can serve our constituents even better.

The Minister for Energy (Mr. Nyachae): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I stand to support the Motion. I will speak fairly quickly because there are a number of points that I want to touch on. Some points have to do with my Ministry and others

are based on my own views.

Mr. Temporary Deputy Speaker, Sir, the time has come when we should go back to our constituencies. The rains have started. As we were debating yesterday, there was every indication of a food shortage in this country. But the rains have come. I want to appeal to the Minister for Finance to ensure that money is made available right now, when the rains are there, so that farmers can be assisted to start planting various crops. That is very important. There is no point of making money available when the rains have gone. That money will go to waste because the crop will fail. So, let the Minister avail the money immediately, so that we can produce the food for ourselves, rather than to import.

Mr. Temporary Deputy Speaker, Sir, one or two hon. Members have talked about the work that KPLC is doing. I want to confirm here that we have highly qualified people in KPLC. However, the establishment is not enough to cover the demand that has mushroomed all over the country. Right now, we are contracting out some of the work, so that we can cope up with the demand. So, we are recognising the need, but we are doing what we can.

Mr. Temporary Deputy Speaker, Sir, with regard to the good prospects of coal in Kitui and Mwingi, I confirm that we are acting on that. In fact, a month ago, I was in Washington DC discussing with the World Bank about financing the mining of coal in Kitui and Mwingi. A team of experts from the World Bank is coming in June to discuss the financing of that project and look for people who will help us to carry out that work.

(Applause)

Mr. Temporary Deputy Speaker, Sir, on the issue of a new constitution, I think we are moving a little bit too fast on the basis of assumptions and suspicions. That is our problem in country. Leaders are assuming: "This is going to happen! That is going to happen!" For example, there is so much talk among political leaders that the Bomas Draft will be destroyed and thrown out by Parliament. As far as I know, that has not happened!

(Applause)

Mr. Temporary Deputy Speaker, Sir, I think for any leader, the best thing is to wait. When the document comes here to be prepared and sent for referendum, that is when we will debate. That is when one can say: "I do not like that part of the chapter! I do not like that clause!" That is before we send it for a referendum. However, right now, we are feeding Kenyans with a lot of hypothetical stories for political expediency.

(Applause)

This is not right. We are misleading Kenyans that there is a burning situation where people are destroying the Bomas Draft and the Naivasha Consensus. There is nothing like that. As far as I know, some of us do not have that information. There are issues which for instance the religious organisations disagreed with at Bomas. Those are the kind of things we are asking: Should we send them out to the people and then they disagree with us? Those are the questions we are asking ourselves.

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

The Minister for Energy (Mr. Nyachae): Thank you, Mr. Temporary Deputy Speaker, Sir. I support the Motion, but the time is too short!

(Laughter)

Mrs. Mwendwa: Thank you, Mr. Temporary Deputy Speaker, Sir--

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

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! It has been said here before that there is an eye which you have to catch.

The Assistant Minister for Finance (Mr. Obwocha): On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you see a row of my colleagues who had blocked us? Hon. Ojode was even worse since he was standing near the Mace and raising his hand!

The Temporary Deputy Speaker (Mr. Poghisio): That is not in order! Did he do that?

Hon. Members: Yes, he did!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! We are taking more of the little time we have! Could the hon. Member for Kitui West speak?

Mrs. Mwendwa: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I support this Motion and look forward, like all other hon. Members of Parliament, to going to our constituencies. However, some of us are going to areas where the rains have failed and, therefore, imminent famine looms there. I would like to appeal, in advance, for some famine relief food. For the last 30 years I have been in Parliament, I have been asking for famine relief food year in, year out. There is no question about that. We are an agricultural country and the money which has been spent on transportation and supply on famine relief could have been spent on irrigation of the area so that we do not need that famine relief food. We hope that, in the next Budget, there will be provision of resources for irrigation so that we change the old style we have been doing things. Let people feed themselves and others. We have that opportunity.

Mr. Temporary Deputy Speaker, Sir, I would like to speak a little bit on the CDF which is most welcome. There is no question about the notion that CDF is long overdue. Had we had this CDF before, we would have carried out a lot of development projects. It is welcome since when there are projects and *wananchi* are asked to chip in some funds especially on water-based ones, the CDF helps. We hope that as we go along, we will be able to show Kenyans what we are doing with this money. I am begging for water for irrigation equipment since my CDF allocation has been used for provision of clean water for drinking. Therefore, I would request that the CDF allocation should be raised from 2.5 per cent to 15 per cent. I hope in the near future we will compare ourselves with other East African countries because Uganda's CDF is 33 per cent. We welcome the mechanisms of ensuring that the CDF is used properly. I support that.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on an issue which I do not know whether hon. Members will support me on or not. Kenyans, and especially hon. Members in this House, are developing politics of hatred and intolerance. I have had an opportunity of sitting in the Pan African Parliament and we discussed issues which affect Africa, like the Darfur crisis in Sudan, the chaos in Cote de Ivoire and conflicts in African countries. What we are doing here as hon. Members of Parliament is developing that kind of situation in our own country. It is really alarming that we talk of the Constitution as if it belongs to us and not the ordinary Kenyans including our children and grandchildren. I am of the opinion that we have to rethink over this issue. We need to go back to the drawing board and examine ourselves with honesty and check whether we are honest with ourselves especially when we are dealing with the Constitution.

The people of Kenya said that they did not actually trust Parliament. It does not matter who Parliament is under! Parliament is Parliament!

An hon. Member: It is a KANU Parliament!

Mrs. Mwendwa: Mr. Temporary Deputy Speaker, Sir, whether it is a KANU Parliament or not, I think I am the same KANU in another coat! Nyiva is Nyiva!

With those few remarks, I beg to support without concluding my speech.

(Laughter)

Ms. Mbarire: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity---

An hon. Member: Mr. Temporary Deputy Speaker, Sir, but she had walked out!

Ms. Mbarire: Mr. Temporary Deputy Speaker, Sir, yes, I walked out briefly and came back and so I have been here since 2.30 p.m. I want to say that I am glad that we have got a break.

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

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! We should not take a lot of time complaining. You know we have utilised only one hour. We still have a lot of time. This House will rise at 6.32 p.m. and so we still have time since each hon. Member is given five minutes to contribute. So, all of us will get a chance.

Proceed, Ms. Mbarire!

Ms. Mbarire: Thank you, Mr. Temporary Deputy Speaker, Sir. I support this Motion of Adjournment because I think we need a break but, most importantly, we need this break to go back to our constituencies and remember what our constituents who sent us here wanted when they asked for a new Constitution.

Mr. Temporary Deputy Speaker, Sir, going down memory lane, I remember the struggles of 1997 when we demonstrated in the streets of Nairobi seeking and demanding a new constitution. I stand here a very disappointed person. I stand here feeling completely hopeless and without direction because I have come to a House that has done two things to me. First of all, it has made me realise that tribalism is what leads us. When I was outside this House I never looked at a Luo, Kalenjin and Luyia differently from myself. As far as I was concerned, we were all Kenyans but when I came and found that the reality was different, that I have to judge people from their communities, I refused to go down that road.

(Applause)

Mr. Temporary Deputy Speaker, Sir, when we went to the streets of Nairobi in 1997, I was made to believe that we were fighting for a constitution for Kenyans. I was made to believe that what I stood for is what any other person stood for.

Mr. Temporary Deputy Speaker, Sir, the youth through the National Youth Movement, which I was involved in, had one stand. We wanted a comprehensive reform of the Kenyan Constitution. We also wanted the weaknesses of the current Constitution to be resolved in a new constitution. We did not care who held what position. However, I am now in Parliament where I am being told to support this because it is good for my community. I am also told not to support that because it belongs to another community. If that is why I went to the streets of Nairobi and sprained my leg at Kamukunji, I have no business being involved in the constitutional review process. The Constitution of Kenya is about the youth of this country. It also about posterity. We are divided along tribal and partisan lines.

I have started to believe that we were right when we were in the streets; when we said that we did not have confidence in Parliament reviewing our Constitution.

(Applause)

It is only time which will prove me right. This is the wrong place to bring that document. I am saying this because some people have personal interests. Right now, there are some people who do not even think that we need a new constitution, and yet we need it. There are also some people who want the new constitution to favour them because they want to be in power. This is the kind of governance they would like to find in place. I have little confidence that the way we behave as hon. Members, we can truly give Wanjiku the constitution she wanted.

It will be a sad thing if Wanjiku will reject the Draft Constitution when we go to the referendum. So, I appeal to hon. Members to go back to their constituents and speak to them. As hon. Members, we should ask ourselves when we go for the one-month recess whether the new constitution will be for us or for our children. What we think is right for us today may not be right for our daughters or granddaughters.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support this Motion and urge hon. Members to critically think about the constitutional review process.

Dr. Galgalo: Thank you, Mr. Temporary Deputy Speaker, Sir, for finally giving me an opportunity to contribute to this Motion, which I support. This is because the recess will give us an opportunity to go and talk to our people, participate in the implementation of the Constituency Development Fund (CDF) and other issues which affect their lives.

On the CDF, we appreciate the efforts by the Government, and especially the personal participation by the Minister for Finance, in implementing this Fund. This is the best thing for our country. I would like the Government to consider increasing the allocation to the CDF, as other hon. Members have said. By the end of this year, Kenyans will have seen the benefits of the CDF and they will be at the forefront fighting for it to be increased.

Mr. Temporary Deputy Speaker, Sir, however, I am a bit disappointed by the Government. Recently, His Excellency the President went to Garissa District to launch what he termed as a "Strategic Development Plan for Northern Kenya". That plan was simply a collection of information from the forward budgets of the various Ministries. The President just picked the forward budgets for all the Ministries for the next three years and said that it was a special programme for Northern Kenya. There is nothing new in the so-called "Strategic Development Plan for northern Kenya". Under that programme, a lot of money has been allocated for the supply of relief food. I am a bit disappointed.

The other major component that the President talked about is Phase II of the Arid and Semi-Arid Lands Development Programme. Phase I of that programme was implemented under the KANU Government. This Government inherited Phase II of the programme. Again, this is not a new strategic plan for our area. We wanted the President to address the state of our roads because they are a major vehicle for the development of any economy. We would have liked the Government to address the Moyale-Isiolo and the Garissa-Mandera roads in the so-called Strategic Development Plan for Northern Kenya but it did not.

Recently, again, in another misleading statement by the Government, the Minister for Roads and Public Works made a public utterance to the effect that the contractors who were awarded the tender to do the Moyale-Isiolo Road are on site. This exists in a figment of his imagination because the contractors are not on site. We want the Government to take our region more seriously because we suffered under the colonial, the late Kenyatta and Moi governments. We also continue to suffer under President Kibaki's Government. The President should rise up and address the major issues which affect our area so that we can catch up with the rest of Kenya.

Mr. Temporary Deputy Speaker, Sir, the other major issue I would like to talk about is the perpetual under-funding of the Ministry of Health by successive governments. The current Government committed itself to giving 15 per cent of our national Budget to the Ministry of Health as proposed by the World Health Organisation (WHO); like it happens all over the world. However, in

our country, the Ministry of Health gets a mere 7 per cent of the national Budget, which is too little.

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

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

It is in realisation of this that this House recently passed the National Social Health Insurance Fund Bill which was aimed at bridging the gap. The Bill was to compel the Government to allocate the Ministry more money. It was also to compel those Kenyans who have to support those who have nothing. Unfortunately, His Excellency the President did not assent to the Bill. He said that it should be implemented in phases, and yet this is in Clause One, which says that the Government will implement that in phases. What is the President telling us? He is not being genuine about this Bill. He should reconsider his stand and look at the Ministry of Health afresh because it is a critical Ministry. A healthy nation is the engine for economic growth. A healthy nation is also the engine for agricultural growth. We cannot talk about any development without a healthy population.

The Ministry of Health is grappling with stalled projects throughout the country and dilapidated infrastructure, equipment and buildings. The Ministry is also grappling with under-staffing. Unfortunately, yesterday, the Minister for Finance removed Kshs2.4 billion from the Vote of the Ministry of Health. This was meant for the recruitment of new staff. How does the Government hope to give quality services to its people when it does not support the Ministry's budget? I appeal to the Government to allocate the Ministry of Health its fair share of the national Budget in this year's Budget and in future budgets so that it can provide quality and affordable health care to our people.

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

The Minister for Information and Communications (Mr. Tuju): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. A lot has been said about the Constitution and the debate which went on in and out of this House last week. I just want to reassure hon. Members that I checked with some of my colleagues about the date for the street action and they told me that there is no such a thing. So, the House should not be worried about that.

(Applause)

It is apparent that with the good salaries we earn, and even some of us have moved into the leafy suburbs of this city, we should be the last people to try and rough it out with the unemployed youth of this city in the streets. Once again, I would like to urge hon. Members not to give this issue too much attention. Some people are seeking attention. Ignore them.

Mr. Temporary Deputy Speaker, Sir, the biggest problem we have in this country today is unemployed youth. That is why some leaders may imagine that they can easily get unemployed youth in the streets of Nairobi who would be willing to run around and throw stones. I would like to assure this House from the little research that I have done, that the unemployed youth are also tired of being used because the children of those politicians who are more than anxious to tell them to go to the streets, are safe in England, America and Australia studying.

I just want to assure hon. Members that there are some of us who are fortunate enough to be appointed to the Parliamentary Select Committee (PSC) to oversee the Constitution review exercise. The appointment to the PSC reflects more diversity than when that PSC is composed of people who we know always have only one opinion.

Mr. Temporary Deputy Speaker, Sir, I support the Motion of Adjournment. I would like to appeal to hon. Members not to worry about all these threats. Do not even write home about it.

I support the Motion.

Mr. A.C. Mohamed: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili niunge mkono Hoja hii ya kwenda likizo fupi nyumbani. Ni wajibu wa Wabunge waliochaguliwa kwenda nyumbani na kuangalia matatizo yaliyoko huko. Ninataka kuchukua fursa hii kuwaambia Wabunge wenzangu ya kwamba, ninaamini ya kwamba katika kila eneo Bunge, kuna matatizo fulani. Lakini huko Lamu Mashariki tuna matatizo mengi ambayo hayaahasabiki. Ninatoka katika eneo ambalo magari hayawezi kuendeshwa. Ni lazima mtu atumie speed boat kwa masaa matatu ili afike mahali fulani, kama Ndau na Kiunga. Kufika huko, ni shida kubwa.

Bw. Naibu Spika wa Muda, kuna eneo fulani linaloitwa Mkanda Channel, ambako kuna sehemu inayochimbwa. Lakini badala ya bahari kuwa safi, imekuwa ni shida kwa vyombo vya bahari kupita huko, kwa sababu, kuna mawe ambayo hayajatolewa katika pwani. Kwa hivyo, usiku na mchana watu wakipita katika Mkanda wanapata shida, na hatari inaweza kutokea mahali popote. Ningependa kuhimiza Serikali isimalize maelewano waliyosikizana na watu hao mpaka wasafishe sehemu ya Mkanda.

Nikizungumzia kuhusu Constituency Development Fund (CDF), ningependa kutoa shukrani za dhati kwa Serikali hii, kwa sababu, kwa miaka 40 ya Uhuru, Lamu Mashariki haijapata hata taa moja. Kupitia CDF, leo hii tumeweza kuweka karibu taa milioni kumi. Vijiji karibu vinne vitapata umeme na watu watafurahia. Hospitali zilizoko huko zitapata madawa na kuziweka katika *fridge*.

An hon. Member: Cross to this side!

Mr. A.C. Mohamed: Bw. Naibu Spika wa Muda, mimi nitazungumza nikiwa upande huu. Watu wote wanaujua msimamo wangu. Nilikuwa mmoja wa wale waliozalisha hii Serikali ya *national unity* nikiwa hapa nilipo. Ningetaka kuhimiza Serikali--

Mr. Wario: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ningependa kujua mhashimiwa huyu amezalisha Serikali ya *national unity* kwa kifungu gani cha sheria?

The Temporary Deputy Speaker (Mr. Khamasi): Order! That is not a point of order, Mr. Wario.

Proceed!

Mr. A.C. Mohamed: Bw. Wario ana sababu zake za kusema hivyo. Ikiwa ana uchungu, basi achukue barafu ameze ili apoesheshe nafsi yake.

(*Laughter*)

Mr. Wario: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise on a point of order demanding the Chair to intervene. I raised a constitutional issue, and now the hon. Member is abusing me. Is it in order for the hon. Member to impute--

The Temporary Deputy Speaker (Mr. Khamasi): Order! The Chair is reasonable enough to understand how we are debating here. I have not heard any insults whatsoever.

Mr. Mohamed, proceed and debate the Adjournment Motion.

Mr. A.C. Mohamed: Asante sana, Bw. Naibu Spika wa Muda. Bw. Wario ni rafiki yangu sana na ni jirani wetu. Sina shida na yeye, lakini ukweli ni lazima usemwe.

Mr. Kamama: Thank you, Mr. Temporary Deputy Speaker, Sir. I join my colleagues in supporting the Motion on Adjournment. I feel that hon. Members have done a lot in this Session. They have debated many Bills and Motions. I think they deserve some rest.

Two important things happened in this Session. One, was the honouring of Wangari Maathai with a nobel peace prize, which was a good omen, and just recently, "Baby Angel" was born and rescued by a dog. This is a big lesson to the leadership in this country that if dogs can rescue babies,

then the Cabinet of this country must rescue Kenyans.

Mr. Temporary Deputy Speaker, Sir, I want to talk about four issues. One is the economy. The economy is doing badly because the Cabinet is divided. They are involved in grandstanding and brinkmanship. A divided Cabinet will not deliver anything. It is only a matter of time before we consign them to the dustbin of history.

I want to talk about security which is so close to the people of North Rift. At this point in time, the army has invaded the North Rift. Over 10 battalions have been dispatched from Nairobi and various barracks to go and disarm the people of North Rift. I am requesting for respect of human rights. I know the army may be tempted to rape, maim and harass our people. We will not accept this. I want to call upon all human rights organisations to go and camp in the North Rift to oversee this disarmament programme.

Mr. Temporary Deputy Speaker, Sir, with regard to the Constitution, we need this Constitution the way we wanted it yesterday. But now some of us are running away from the PSC. I do not know whether we are interested in giving Kenyans a new Constitution. Let us try to have dialogue and give Kenyans a new Constitution.

The Constituency Development Fund is a new paradigm in our development framework. I think we should request the Minister for Finance to come up with a proposal in the next Budget. Let us raise this CDF to 10 per cent. We are elected by Kenyans to represent them in this House; from Lokichogio to Lunga Lunga, and then we give this money to the Kenya Revenue Authority to be managed by the Executive. I do not know why we think that the Government has a lot of stake in this issue. We want this money to go to our people like in Uganda where it is 33 per cent. Why is this money being kept in the Treasury? This money should go to Kenyans so that we can develop.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I want to wish each and every hon. Member a happy recess.

With these few remarks, I beg to support.

Mr. Poghisi: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I am probably going to be the only one to oppose this Motion. I do so because I still have issues to sort out in this House, and I would like to come back here on Tuesday and sort them out. As you have heard earlier, the Kenya Army has invaded its own people, and this issue needs to be resolved here in this House. How do you send the army, the machinery that is trained to kill; move it with all its equipment and hardware to West Pokot District, to take over the stadium and primary schools? There is even no capacity for us to host them! What are they going to do there? For that reason, there is no need for me, as an hon. Member for Kacheliba to go to a place that has been invaded by the army, because a police state exists in West Pokot District even as we speak.

Mr. Temporary Deputy Speaker, Sir, Kenyans are very interesting people, and they are probably saying: "That is West Pokot; let them go and do it." Hon. Members here are probably saying: "It is all right, as long as it is being done among the pastoralists." We know that, constitutionally, we cannot do that! We cannot pretend that we need the presence of the army in West Pokot in order to assist the police. The army should actually be in their barracks where they can be called on short notice to help the police in case they cannot manage their job! What is this invasion and show of might on a civilian population for? Why is it necessary to show us that you have big cannons, guns, rocket propelled grenades and launchers; why is it necessary to show us that you have armoured personnel carriers and tankers? Why is it necessary to parade all that military hardware in Makutano Town? Do you not see the danger of having many military people in one place? Do you not see the danger posed to school girls and women being raped? Where are all those men going to be? Who is going to--- Are you going to bring women from other parts of the country to accompany them there?

Mr. Temporary Deputy Speaker, Sir, the situation makes us worry about the need to showcase military power to innocent people. What is going to happen as a result? Schools are not

going to re-open and enrolment is going to go down in those places where schools are opened. This is because for the Pokots, who have been shown the Government might too many times, the moment they hear that the military people have come to Makutano Town, they will run away as they have run away now.

With these few words, I beg to oppose.

The Assistant Minister for Livestock and Fisheries Development (Dr. Wekesa): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to take this opportunity to join my colleagues in complimenting the Government and also the hon. Member for Ol Kalou Constituency, who brought the issue of Constituency Development Fund (CDF) to this House. We have seen what the CDF has done and I can only say this: In my own constituency, a lot of money that was given through the normal channels in the past was misappropriated. The money we are getting through the CDF is very small, but its effect is considerable in my constituency. This shows that, before that, there was a lot of misappropriation of funds.

Insecurity is a national issue now, and every hon. Member is talking about it. I have been affected greatly in Kwanza Constituency, and it has been said that, it is all right for people to die in Kwanza Constituency, but it is terrible for government security personnel to come and keep peace in the area. You see, there is a problem there; I have lost 35 people since last October. Many my people have moved away from their farms because of insecurity. I am going to say this: Let the Government stamp out insecurity very firmly, not only in Kwanza, but also in Mombasa, Nairobi and in every town in this country. We want Kenyans, their property and their lives to be safeguarded by this Government. This is the time that this Government must act.

In that respect, I want to thank the President and the Minister of State in charge of Provincial Administration and National Security for having visited my area, because since they did so, we have seen that the deaths have stopped, but cattle rustling still continues. I am requesting that we must have enough Government machinery in place to make sure that we have peace.

Mr. Temporary Deputy Speaker, Sir, the issue of title deeds concerns me because I come from an agricultural area. The poor farmers in my Kwanza Constituency cannot access funds because they do not have title deeds. When I went to the Ministry of Lands and Housing, I saw that the Minister has done a lot of good work; there used to be a hive of people moving from corridor to corridor, but when you go there now, there is some order. We want the Minister to continue doing the good work so that Kenyans, not only in Kwanza Constituency but throughout this country, can get title deeds.

Mr. Temporary Deputy Speaker, Sir, the issue of the Constitution has been deliberated upon and, I think that hon. Mbarire has been the best speaker in this regard, and I want to share my views with her. But I want to add the following: That, the Constitution goes along with consensus and we used consensus to form the National Rainbow Coalition. You know that, my pet subject is the coalition; the coalition is here to stay, and I am also appealing to my friends on the Opposition benches that, soon, we will have a workshop where hon. Members of Parliament and political leaders will come together to learn about the principles of a coalition and how to sustain it.

We are currently experiencing electricity power failures, and we want the Minister for Energy to address the issue of the Kenya Power and Lighting Company. The Minister for Agriculture should also get together with the Minister for Planning and National Development and the Minister for Finance to make sure that farmers of maize and wheat know what next year's prices of their products would be. This was made very clear by the Minister for Energy yesterday and it is an important issue.

Finally, Mr. Temporary Deputy Speaker, Sir, the Ministry of Livestock and Fisheries Development, is always underfunded. I want to impress upon my colleagues that, three-quarters of this country is in the Arid and Semi-Arid Lands (ASALs), and Kenyans who live in the ASAL areas depend on what they get from their livestock. So, the Ministry of Livestock and Fisheries Development should get enough funds in the Budget so that we can empower Kenyans who live in

ASAL areas.

With these few remarks, I beg to support.

Archbishop Ondiek: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this chance to contribute to this Motion.

Most schools in this country do not have enough teachers. This has led to reduced academic standards in our schools. I want to urge the Minister for Education, Science and Technology to look into ways and means of raising the academic standards in our schools. There are schools in this country which have only four teachers and yet those teachers are required to teach up to ten classes. Such a shortage of teachers cannot allow students to get proper education.

Mr. Temporary Deputy Speaker, Sir, the best thing that has ever happened to this country since Independence is the enactment of the Constituencies Development Fund (CDF) Act. The CDF has enabled us do a lot; for example, in my constituency, we have managed to build many classrooms which were not there since Independence. There has never been any distribution of Government resources in my constituency since Independence. I am grateful to the hon. Member of Parliament who brought the Motion on the CDF to this House. Now, we would like the amount of money given to the CDF increased. In the course of this ending financial year, I never saw any development project by any Ministry in my constituency. It is the CDF that has revived and initiated projects in most constituencies. We now urge the Government to ensure that its officers at the district level are responsible people. You will find an hon. Member of Parliament doing everything in his constituency and the district. An hon. Member is compelled to do the work of road engineers, district officers, chiefs and he is also the Automated Teller Machine (ATM) for the people. Hon. Members of Parliament are not supposed to be doing all these things. What jobs do all these officers do if Members of Parliament take up their responsibilities?

I appreciate the fact that the Local Authorities Transfer Fund (LATF) is very important and, therefore, it should be sustained. However, the Fund is grossly mismanaged. One cannot see what the LATF money has been used for. I do not know whether my colleagues have seen any project that has been initiated with the LATF money in their constituencies. In my constituency, the LATF money has not been used in a meaningful way. I think the money should be properly channelled to certain institutions so that it is managed properly. We should not leave this Fund to be managed by councillors alone. I am not really against councillors, but the way they are managing this Fund is not proper at all.

Mr. Temporary Deputy Speaker, Sir, the police should be friendly to people. They should know how to handle people. Many complaints have been raised about the police harassing innocent people. Instead of them pursuing cases of theft, they harass the older women who brew traditional liquor. That is a waste of the Government's resources. The police must do a better job. We keep on talking about insecurity in this country and yet we have enough security personnel in our constituencies. All that the police do is to set up kangaroo courts thereby wasting time that would be used to pursue criminals.

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

The Minister of State, Office of the Vice-President (Mr. Balala): Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this chance.

I support the Motion for Adjournment. However, I would like to ask one question: Why do we have to adjourn? Why do we have to follow the old tradition of the colonial rules? I believe we should continue sitting throughout the year so that we are able to pass as many Bills as possible. We need to ask ourselves one question: How many Bills did we pass last year?

Hon. Members: Where were you?

The Minister of State, Office of the Vice-President (Mr. Balala): We only debated 12 Bills. I was here!

Mr. Temporary Deputy Speaker, Sir, there are many Bills that we need to bring to this House

as a Government. There are also many Private Members' Motions that we need to debate in order for us to move forward. I support this Motion. However, I want us to be innovative and see how best we can change the old tradition of adjourning the House.

Recently we debated the Motion on the Sessional Paper on Education, Training and Research and we supported it. So, we are waiting for a Bill to be brought into this House by the Minister for Education, Science and Technology. However, the time-frame within which we operate cannot allow us to debate as many Bills as possible. We need education resources to be distributed throughout the country equitably. The issue of setting up a university in the Coast Province has never been addressed. I believe that very soon, the Government will look into the matter of setting up a university at the Coast Province. Mombasa is the second largest city of Kenya. It also contributes a lot of money to the Exchequer and yet we do not have adequate education facilities at the Coast Province. That adversely affects education standards in the province.

Mr. Temporary Deputy Speaker, Sir, it is only this Government that has devolved power to the people. The Government regularly sends bursary funds to every constituency. This is a very welcome move. However, the question is: When exactly are the bursaries disbursed? Is it in March or early January? We need to know when the money is going to be made available so that it can be disbursed to schools in good time. I hope that this problem will be rectified as soon as possible.

With regard to the CDF, this Government has decided that money should be taken to the grassroot level to assist people. That strategy is working very well. It is unfortunate that only 2.5 per cent of the Government's revenue is allocated to the CDF. We believe that the amount of money allocated to the CDF should be increased. What really happens to the remaining 97.5 per cent? The small percentage of money that is allocated to the CDF trickles down to the grassroot level and its positive effects are felt by everyone. What is the remaining 97.5 per cent used for? There are quite a number of busy bodies in the constituencies who just wait to criticise every decision that we make in this House. I believe that only hon. Members of Parliament can protect the CDF. After all, most constituencies have their Members of Parliament as the chairpersons of the CDF. It is important that we protect members and patrons of the CDF Committees. That is the only way we can ensure that sanity prevails in the disbursement of the CDF money.

I am glad because Mombasa District was given a clean bill of health with regard to the use of CDF money in all the four constituencies. The management of the CDF money, on the ground, in Mombasa District, is very dynamic.

It is important that we create more jobs for our people in order to transform the economy of this country. In Coast Province, the main State Corporation is the Kenya Ports Authority (KPA). We have seen managing directors at KPA being appointed and being sacked. When they finally leave KPA, these people leave as wealthy individuals. I believe that the best way forward for KPA, in terms of generating wealth and creating more employment opportunities for our people, is to transform the ideology and philosophy on how we should manage KPA. We need to change the concept of appointing individuals--- Let us borrow from Hong Kong, Singapore, Dubai, and the United Kingdom (UK) so that we can bring to KPA professional management teams. That is the only way we can generate more wealth, create more employment opportunities and even turn Mombasa into a free port.

Mr. Temporary Deputy Speaker, Sir, the best the people of Mombasa can get from the management of KPA are white cards signifying temporary employment. That causes so much pain to the people of Mombasa. There is not a single director in the board of directors of KPA who is a native of Mombasa. That is a big shame and a great disservice to the people of Mombasa and the country as a whole.

Mr. Temporary Deputy Speaker, Sir, the economy is driven by good infrastructure, which includes roads. I can assure you that the road from the Moi International Airport to Mombasa island is pathetic. We have plans for roads all over the country, including dual carriage ways where a lot of

money is being invested in this sector, but not even a single cent has been dedicated to the improvement of the roads between Moi International Airport and Mtwapa. I believe this road should be a dual carriage way, so that we can move forward and improve the performance of our economy.

Another issue I would like to address is electricity costs. If the cost of electricity could be brought down, our business community can do business and realise some income.

With those remarks, I beg to support.

Mr. Moroto: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi ili nichangie Hoja hii.

Nimesimama hapa kuipinga Hoja hii, kwa sababu, Wabunge wote waliosimama hapa na kudai eti wanataka kwenda katika sehemu wanazowakilisha Bungeni kuangalia hali ya maendeleo ni wale ambao wamekuwa wakiishi Nairobi, hata siku za Ijumaa, Jumamosi na Jumapili.

Kuna mambo mengi ambayo sisi kama Wajumbe tunapaswa kutekeleza. Macho na masikio ya wananchi ambao walituteua tuwawakilishe hapa, yanatazama na kusikiliza ili wajue tunapitisha nini. Kila wakati, wananchi huketi kando ya radio zao, wakisiliza tunayosema juu ya Katiba na maisha yao. Ni wajibu wetu kuona kwamba, kwa baraka ya Mwenyezi Mungu na imani ambayo Wakenya wanayo juu yetu, tumeboresha maisha yao.

Bw. Naibu Spika wa Muda, kuhusu shughuli ya marekebisho ya Katiba, licha ya kwamba Wakenya walizungumzia swala hili na kukata shauri kule Bomas, tumeanzisha awamu ingine ya shughuli hiyo, huku baadhi yetu tukisema kwamba ni lazima tuilete shughuli hiyo Bungeni hali wengine tukiwa na maoni tofauti. Huku ni kuchezea mawazo ya Wakenya.

(Applause)

Kama ingewezekana, tungeamua kwamba wale wanaojaribu kuvuruga mawazo ya wananchi waondolewe, na wale walio na moyo wa kuboresha maisha ya wananchi wachukue mahali pao.

Bw. Naibu Spika wa Muda, kama unavyojua, jeshi la nchi kavu, ambalo linatarajia kuchunga mipaka ya nchi hii, limepelekwa Pokot Magharibi kuwaangamiza wananchi. Ukitembelea sehemu hiyo, utaona kwamba siyo Watu wa Pokot peke yao wanaoishi kule. Kuna watu kutoka pembe zote nchini. Kuna Waturkana, Waluhya na Wakikuyu. Kwa nini inasemekana kwamba ni watu wa Pokot wanaoshiriki katika visa vya uvunjaji sheria? Wakati huu, hali ya usalama imezorota kote nchini, hata hapa Nairobi.

Kwa hivyo, badala ya kupeleka wanajeshi katika sehemu hiyo ili wawaadhibu Wapokot, Serikali ingetumia pesa zinazotumiwa katika oparesheni kuanzisha miradi ya maendeleo katika sehemu hiyo. Utaona kwamba sisi Wapokot tunagombana mara kwa mara na majirani wetu Waturkana kwa sababu ya ukosefu wa maji katika sehemu ya Kapenguria. Mbuzi na ng'ombe siyo kama binadamu, ambao wanaweza kuzuia kiu kwa siku nyingi.

Tumeona kwamba Mungu ameanza kuzungumza na Wakenya kupitia mbwa, ambaye alimbeba mtoto wa binadamu kutoka msituni. Hii inaonyesha kwamba hata Mungu anaitikia maombi ya Wakenya, kwa sababu mawazo ya Wakenya yamezidi yale ya Mungu. Tukiangalia Biblia, tutaona kwamba enzi ya Sodom na Gomora watu waliumia kwa sababu ya mawazo waliokuwa nayo. Hata sasa, watu hununua silaha na kuwapelekea Wakenya wasiojiweza ili waende kupigana vita. Ni jambo gani linalotusumbua na kutushawishi tufanye hivyo?

Ukitembelea sehemu hizo, utaona kwamba hakuna barabara na watoto wanasomea chini ya miti. Pia, katika sehemu hizo, hakuna maji. Hata wale wanajeshi waliopelekwa kule kufanya hiyo oparesheni wataumia. Itabidi maji yasafirishwe kwa lori kutoka Kitale hadi sehemu hiyo, ili wanajeshi watumie. Kwa nini Serikali isitumie pesa hizo kuwasaidia wakaazi wa sehemu hiyo?

Bw. Naibu Spika wa Muda, tukizungumzia juu ya wizi wa mifugo, watu hufikiri kwamba ni Wapokot peke yao ambao hushiriki katika shughuli hiyo. Hivi majuzi, ng'ombe wa Mbunge wa zamani

wa sehemu hiyo, Bw. Nang'ole, waliibiwa na kupelekwa hadi Bungoma. Kwa hivyo, wezi wa mifugo wako kila mahali. Ikiwa ng'ombe wanawezakuibiwa Pokot Magharibi na kutoroshwa hadi Bungoma, utasema kwamba ng'ombe hao waliibiwa na Wapokot?

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Moroto to insinuate that the people of Bungoma are cattle rustlers like the people of West Pokot?

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

Mr. Moroto: Mnapoteza muda wangu!

Bw. Naibu Spika wa Muda, ninafikiri kwamba mheshimiwa huyo ndiye anayetumika zaidi kuendeleza wizi katika sehemu hiyo. Huu ni wakati ambao kila mtu anatakiwa ku---

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! Your time is up, Mr. Moroto!

Mr. Moroto: Kwa hayo machache, ninaipinga Hoja hii.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I am not worried of going home. There were times when we used to oppose Motions for the Adjournment of the House, because we were always worried about what would happen out there in our constituencies. The District Commissioners were always waiting to arrest or harass us. They could not even allow us to hold public rallies. Now every hon. Member is free to roam his or her constituency freely and even organise demonstrations, whether they are for positive or negative intentions. Everybody is free to mingle with his or her people.

Mr. Temporary Deputy Speaker, Sir, there is an issue which we must consider, namely, environmental conservation. Most of the hon. Members who have spoken on this Motion have agreed that the level of destruction in our forests has reached a stage where this House must intervene. We have talked about issues touching on various Ministries. Some have demanded that the Ministry of Energy provides them with electricity, while hon. Members from Ukambani have appealed to the Ministry of Water Development to provide their constituents with water. We also want roads. However, I ask myself one major question: If you want electricity whose major source in this country is our rivers and yet we have no forest cover, to attract rain water, where will we get electricity from? We cannot address the problem of water without addressing the question of environmental conservation.

If we do not conserve our forests, we will not eradicate hunger. Our economy is agro-based. There is no way we can sustain our economy if we do not look seriously into the issue of environmental conservation. What are we doing today? We are all congratulating Prof. Maathai for what she has done for this country. She has done Africa proud, but what are we doing to assist her? We are only congratulating her. Each hon. Member wants the Government to take up this issue. However, they do not want to address the question now that they have been empowered to join this war directly.

On my part, I have given every ward in my constituency 50---

MOTION FOR ADJOURNMENT

ADJOURNMENT OF DEBATE UNDER STANDING ORDER NO.21

Mr. Muite: On a point of order, Mr. Temporary Deputy, Speaker, Sir. I rise under Standing Order Number 21(1) to move:-

THAT, the debate be now adjourned.

Mr. Temporary Deputy Speaker, Sir, I have three main reasons for asking for the adjournment of the Debate.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Muite! You do not just do that and then you begin giving your reasons. The Chair has to give you permission, and you know that.

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

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, I have received the request from hon. Muite to move that the Debate be adjourned under Standing Order No.21(1). I would now like to ask him to give us reasons for his request.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, the first reason is that we are seeking to adjourn in order to go and join with our constituents, who are our employers, yet there is the issue about the Constituency Development Fund (CDF) that Members are supposed to get. That has not been sorted out. It is very appropriate that, that issue is sorted out before we go back so that we can use this time to implement the arrangements that are going to be catered for by that fund. It has not been possible for that to be sorted and I would submit that it is not fair for Members that we should go before that issue is sorted out. I am not saying that we should stay for a long time. That issue can be sorted out and by Wednesday next week, we can go home.

The second reason is that this House constituted the Parliamentary Select Committee on the Constitution Review. But this House did not elect a Chairman, yet the Committee needs to have one. Time is running out. We need to sort out certain things in the constitutional review process within 90 days. If we now adjourn for three weeks and the Committee is not able to get on with its job in terms of building consensus, it would not be correct. Nothing is more important than progressing the constitutional review process. So, I feel that this House should not adjourn before we sort out the issue of the Chairman of the Parliamentary Select Committee on Constitutional Review. So, if we can resolve those issues on Tuesday, then we can go home on Wednesday.

With those remarks, I beg to move.

The Minister for Information and Communications (Mr. Tuju): Mr. Temporary Deputy Speaker, Sir, I rise to second the Motion. I have had occasion to listen to the arguments advanced by the hon. Member. You will agree that in this House this afternoon, one of the issues that has occupied debate is the issue of the [The Minister for Information and Communication] Constitution. Given that we do not have a Chairman of the very important Committee, I think it is within reason that we should get a couple of days within which to deliberate on that particular matter and dispose of it so that we can be in agreement with the time that has been spelt out for this review process.

Mr. Temporary Deputy Speaker, Sir, the issue of the constituency offices is valid, especially at this time when Members have the opportunity to go to their constituencies to deal with that matter.

With those remarks, I beg to second.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, hon. Members! This Motion is provided for under the Standing Orders where a Member who wishes to postpone to some future occasion, the further discussion of a Question which has been proposed from the Chair may claim to move. Mr. Speaker must however, be satisfied.

I am convinced that probably the first reason advanced by hon. Muite may be sufficient for me to allow that. But I do not think I am convinced by the second reason because this House has already appointed the Parliamentary Select Committee on Constitution Review, and the election of the Chairman is the business of that Committee.

So, on the basis of the first reason advanced, I will allow the Motion.

(Question proposed)

The Assistant Minister for Roads and Public Works (Eng. Toro): On a Point of order, Mr. Temporary Deputy Speaker, Sir. Since you have allowed only one point of argument, does it mean

that in our contributions to this Motion, we have to restrict ourselves to what you have allowed and not address ourselves to the second one?

The Temporary Deputy Speaker (Mr. Khamasi): Precisely. That is what the Chair has said. The question of electing the Chairman of the Parliamentary Select Committee on Constitution Review is not the business of the whole House. It is the business of the Committee which has been appointed by this House. So, we shall confine ourselves to that one reason advanced by Mr. Muite.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. This being a purely procedural issue, and since we have been debating the earlier Motion all along, may I suggest that you put the Question straight away. If we carry it, we adjourn, if we do not, we carry on with the original Motion.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Wetangula! That is not a point of order, unfortunately! I will allow some little debate on this. Let us hear the views to be ventilated by Members and then I will put the Question. Let Members express their views about the request made by hon. Muite and seconded by hon. Tuju.

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, I rise to vehemently oppose the Motion moved by hon. Muite for the following reasons.

Mr. Temporary Deputy Speaker, Sir, it was just yesterday that this House passed the Supplementary Appropriations Bill, and in it, sufficient mechanism have been provided as to how funds will move into the various constituencies. Indeed, it was the Minister for Finance himself who indicated and promised this House that at the passage of that Bill, Members will be funded in their constituencies.

Mr. Temporary Deputy Speaker, Sir, is it fair for us as a House to appear so selfish that the only thing on which we can call people quickly in numbers to vote on is purely matters which have to do with ourselves? I think the real reason for the Motion by hon. Muite, whom I have tremendous respect for, is the reason that the Chair has disallowed.

Mr. Temporary Deputy Speaker, Sir, let us not cheat ourselves. Even if we come back here on Tuesday, we shall not go to the Treasury. There is the normal mechanism through which Government disburses funds into Parliament and into the National Committee on the Constituency Development Fund. Therefore, for us to be told that we adjourn this debate until Wednesday, just to come and discuss the issue of the CDF, when we, as a House Business Committee, in which there is very strong representation by the Government, including the Chairman, who is the Leader of Government Business, and the Minister for Finance sat and promised us that we would go on recess for three weeks, and that is the message we have been telling our members, so that everybody has programmed themselves to begin recess from tomorrow, is not fair.

With those remarks, I beg to oppose.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion by hon. Muite. It is important that before we go on recess, we have money to build our constituency offices.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. hon. Githae! As hon. Wetangula has said, this is like a procedural Motion and we would like to take a very short time on it. So, if you are contributing, please mind about time. I will give you, at least, four minutes, so that I can hear views from the two sides and then I will put the Motion to vote.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, the media has accused hon. Members for operating from their houses, bars, lodges, cars, on the streets and under trees. What hon. Muite is proposing is that, there are a few procedural issues that need to be tackled before we go on recess. It will be good if we were to go on recess and start building our constituency offices. Therefore, I support the Motion.

Mr. Kenyatta: Mr. Temporary Deputy Speaker, Sir, I stand to oppose this Motion because I

fail to understand the reasoning that we should postpone the Motion for the Adjournment because the CDF money has not been released. What difference will staying here for another two or three days make? We, as a House, approved the Supplementary Estimates only yesterday. What business is, therefore, left before this House that prevents us from going to do the real work in the constituencies? I find it incredible that my brother, an Assistant Minister, is actually opposing a Motion that was moved by the Leader of Government Business, having agreed in the House Business Committee that all issues have been resolved. We cannot, honestly, continue to conduct the business of this House and of this Republic in this manner.

If, indeed, there were issues, we have had ample time to resolve them. If there are other reasons why we should not adjourn, then we should be told what they are. Hon. Members should be enlightened and then we should take a decision on true reasons. We should not try and play around with the business of this House.

I beg to oppose.

Mr. Ndile: Bw. Naibu Spika wa Muda, ninaunga mkono Hoja ya kutoahirisha Bunge. Mimi ni kama Thomas yule anayetajwa katika Bibilia na siwezi kuamini bila kuona. Tumeahidiwa mambo mengi na kama tutakosa kuahirisha Bunge ili tupate hizo pesa, itakuwa ni vizuri ili tuende kufanya kazi.

Kwa hivyo, ninaunga mkono Hoja ya kutoahirisha Bunge mpaka hizo pesa zipatikane. Wale ambao wanapinga Hoja hii, rekodi zao zinajulikana. Wao walijenga maofisi zamani. Wabunge wa KANU walichukua pesa nyingi na wana kila kitu. Mhe. Kenyatta anaweza kujenga ofisi yake!

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, I stand to oppose the suggestion by the Government that we postpone the adjournment up to next week. The Motion of Adjournment was moved by the Vice-President and Minister for Home Affairs himself, who is the Leader of Government Business and was supported by very prominent Ministers like hon. Raila and also by Assistant Ministers. How then will we thrive in this confusion? I know very well that the NARC Government has been a Government of confusion right from the start, and we are not going to encourage this.

With those remarks, I oppose the suggestion by the Government that we postpone the Motion of Adjournment.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I stand to support the suggestion by hon. Muite that we adjourn next week.

(Applause)

I do not wish to dwell on his first point. I want to remind hon. Members that there is another reason why we should wait a little bit longer. Hon. Members know that members of our armed forces, today, as we speak, are in West Pokot. They might be involved in certain activities that may require to be resolved by Parliament. We should be here until they go away. Secondly, recently, we were told that there is going to be an overhaul in the Ministry of Education, Science and Technology, whereby eight Provincial Deputy Education Officers, 78 District Education Officers, 100 high school principals will be asked to re-apply afresh. Realising that in the past, appointments to high offices have not been very fair, it is important that Parliament continues sitting until these positions have been filled, so that unqualified people are not appointed.

With those few remarks, I support.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, that concludes the business on the Order Paper. The House is, therefore, adjourned until Tuesday, 17th May, 2005, at 2.30 p.m.

The House rose at 5.45 p.m.