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Speech

by

His Excellency

Hon. Daniel T. arap Moi, C.G.H., M.P.

President and Commander-in-Chief of the Armed Forces
of the Republic of Kenya

on the occasion of

The State Opening of the Fifth
Session of the Eighth Parliament

on

Tuesday, 20th March, 2001



**His Excellency Hon. Daniel T. arap Moi, C.G.H., M.P.
President and Commander-in-Chief of the Armed Forces
of the Republic of Kenya**

**HOTUBA YA MHESHIMIWA RAIS DANIEL T. ARAP MOI,
C.G.H., M.P., KATIKA SHEREHE YA KUFUNGULIWA
RASMI KWA KIKAO CHA TANO CHA BUNGE LA
NANE, JUMANNE, MACHI 20, 2001**

BWANA SPIKA,

Jukumu langu la kwanza na la muhimu, leo alasiri, ni kuwakaribisha waheshimiwa Wabunge katika kikao hiki cha tano cha Bunge la Nane.

Bwana Spika,

Wakati nilipohutubia Bunge mwaka uliopita, niliyataja baadhi ya matatizo yanayokabili nchi yetu. Miongoni mwa matatizo haya, ni ukuaji duni wa uchumi wetu, hali ambayo yapasa kutatuliwa kwa haraka, iwapo Serikali itafaulu katika jitihada zake za kujenga misingi ya ukuaji wa uchumi wetu, kutoa huduma bora za elimu na afya, kuhakikisha kuwepo kwa usalama wa kutosha, kuongeza nafasi za kazi kwa Wakenya wenye nguvu na afya, kupunguza viwango vya umaskini, na kuinua hali ya maisha ya watu wetu.

Kwa kipindi cha mwaka moja uliopita, tulipata mafanikio makubwa katika sehemu fulani. Kwa mfano, Shirika la Fedha Duniani pamoja na Banki Kuu ya Dunia zilirejesha usaidizi wa kifedha kwa nchi yetu. Licha ya matatizo ya hivi majuzi, Serikali yangu itaendelea kutekeleza wajibu wake wa kuhakikisha kwamba ushirikiano uliopo unadumishwa na kuimarishwa. Kufuatana na lengo hilo, nilipata fursa hivi majuzi ya kubadilishana mawazo na wakuu wa mashirika haya mawili. Nataka kuhakikishia Wabunge kwamba nitaendelea kufuata kwa makini mambo yote yanayohusiana na usimamizi wa uchumi wetu, ikiwa pamoja na uhusiano wetu na Shirika la Fedha Duniani na Banki Kuu ya Dunia.

Bwana Spika,

Uchumi wetu, ulipata pigo kubwa mwaka uliopita, kwa ajili ya hali ya ukame. Wakulima wetu walipoteza mimea na mifugo, huku zaidi ya watu milioni tatu wakikumbwa na janga la njaa. Ukame huo pia, ulisababisha upungufu mkubwa wa nguvu za umeme na usambazaji wa maji. Zaidi ya hayo, gharama ya uzalishaji, katika sekta ya viwanda ilipanda juu, na kusababisha Wakenya wengine kupoteza kazi zao. Pia, bei za vyakula muhimu ziliongezeka, huku mazao yanayotokana na mimea kama vile, mboga na matunda, majani chai na kahawa ambayo huuzwa katika masoko ya nje, yakipungua. Shida hizi, pamoja na kuongezeka kwa bei za mafuta duniani ziliathiri sana ustawi wa uchumi wetu.

Hata hivyo, kwa kipindi cha miezi michache iliyopita, kumekuwa na mabadiliko ya kutia moyo katika hali ya hewa. Msimu wa mvua uliopita uliimarisha ukuzaji wa vyakula katika baadhi ya sehemu fulani humu nchini. Watabiri wa hali ya hewa, wanasema kwamba hali mbaya ya hewa, ambayo tumekuwa nayo tangu katikati ya mwongo wa tisini, itafuatwa na hali ya kawaida ya hali ya hewa hivi karibuni. Hivyo basi, tunatazamia kwamba uzalishaji katika sekta za kilimo na viwanda utaimarika mwaka huu. Pia, kuna ishara za kutia moyo katika sekta zingine za uchumi. Kwa mfano, sekta ya utalii, ilifanya vyema mwaka jana na tunatarajia kwamba hali hiyo itaendelea mwaka huu. Zaidi ya hayo, kuondolewa kwa vikwazo dhidi ya uuzaji wa samaki kutoka nchi yetu katika soko la Muungano wa Nchi za Ulaya, kunatazamiwa kuinua sekta ya uvuvi humu nchini. Isitoshe, hatua iliyochukuliwa hivi karibuni na Serikali ya Amerika kuruhusu tena uuzaji wa nguo na bidhaa nyingine katika soko la Amerika, chini ya kifungu cha sheria cha Ustawi na Nafasi kwa Mataifa ya Afrika, kunatarajiwa kuvutia vitega uchumi vipya, na hivyo basi, kuongeza nafasi za kazi kwa maelfu ya Wakenya.

Kuhusu mambo yanayojumuisha kanda letu, waheshimiwa Wabunge watakumbuka kwamba, mnamo tarehe kumi na tano Januari mwaka huu, mimi, pamoja na ndugu zangu marais, Benjamin Mkapa wa Tanzania na Yoweri Museveni wa Uganda, tuliungana pamoja, kule Arusha, Tanzania, na kuanzisha rasmi

Jumuiya ya Afrika Mashariki. Njia sasa ni wazi kwa wananchi wa eneo hili kutangamana na kufanya biashara miongoni mwao bila vizuizi vyovyote. Ni matarajio yangu kuwa Wakenya watachukua nafasi ya matukio haya, kuongeza uzalishaji zaidi, ili kupanua uuzaji wa bidhaa zetu katika eneo hili na ulimwenguni kwa jumla.

Mbali na biashara, kuungana kwa maeneo mbali mbali, pamoja na mfumo wa utandawazi wa dunia vimeleta vikwazo vipya kwa watu wetu. Hata hivyo, hali hii pia imeleta nafasi nyingi ambazo zinaweza kuleta manufaa yasiyo na kifani kwa Wakenya wote. Kwa mfano, kwa wakulima wetu na wafanyi biashara, kuna masoko makubwa ambayo yanangojea kuchumwa. Kwa vijana wetu wenye elimu, kuna nafasi za kazi nje ya mipaka yetu. Na kwa wale wenye shauku halisi ya kutumikia wengine, uwanja sasa umekuwa mpana zaidi.

Nchi tatu za Afrika Mashariki, zinaendelea na mipango ya kuanzisha bunge la pamoja na Mahakama Kuu ya Afrika Mashariki. Hivi karibuni, Kenya inatarajiwa kuchukua nafasi yake katika idara hizi mbili muhimu za Jumuiya ya Afrika Mashariki. Ni wajibu wetu kuhakikisha kuwa, wale watakaowakilisha Wakenya, hasa kwenye Bunge la Afrika Mashariki, ni watu ambao watalinda heshima ya nchi yetu, na wenye kupanuka kimawazo na kuona mbali.

Waheshimiwa Wabunge watakubaliana nami kuwa, Kenya ni mojawapo ya nchi chache sana katika eneo hili na Afrika kwa jumla, ambayo imeendelea kufurahia amani ya kipekee tangu uhuru. Hali hii, imetuwezesha kujenga uchumi thabiti, licha ya matatizo yanayotukabili kwa sasa. Hatuwezi kuendelea kupoteza wakati zaidi kwa mizozano isiyo na mwisho. Uwanja wa utendaji kazi unaendelea kupanuka nje ya mipaka yetu na kufikia maeneo yanayo jumuisha mataifa na hata dunia nzima. Hivyo basi, viongozi lazima wapane upeo wa mawazo yao na washirikiane ili wahakikishe kuwepo kwa mazingira tulivu ya kisiasa na kijamii, yenye kuwavutia wawekaji rasilimali. Kwa kufanya hivyo, tutahakikisha kwamba nchi hii itaendelea kushikilia nafasi ya mbele na wajibu muhimu katika mambo ya eneo hili na kwingineko.

Bwana Spika,

Katika kikao cha Bunge kilichopita, Wajumbe walijadili na kupitisha miswada mbali mbali iliyoghusia mambo kadha wa kadha muhimu ya kitaifa. Kabla sijazungumzia baadhi ya miswada ambayo Serikali imetayarisha ili ijadiliwe katika kikao hiki, ningependa kutoa maoni yangu machache, kuhusu wajibu wa Bunge kama mtetezi wa demokrasia yetu.

Katiba ya Kenya, imegawa mamlaka ya utawala wa nchi hii katika matawi matatu ya Serikali, yaani, Serikali Kuu, Bunge na Mahakama. Hii ni kanuni ya kimsingi ya kikatiba, ambayo inafaa kuheshimiwa na kufuatwa na wote. Kwa hakika, nchi hii imeweza kudumisha uthabiti wa kisiasa na kijamii, tangu uhuru, kwa sababu ya kufuata na kuheshimu utawala wa kisheria.

Waheshimiwa Wabunge wanafahamu kwamba, kuna miswada iliyopitishwa Bungeni, ambayo imehitilafiana na kanuni ya ugawanyaji wa mamlaka katika Serikali. Kwa mfano, hivi majuzi, mahakama yetu iliamua kwamba baadhi ya sheria zilizopitishwa na Bunge zimeenda kinyume na Katiba. Hali hiyo imetatiza uendeshaji wa shughuli za Serikali. Hata hivyo, nimeagiza Mkuu wa Sheria afanye marekebisho kwa miswada na sheria zinazohusika, ili kujadiliwa tena Bungeni. Kwa mfano, Mswada Dhidi ya Ufisadi na Uhalifu wa Kiuchumi, 2000, utashughulikia upungufu ulioko katika kifungu cha sheria cha Kuzuia Ufisadi. Pia, Bunge litapaswa kufanya marekebisho yafaayo kwa Mswada wa Banki Kuu ya Kenya, 2000. Ni jukumu la Wabunge wote, wawe ni wa upinzani, au wa Serikali kuhakikisha kwamba sheria zinazopitishwa Bungeni hazipingani na Katiba yetu.

Zaidi ya hayo, kuna miswada ambayo haikujadiliwa katika kikao kilichopita cha Bunge, na kwa hivyo, itachapishwa tena ili kujadiliwa katika kikao hiki. Miswada hii, ni pamoja na: Traffic (Amendment) Bill, 2000, The Copyright Bill, 2000, The Children Bill, 2000, The Domestic Violence (Family Protection) Bill, 2000, and The Criminal Law (Amendment) Bill, 2000, miongoni mwa mingine.

Kadhhalika, kuna miswada mipya ambayo Serikali imetayarisha kujadiliwa katika kikao cha sasa. Nayo ni: The Sugar Bill, 2001, The Petroleum Bill, 2001 na Persons with Disabilities Bill, 2001, miongoni mwa mingine. Ni matumaini yangu kwamba waheshimiwa Wabunge watajipatia wakati na kusoma kwa makini miswada hii, ili kuchangia mawazo yatakayo saidia Serikali kuinua hali ya maisha ya Wakenya wote.

Bwana Spika,

Mimi nimekuwa katika Bunge kwa muda mrefu zaidi kuliko mtu yeyote hapa. Umri wangu, pamoja na ujuzi niliopata maishani vinaniruhusu kuzungumzia mambo mengi ambayo wengi wetu huchukulia hivi hivi tu. Kulingana na utamaduni wa Kiafrika, watu wa jamii moja hukaa pamoja, na wageni kamwe hawaruhusiwi kuingilia kati mambo ya ndani ya jamii hiyo. Nchi yetu ni kama jamii moja, na viongozi lazima wawe waangalifu wanapojadili mambo yetu katika mabaraza ya nchi za kigeni. Nawahimiza viongozi kuzingatia uzalendo na uaminifu kwa nchi hii, na kujadili na kusuluhisha mambo yanayohusu taifa kwa jumla kama ndugu.

Kwa hivyo, ninafuraha kuona kwamba shughuli za kurekebisha Katiba sasa zinaelekea kufanywa kwa pamoja. Nahimiza Bunge liharakishe kufanya marekebisho kwa kifungu cha sheria kinachohusu mabadiliko ya Katiba, punde tu maafikiano yatakubaliwa, ili Tume ya Kurekebisha Katiba iweze kuanza kazi yake bila kuchelewa zaidi. Tume hiyo, ndio ukumbi ufao kwa Wakenya wote kutoa mawazo yao kuhusu aina ya jamii waipendayo kwa sasa na kwa siku za usoni. Nawahimiza Wabunge wote waunge mkono Tume hiyo inapojitayarisha kuanza kazi ngumu ya kukusanya na kuweka pamoja Katiba, itakayozingatia maslahi ya Wakenya wote.

Nikimaliza hotuba yangu hivi leo, ningependa kwa mara nyingine, kutoa wito kwa waheshimiwa Wabunge waonyeshe nidhamu na moyo wa kuvumiliana. Kwani, ni wao wanaofahamu vyema kwamba, demokrasia inahitaji kuvumilia maoni ya wengine, hata kama hayakubaliki. Mti wa demokrasia lazima kwanza uote mizizi thabiti Bungeni, kabla matunda yake hayajaenea na kukubaliwa na jamii ya Wakenya wote. Waheshimiwa Wabunge

lazima wafahamu kwamba sisi ndio tumekabidhiwa jukumu kubwa tena ngumu, la kusimamia hali ya baadaye ya nchi hii, na ya Wakenya wote. Vizazi vijavyo ndivyo vitakavyo toa uamuzi kuhusu jinsi ambavyo tumefaulu kutekeleza jukumu hili. Ninawahimiza nyote, mtumikie wananchi kwa unyenyekevu na heshima. Tena, mjibidiishe kuimarisha majadiliano Bungeni kwa mawazo yenye kujenga na hoja za maana.

Mwisho, Bwana Spika ningependa kuwatakia waheshimiwa Wabunge kikao kichangamfu, na chenye manufaa.

AHSANTENI.

**SPEECH BY HIS EXCELLENCY, HON. DANIEL T. ARAP
MOI, C.G.H., M.P., ON THE OCCASION OF THE STATE
OPENING OF THE FIFTH SESSION OF THE EIGHTH
PARLIAMENT ON TUESDAY, 20TH MARCH, 2001**

MR. SPEAKER,

My first and pleasant duty this afternoon is to welcome all honourable Members to the Fifth Session of the Eighth Parliament.

Mr. Speaker,

When I addressed the House last year, I highlighted some of the problems facing our country. Principal among them, is the slow growth of the economy, which must be resolved quickly, if the Government is to succeed in its efforts to develop and maintain infrastructure, provide adequate security and high quality services in health and education, ensure availability of jobs for able-bodied Kenyans, reduce poverty levels and improve the quality of life of our people.

During the last one year, we made significant progress in some areas for instance, the International Monetary Fund and the World Bank restored financial support to our country. Despite some recent setbacks, my Government will continue to play its part in ensuring that the existing partnership is maintained and strengthened. Towards this end, I recently had the opportunity to exchange views with the heads of both institutions. Let me assure honourable Members that I will continue to take a keen interest in all matters concerning the management of our economy, including our relations with the International Monetary Fund and the World Bank.

Mr. Speaker,

The economy suffered a severe blow last year, due to drought conditions. Our farmers lost their crops and livestock, and more than three million of our people experienced severe famine. The drought also caused widespread shortage of power and water supply, while the cost of production in the manufacturing sector

went up, leading to loss of jobs in some areas. The prices of essential foods increased, and yields of our major export crops, including tea, coffee and horticulture, declined. These negative factors, in addition to high international prices of oil, seriously undermined our economic performance.

However, during the last few months there has been a welcome improvement in the weather situation. The short rains, have boosted food production in some parts of the country. Weather experts have also indicated that the adverse weather conditions that have beset us since the mid 1990s, may soon give way to normal, predictable weather. Accordingly, we look forward to better performance in both the agricultural and manufacturing sectors this year.

There are welcome signs of improvement in the other economic sectors as well. Tourism, for instance, registered improved performance last year, and the trend is expected to continue this year. Similarly, the lifting of the ban on Kenyan fish exports to the European Market is a boost to the local fish industry. Furthermore, the restoration of Kenyan textile and other exports to the United States of America, under the African Growth and Opportunity Act is expected to attract new investments, and create job opportunities for thousands of Kenyans.

On the regional front, honourable Members will recall that on Monday, 15th January, this year, I had the honour and pleasure of joining my brother presidents, Benjamin William Mkapa of the United Republic of Tanzania and Yoweri Kaguta Museveni of the Republic of Uganda, in Arusha, Tanzania, to officially inaugurate the East African Community. The way is now open for East Africans to interact and trade freely amongst themselves. I therefore expect Kenyans to take advantage of these developments, and to increase productivity in order to expand our exports to the sub-region, and the world as a whole.

Besides trade, regional integration and globalization have brought new challenges to our people, but there are also numerous opportunities which can bring untold benefits to Kenyans. For our farmers and business community, for instance, there are bigger

markets out there, waiting to be tapped. For our educated young people, there are jobs beyond our borders; and for those with a genuine desire to serve, the arena has now widened.

The three East African Governments are pushing ahead with plans to establish the East African Legislative Assembly and the East African Court of Justice. Soon Kenya will be expected to take its place on these two important regional bodies. It is up to us to ensure that those who will represent Kenyans on the regional assembly, in particular, will uphold the dignity of our country, and will be broad-minded and outward looking in character.

As honourable Members will agree, Kenya is one of the very few countries in our region and Africa as a whole, that has enjoyed unequalled peace since independence. This has enabled us to build a successful economy, despite the difficulties we are facing now. We cannot afford to continue wasting valuable time on endless wrangles. The field of operation is expanding beyond national borders, to the regional and global arenas. Our leaders must therefore widen their horizon, and work together to create a calm and predictable, social and political environment that is friendly to investors. This will ensure that Kenya continues to play a leading and positive role in the affairs of our region and beyond.

Mr. Speaker,

During the last session of Parliament, the House discussed and passed a number of Bills on a wide range of important national issues. Before commenting on some of the Bills that the Government has lined up for this session, I wish to make a few observations on the role of this Parliament, as a champion of our democracy.

The Kenya Constitution vests State authority amongst three arms of the Government, namely, the Executive, Legislature and the Judiciary. This is a fundamental constitutional principle that must continue to be respected and upheld. Indeed, Kenya has maintained social and political stability since independence, due to its respect for the rule of law.

As honourable Members are aware, some Bills which were passed by the House, have been found to contravene the principle of separation of powers. For instance, some laws passed by Parliament were recently declared by our courts to be in conflict with the Constitution. The situation has created complications in the running of the Government.

I have already instructed the Attorney-General to review the affected Bills and laws, for further consideration by Parliament. For instance, The Anti-corruption and Economic Crimes Bill, 2000, will address shortcomings in the existing Prevention of Corruption Act. Parliament will also be called upon to consider appropriate amendments to The Central Bank of Kenya (Amendment) Bill, 2000. It is the responsibility of the House, which comprises both the opposition and Government benches, to ensure that the laws passed here do not contradict our Constitution.

In addition, there are a number of Bills which lapsed at the end of the last session of Parliament, and will therefore be republished for consideration during the current session. These include The Traffic (Amendment) Bill, 2000, The Copyright Bill, 2000, The Children Bill, 2000, The Domestic Violence (Family Protection) Bill, 2000, and The Criminal Law (Amendment) Bill, 2000, amongst others.

There are also a number of new Bills which the Government will introduce during the current session of Parliament. These include The Sugar Bill, 2001, The Petroleum Bill, 2001, and The Persons with Disabilities Bill, 2001, amongst others. I hope that honourable Members will take time to study these Bills in order to make useful contributions that will assist the Government to improve the well-being of Kenyans.

Mr. Speaker,

I have been in this Parliament longer than anybody else. Both my experience and my age, allow me to make observations which many take for granted. In our African culture, the family stays close together, and strangers are not allowed to pry into its affairs. Our nation is like a family, and leaders should be careful when

discussing national issues at foreign fora. I urge leaders to be guided by patriotism, nationalism and loyalty to the country and to discuss and resolve issues of national concern as brothers.

In this regard, I am pleased to see that a unitary constitutional review process is now underway. I urge the House to move with speed to make the necessary amendments to the Constitutional Review Act as soon as a merger document is approved, so that the Constitutional Review Commission can begin its work without further delay. The Commission is the right forum for Kenyans of all walks of life to contribute their views about the kind of society they would like to have now, and in the future. I urge honourable Members to support the Commission as it embarks on the difficult task of putting together a Constitution that reflects the wishes of the majority of Kenyans.

As I conclude my remarks today, let me once again emphasize the need for honourable Members to exercise self-discipline, coupled with a spirit of give and take. Honourable Members know fully well, that democracy calls for tolerance for the views of others, however unacceptable these may be. The tree of democracy must first of all take root in this Parliament, before its fruits can find acceptance in the larger society. Honourable Members should always bear in mind that we have been entrusted with a serious responsibility of steering the destiny of this country and of all Kenyans. Future generations will judge us by how effectively we will carry out this task. I urge you all to serve Kenyans with humility and dignity and to strive to enrich House debates with constructive ideas and sound arguments.

Finally Mr. Speaker, I wish honourable Members a lively and fruitful Fifth Session.

THANK YOU.