

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 3rd May, 2000

The House met at 9.00 a.m.

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

PRAYERS

NOTICES OF MOTIONS

RESETTLEMENT OF DISPLACED PEOPLE

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, in view of the fact that many Kenyans were displaced from their farms at Miteitei, Kitoch, Komarero, Simotwo and others from their farms in the Rift Valley Province and other parts of Kenya during the 1991/92 tribal clashes; and considering that their current social and economic status is in pathetic condition, this House resolves that the Government resettles them in their former farms immediately.

EMPLOYMENT OF KENYA POLICE RESERVISTS

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, in view of the insecurity in the country and noting that Part 7, Sections 53, 55, 57 and 58 of the Police Act, Cap.84, provide for the employment of Kenya Police Reservists to assist the Force in *inter alia* maintenance of law and order, the preservation of peace and protection of lives and property, this House urges the Government to station at least five reservists in every sub-location, recruited from the indigenous population.

LEAVE TO INTRODUCE FREEDOM OF INFORMATION BILL

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, this House do grant leave for the introduction of a Bill for an Act of Parliament, entitled the Freedom of Information Act, for the purposes of natural information resources as a tool for development.

The Temporary Deputy Speaker (Mr. Poghisio): Next Order!

ORAL ANSWERS TO QUESTIONS

Question No.151

SHORTAGE OF TEACHERS IN CHAM-GIWADU DIVISION

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Ochilo-Ayacko is not here? That Question will be stood over for now. Next Question, Mr. Sungu!

Question No.148

RELOCATION OF QUARRIES IN KISUMU MUNICIPALITY

Mr. Sungu asked the Minister for Mineral Exploration:-

- (a) whether he is aware that six quarries now operating within Kisumu Municipality are causing death and destruction to property by the continual usage of powerful explosives contrary to Cap.115 of the Laws of Kenya;
- (b) whether he could ensure that these quarries are relocated out of the residential areas in order to protect people who have been living there before the construction of the quarries commenced; and,
- (c) whether he could

assure the House that the quarries involved will compensate the owners of the damaged property, particularly Angira Primary School which has incurred damages to all the buildings within its compound.

The Temporary Deputy Speaker (Mr. Poghisio): The Minister for Mineral Exploration is not here?

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Originally, this Question was directed to the Ministry of Environment and Natural Resources under which quarries and explosives fall; and that is the information I have in my initial notification of the Question! The Question on the Order Paper is different from what I have!

The Temporary Deputy Speaker (Mr. Poghisio): Why can we not sort that one out as we go to the next Question? Next Question, Mr. Otita!

Question No.157

ASSISTANCE TO MIWANI SUGAR FACTORY

Mr. Otita asked the Minister for Agriculture:-

- (a) whether he is aware that farmers from Kechogo, Kakola, Bwanda and Ombaka in Nyando Constituency have abandoned sugar-cane farming due to high cost of transportation from their farms to Chemelil Sugar Factory; and,
- (b) what plans he has to assist Miwani Sugar Factory to avoid delays in payment for the cane delivered?

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

(a) I am not aware.

(b) The following steps are underway to revitalise Miwani Sugar Factory:-

- (i) writing off of accumulating losses which as at 30th June, 1998 stood at Kshs2,070,480,000.
- (ii) Conversion of shareholders' loans amounting to Kshs716 million into equity.
- (iii) Conversion of unpaid management fees into equity.
- (iv) Injection of additional capital by shareholders for factory rehabilitation to stabilize operations at 2,500 tonnes of cane per day, cane development and other financial obligations. The termination of the current management contract and hiring of new professional managers, independent of shareholding, rehabilitation of sugar refinery which has remained unutilized due to lack of boiler's capacity.

Mr. Otita: Mr. Temporary Deputy Speaker, Sir, I would like to express my dissatisfaction with that answer because the Minister did not give me a written answer. Whatever the Minister is saying cannot be understood. My Question states that the people of Kechogo, Bwanda and Kakola have abandoned sugar-cane farming because of transportation costs to Chemelil. This has been necessitated by the fact that Miwani Sugar Company does not cover all these areas. Chemelil is about 35 kilometres away.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, hon. Members! I think it is only fair that we give the hon. Member an opportunity to be heard. If you are consulting, do so in very low tones, or withdraw from the Chamber, so that we can give him a chance to be heard.

Mr. Otita: Thank you, Mr. Temporary Deputy Speaker, Sir. I was saying that the nearest sugarcane factory to Ahero where these people are living is Miwani, which is about 12 kilometres away. Transporting sugarcane from Ahero to Chemelil, which is 35 kilometres away, is too costly for sugarcane growers. Why is Miwani Sugar Factory not covering the people around Ahero, and why can it not be made to do so, instead of those people abandoning growing sugarcane?

The Temporary Deputy Speaker (Mr. Poghisio): Did you get a copy of the written reply?

Mr. Otita: No, Mr. Temporary Deputy Speaker, Sir.

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, I apologise for the Member not getting the written answer. But I have a copy for him and I will pass it to him.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. There are so many of us who are

interested in getting details about what he says on payments for Miwani Sugar Company. But is it in order that a Minister apologises for not having passed on a copy of the written answer and now he is on the Floor, holding custody of a copy of the answer which is supposed to have gone to the hon. Questioner?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! I think it is only yesterday that the Speaker ruled on this matter; that, it is incumbent upon the Minister to send the written answer in advance. In advance, was defined as before the Session begins. I think what the Minister is trying to do is very inadequate for the purpose of the Member who is asking the Question. Even the Chair does not have the answer and it is very difficult for us to proceed. But Mr. Minister, can you not just dispatch the answer through the laid down channels? That is not the way to do it.

*(Mr. Mohamed passed the document
to the Clerk-at-the-Table)*

Mr. Mohamed: I am sorry, Mr. Temporary Deputy Speaker, Sir. I sincerely apologise for not having supplied the answer earlier---

The Temporary Deputy Speaker (Mr. Poghisio): Where are the other copies of the answer?

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir---

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would not like to interrupt the Minister, but the Chair ruled last week that Parliament will deal with civil servants who do not supply the answers. It is not the Minister who is supposed to supply the answer, either here or in the office; it is the civil servants. A clear ruling was made last week. What action is going to be taken against civil servants who do not want to abide by the rules of the House? I do not think we should crucify the Minister.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Minister, can you address that?

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, I agree with that. My office was supposed to supply answers to Parliament earlier, but it is unfortunate that even myself, I got this answer just 10 minutes before I came to the House. This is a problem in my office and I will deal with it.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have ruled before that Ministers must send in answers before they come to reply in this House. But you can see that some of these Ministers want to destroy our KANU Government by not adhering to the rules of the House. Can you order the Minister to go and get the answer first before he comes to reply?

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Minister! I just wanted to say that the Minister has apologised and indicated the inadequacies in his own office. I have also said that a ruling was made, it is just unfortunate. I hope that was the last that will happen today, that the Minister would actually say there is no answer. We have talked about this and we cannot talk about it much longer than that. We are going to do something about it. Proceed, Mr. Minister.

Dr. Kulundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it really in order for Ministers to be "mere reading machines?" One would expect that when they bring answers here, they would have discussed them exhaustively with civil servants---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Dr. Kulundu! What did you say?

Dr. Kulundu: "Mere reading machines or robots", Mr. Temporary Deputy Speaker, Sir. The impression that the Minister is giving is that he was merely reading---

(Laughter)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Dr. Kulundu!

Dr. Kulundu: May I make my point, Mr. Temporary Deputy Speaker, Sir?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! You can make your point within the rules and regulations of this House. Dr. Kulundu, you would be wise not to call Ministers "mere reading machines", look for something else.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir---

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. To save Ministers and the House from this kind of embarrassment, I thought that a Question that is going to be answered in Parliament has to be actually authorised by the Minister and he has got to sign the copy that comes here. Can we have a clear ruling from today, so that a Minister is not given an answer 10 minutes before, which means he has not approved or signed it? It is very

unfair to the Ministers, Parliament and the country.

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, it is not true that we are just mere reading machines. We sign the answers and return them to the officers to make them ready. We sign them at the initial stage. What I was saying I got 10 minutes before I came here, was the final answer which I have signed---

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

The Temporary Deputy Speaker (Mr. Poghiso): Order! Order, Mr. Angwenyi! I just said let us hear the Minister out. He has not finished saying what he is about to say. I will give you your turn, but let us hear him out. It is the same ruling, let us hear him out.

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, I think we should leave this issue of answers and deal with the Question, because I have apologised and supplied the answer. In the answer I have given, part "a" states: I am not aware. The hon. Member asked whether I am aware that farmers at Kechogo, Kakola, Bwanda and Ombaka have abandoned sugarcane farming. I do not know why they abandoned sugarcane farming. I dealt with the problem of sugar factory and how it could be improved.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, this is a very important Question and it should not be handled in a covertly because the livelihood of very many people is dependent on the operations of Miwani Sugar Company. We all know the politics behind it because Mr. Ketan Somaia acquired it free. It is time that the Government took a bold decision to regulate the issue of ownership of Miwani Sugar Company before addressing the question of rehabilitation. Will the Minister give an undertaking to the House that the Government is going to acquire all the shares that were given to Mr. Ketan Somaia freely and then transfer the ownership to the people of the area?

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Raila has made serious allegations that Mr. Ketan Somaia has taken Miwani Sugar Company for free. Could he substantiate?

The Temporary Deputy Speaker (Mr. Poghiso): Order! Let us hear from Mr. Raila.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I said that the facts regarding the ownership of this factory are known - that Ketan Somaia acquired it fraudulently. Mr. Somaia did not pay anything, but the company's shares were transferred to him. I have evidence to that effect and, if necessary, I will table it.

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, I know that this is a very important Question, because it involves sugar, which is very sweet. Everybody must have a cup of tea with sugar every morning. However, I am afraid that the question that hon. Raila has raised is not part of this Question. I am not aware of the persons who own Miwani Sugar Company. The hon. Member should bring a Question on this issue to this House, so that I can deal with it.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, how fair is it to this House for the Minister to answer questions about how to turn around Miwani Sugar Company when he has claimed here that he does not know the owners of the company? My substantive question is: The Minister has a written reply, in which he says that the company owns Kshs2 billion, and in which he talks of attempts to turn the company around by converting a debt of Kshs700 million in equity. Mr. Somaia inherited a debt of Kshs450 million, taken by (Hidosha?) from the Agricultural Finance Corporation (AFC); he did not pay a cent to acquire the 51 per cent shareholding of the company.

Mr. Somaia is a criminal who has requested for even Board meetings---

The Temporary Deputy Speaker (Poghiso): Order! Order, Dr. Kituyi!

Dr. Kituyi: Okay, in view of the Chair's ruling, Mr. Somaia is not a criminal. However, I would like to point out here that he has refused to appear before this House's Committees on summons, because of his involvement in criminal conduct in this country. If such a person acquires 51 per cent of the Company's shareholding without paying a cent, how can the Minister now tell us that he is going to convert a debt owed by Mr. Somaia into equity? How is he going to do that?

Mr. Mohamed: Temporary Deputy Speaker, Sir, I did not say that I am not aware of Miwani Sugar Company; I said that I am not aware of its ownership status and how the said factory was acquired. The issue the hon. Members have raised is not part of this Question. If a Question on it is brought to this House, I will deal with it properly.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. My question is very straightforward. The Minister did not know how Mr. Somaia came to own 51 per cent of the Miwani Sugar Company; I have informed him on that. My question is: How is the Kenya Government, as is stated in the Minister's reply, going to convert a debt that Mr. Somaia owes the AFC into equity?

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, my written reply to this Question does not deal with Mr. Somaia. I very specifically talked about shareholders. The Company's shareholders are very many, among whom could be hon. Kituyi.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, thank you for recognising the fact that the sugar factory we are talking about is very close to my home. The factory, which has been illegally acquired by Mr. Somaia collects levy from sugarcane farmers. The levy that is collected is never remitted to the county council for the purpose of repairing

roads; it is never remitted to the people of Kajulu, who also deliver sugarcane to that factory. Could the Minister now tell us where all the money that is collected by that factory, which is owned illegally by this criminal, goes to?

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order! No matter how emotional this particular Question may lead some hon. Members to be, we should still stick within the rule regarding use the Parliamentary language when we talk about people who are here and others who are out of here. Hon. Sungu, I do not think that we are the right people to refer to anybody as a criminal in this particular case. I believe that we have a language that is acceptable here. Mr. Somaia is not here to defend himself; I do not even know where he is.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. If somebody is a criminal, what would you call him?

The Temporary Deputy Speaker (Mr. Poghismo): Proceed, Dr. Ochuodho!

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, there is the issue where farmers have delivered sugarcane to that factory; the sugar that was processed from the cane has been sold, but the farmers have remained unpaid. This is a serious problem. We know that recently farmers in Muhoroni burnt down much of the nucleus estates. With regard to Miwani Sugar Company, we understand that the farmers are owed more than Kshs500 million for sugarcane delivered to the factory, despite the fact that the sugar that was processed from that cane has been sold. Those farmers are not even able to pay school fees for their children. What immediate measures is the Government taking to ensure that those farmers are paid for the sugarcane supplied to the sugar factory? Why does the Government not give Miwani Sugar Company the Kshs500 million owed to farmers?

The Temporary Deputy Speaker (Mr. Poghismo): Dr. Ochuodho, I think one question is enough. Which of the two you have asked would you like answered?

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, why can the Government not give Miwani Sugar Company Kshs500 million to pay off the farmers?

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member's question is outside the scope of the Question before the House.

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister claims that the question I have asked is not within the scope of the Question before the House. Part (b) of the Question before the House seeks to know the plans the Government has to assist Miwani Factory to avoid delays in payments for cane delivered.

The Temporary Deputy Speaker (Mr. Poghismo): Very well; where did you get the Kshs500 million figure from?

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I am informing the Minister that farmers in those areas are owed by the factory Kshs500 million, since he is not aware; that is the truth. Why does the Government not use the Sugar Development Fund to pay the farmers? Currently, the figure stands at Kshs4 billion.

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order! Hon. Members, I think we are going to move on from there, because a number of hon. Members are using information which is not the property of this House as of now. If you have something that you would like to table, table it here. We should avoid talking about things that we do not have access to. Also, on the use of the word "criminal", I would like to inform hon. Members that somebody is a criminal when a court of law says so. To the best of my knowledge, I do not think that anybody from the courts has ruled to that effect. Let us proceed, Mr. Minister.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am willing to withdraw the word "criminal" and substitute it with the word "swindler", but I would like the Minister to answer the question about the levy that is collected by Miwani Sugar Factory, which is never remitted to the relevant authorities. I would like him to address that question; we know that the factory has not even submitted its workers' monthly deductions to the co-operative society.

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, I am not aware of any levy collected by the said factory. I will find out the true position. If I establish that the said factory has collected any levy that it has not remitted to the relevant authority, I will take appropriate action.

Mr. Otita: Mr. Temporary Deputy Speaker, Sir, I would like the Minister to go and investigate this matter further, because he is not aware of many things. I first of all asked whether he is aware that people from various places have abandoned sugarcane farming due to lack of transport to Chemilil Sugar Factory, which is far away from those places. Miwani Sugar Factory is nearer to those places. If Miwani Sugar Factory is well-organised, farmers in those places could supply their sugarcane to it. Could the Minister assure this House that he will solve the problem in Miwani, so that the Factory can be utilised by farmers from Ahero area?

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, I think I have answered that question when I outlined the plans the Government has to assist those people. The Government is doing everything possible to ensure that those

farmers are paid, and that they deliver their cane to the factories without any problems.

The Temporary Deputy Speaker (Mr. Poghisio): Very well; let us go to Dr. Ochuodho's Question.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are eradicating poverty in this country. We can only eradicate poverty---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Mr. Angwenyi, we have closed that Question; the last chance was given to Mr. Otita. We are now proceeding to Dr. Ochuodho's Question.

By the way, Mr. Otita, if your Question is not exhausted, you can still have a recourse to the office concerned; you can go to the Minister and sort out those things with him. We need to proceed. I need to inform hon. Members here that Question Time is limited time, which is meant for hon. Members to get information from the Government on pertinent issues by asking Questions. If we spend so much of Question Time on points of order, we tend to "eat" into it. Some of the points of orders

raised here during Question Time are, actually, supplementary questions. So, I would like us to proceed with that in mind.

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

The Temporary Deputy Speaker (Mr. Poghisio): But I have just said that we are spending a lot of Question Time on points of order. Let us proceed to Dr. Ochuodho's Question.

Question No.012

KENYA/SOUTH AFRICA TRADE IMBALANCE

Dr. Ochuodho asked the Minister for Tourism, Trade and Industry:-

(a) whether he is aware that Kenya Breweries Limited is facing difficulties entering into South African beer market,

(b) what the Ministry is doing to assist them overcome these obstacles; and,

(c) what the current trade standing between Kenya and South Africa is and what is being done to reduce the imbalance.

Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the Minister for giving me 10 copies of the written answer contrary to what other Ministers have been doing.

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): Where is the Minister?

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, it is true that I have 10 copies of the written answer. So, I assume that the Minister is here to answer the Question.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. How can hon. Ochuodho congratulate a Minister who is not here to answer the Question? So, the Question is not even answered. He only has 10 copies of the written answer.

The Temporary Deputy Speaker (Mr. Poghisio): Is there anybody here from the Ministry of Tourism, Trade and Industry? Well, we will come back to it later on. Let us move on to the next Question by Mr. Munyao.

Question No.197

REPAIR OF KALAWANI-KIKIMA-
UTANGWA-MUKUYUNI ROAD

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

(a) whether he is aware that the road from Kalawani Market-Kikima-Utangwa Market-Mukuyuni is in a state of disrepair; and,

(b) what urgent measures he is taking to make it passable.

Mr. Temporary Deputy Speaker, upto now, I have not received a written answer to this Question. I would like to make a small correction. The third line on part "a" of the Question is not "disrepair". I do not know the word I used because I do not have the original copy, but it reads that the road is impassable.

The Temporary Deputy Speaker (Mr. Poghisio): What should it read?

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I think it meant that the road was out of repair.

The Temporary Deputy Speaker: Anyway, let the Minister answer the Question.

Mr. Munyao: It is quite okay, but I have not received my written answer. What would the Chair say about it?

The Temporary Deputy Speaker (Mr. Poghiso): We have already ruled on that and I am waiting to see where the Minister is. Who is answering the Question?

Is there anybody from the Ministry of Roads and Public Works? We will come back to that Question later on.

Question No.158

DOUBLE REGISTRATION OF VOTERS

Mr. Muchiri asked the Attorney-General:-

(a) how many Kenyans were double registered in the voter registration exercise of 1997, and whether he could table the list per constituency; and,

(b) whether he is aware that the electoral cards for 1997 Elections were issued contrary to Parliamentary and Presidential Elections Act, Cap 7 Rule R.6(2).

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The Temporary Deputy Speaker (Mr. Poghiso): Did you get the written answer?

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I have just received a copy of the written answer now.

The Attorney-General (Mr. Wako): Mr.

Temporary Deputy Speaker, Sir, it is true that he has just received the answer, but you can see the homework I had to do.

I beg to reply.

(a) The list of Kenyans who were double or multiple registered is long. I beg to lay on the Table the list and detailed documentation in support of that list for the hon. Members to peruse. The total number involved is 29,534.

(b) I am not aware that the electoral cards for 1997 were issued contrary to Rule R.6(2) made pursuant to the National Assembly and Presidential Elections Act. I confirm that the electors' cards were issued in accordance with the law.

(Mr. Wako laid the documents on the Table)

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, let me thank the Attorney-General for the good work he has done of bringing the list to Parliament. But the answer the hon. Attorney-General has given is misleading. First, I have a booklet which was prepared by the Electoral Commission of Kenya (ECK) and which was availed to Parliament. This booklet gave 61,000 as the figure of the double registered voters, which I would like to table in this House. Secondly, I have the voters' card for 1997 which differs from the voters' card that was supposed to be issued. It is in law that the voters' card shall be in Form "C" and the voter's card for 1997 differs from that. The Attorney-General is now saying that he has about 30,000 double registered voters. Why has he not prosecuted those people and yet they committed an offence?

Mr. Wako: Mr. Temporary Deputy Speaker, Sir, I think the Questioner has asked three questions. First, apparently, he has a list which differs from the list that I have been given by the ECK, who have been working very hard overnight to produce not only the list with a breakdown--- This list has a breakdown per constituency. So, he can check and see how many voters in his constituency were double registered. In support of that, they have also prepared the actual names in the six volumes. So, that is the list I have, but if he has another list of 61,000 voters who were double registered, if he gives it to me, I will take it up with the ECK on that particular issue.

As to the issue of the elector's card differing from the law that, in fact, was an issue in the Election Petition 1485 of 1995 - Ramogi Achieng Oneko and others versus the ECK. This is because Ramogi Achieng Oneko had alleged that, that particular card differed from the prescribed one. So, a decision has been made by the court on that particular issue. The salient parts say:

"Looking at the annexure of the voters' card - and here I am reading the decision of Justice Joyce Aluoch - Form "C," it appears to him that the deviation complained about was the entry constituency and another entry space written on thumb prints."

That was a submission by Achieng Oneko's lawyer.

On constituency, he referred the court to Section 4, Cap 7 which provides for the registration of voters per constituency. The current reading constituency cannot in his submission offend the exercise. Again, the annexure's card has a space for the thumb print and it goes on to list the differences between the prescribed form and the card that was actually issued out. He concludes that the registration of that card was not a deviation from the form, and in any case, what appears to be major is actually minor and the card was properly issued in accordance with the law. Here I am quoting an interpretative decision by the High Court on this issue.

On the third point about prosecution, one of the reasons why I delayed to prosecute those voters until the last moment is that the ECK was still compiling the list of the people whom they took to court. The ECK has a responsibility and duty, where they discover this type of offenses, to immediately alert the police so that the victims are charged in court. They do not necessarily have to come to the Attorney-General. The ECK has assured me that there are a number of cases in court, particularly on those people who were caught in the very act of trying to register and discovered that they were double registered. The ECK has assured me that quite a number of people have been found guilty and sentences imposed on them, but others are also pending. It will take time to compile that list, but when it is available, I can avail it to the hon. Member of Parliament.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, can the Attorney-General tell this House the measures put in place so that what has happened in the past is not repeated, where the Electoral Commission deliberately employed clerks to register fake names and turned them into registers for purposes of rigging?

Mr. Wako: Mr. Temporary Deputy Speaker, Sir, that is a very serious allegation. It is accusing the Electoral Commission, which is independent and is composed of men of integrity and which has persons nominated by all the political parties in this House, including the Democratic Party, that they deliberately employed people and administered it. If I get particulars on this, I will take it up with the Electoral Commission, and if necessary, take appropriate action in accordance with the laws of this country.

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. The first step to democracy and good governance is through voting. The Electoral Commission is on record as saying that the Treasury---

The Temporary Deputy Speaker (Mr. Poghisio): Are you coming to your point of order?

Mr. Kiunjuri: Could the Attorney-General explain to this House what will happen to the voters who will have attained age---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Kiunjuri! That is not a point of order. Yes, Mr. Maore?

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, the Attorney-General is aware that the Government spent a lot of money, actually in excess of Kshs2 billion in procuring computers from a French firm. The purpose of the procurement of those computers was to have a central mainframe system whereby you can have those names recorded. The chances of double or multiple registrations would not arise, if they were using the computers. Why is the Government perpetrating a stone age irregularity while we are in the computer-age?

Mr. Wako: Mr. Temporary Deputy Speaker, Sir, the Government is not perpetuating a phoney registration system in this computer-age. The constitutional power, as far as the registration of voters is concerned, is vested on an independent body called the Electoral Commission. The Government has availed money to that Commission and they have computerised their operations. In fact, that is why I was able to get all this information. If this had been that age where things had to be written, registers kept and so on, this exercise would have taken ages. It is because of the computerisation, pursuant to the money allocated to the Electoral Commission, that I assured this House last week - and the debate is going on this week - that we are now in a position to embark on a continuous registration of voters.

Mr. Muchiri: Under the Local Government Act, one of the qualifications for the election of councillors is that no person shall offer himself as a candidate for the local government elections in their respective local authorities unless he is a member of KANU! Now, we have several councillors countrywide who are not members of KANU, but belong to various political parties. When will the Attorney-General bring a Bill to amend that particular Section of the law as these councillors are operating in these local authorities illegally?

Mr. Wako: Mr. Temporary Deputy Speaker, Sir, I would like to be quoted the Section of our laws which says they must be members of KANU. He is contradictory. In one breath, he is talking about all the KANU councillors and in another he is talking about councillors belonging to other political parties being elected. Surely, they must have been registered because the law permits that to happen. It is not only the law, but our Constitution also permits that because one of the basic provisions of our Constitution is that Kenya will be a dynamic multi-party state.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Muchiri, what evidence do you have?

Mr. Muchiri: It is under rule 14 (b) of the Local Government Act, Legal Notice No.209 of 1974. If you want, I give you the law. It has not been abolished

The Temporary Deputy Speaker (Mr. Poghisio): It has been overtaken by later laws.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, it has not been overtaken unless you change the law. That is the law. I will pass the Section to him to save the House time.

Mr. Wako: Mr. Temporary Deputy Speaker, Sir, I note he is quoting a 1974 law. All that has changed. I have noted the interest of the hon. Member in matters relating to law. We now offer opportunities at the faculty of law to have a parallel programme in studying the law. I would advise the hon. Member who has shown his interest in the interpretation of the law to undertake that particular course.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. As of now there is no evidence to show that the relevant Section that hon. Muchiri is referring to has been amended. I do not think it is fair for the Attorney-General to be so condescending about an hon. Member who might have found "a dark spot in the law" that nobody had looked at. It is not fair to ask him to go and do a parallel programme in law.

Mr. Muchiri: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have found that Section of the law.

The Temporary Deputy Speaker (Mr. Poghisio): Very fine. Can you read it now?

Mr. Muchiri: Nomination of Candidates for Elections. "No person shall put himself forward as a candidate at an election unless--- (b) he is a member of the Kenya African National Union (KANU)."

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not think that Parliament should be a babel or a source of confusion. If we are saying that we are opposing a law which is illegal, it is wrong. Would it not be in order for the Attorney-General to explain clearly that those provisions arose out of the enactment of

[**Mr. Anyona**]

Section 2(a) of the Constitution. Once Section 2(a) was repealed all those laws died. It is important to present to the country the correct information.

The Temporary Deputy Speaker (Mr. Poghisio): But you are doing it for him. Mr. Attorney-General, maybe you can have a look at that. Mr. Muchiri, you have made your point. The Attorney-General is looking at it and I think he will get back to us.

Mr. Wako: The fact of the matter is that the hon. Member has quoted a law which has since been amended. His copy of the Local Government Act is really out of date because it only consists of amendments up to 1984. We know very well that consequent to allowing more parties to be formed, all the consequential amendments were made to the Local Government Act and also to all laws relating to elections. That was done after 1984. This Bill contains amendments only up to 1984.

Mr. Kibicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Attorney-General to continue answering the Question which you have already deferred?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! We had actually deferred the Question for the Attorney-General to go and look into the matter in detail. For the benefit of hon. Members and this House, he should look into the relevant sections of the law that will replace it, so that the registering officer can get that benefit. He is getting into trouble trying to explain this. In any case, the Question has been deferred. I proceed to the next Question.

Mr. Wako: Mr. Temporary Deputy Speaker, Sir, I do not want to challenge your ruling, but this Question has been answered. How can it be deferred?

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Attorney-General! What happened is that Mr. Muchiri had the last supplementary question and that is when he brought the issue of the law, in which case he wanted a clarification. While you were looking at that, I actually told him the Question had been deferred. You will proceed from there.

Mr. Wako: Mr. Temporary Deputy Speaker, Sir, I want a clarification on that particular issue because the Question that is before the House is a question relating to the registration of voters which has been answered. The supplementary question that was asked by the hon. Member of Parliament; although I answered it, did not arise and it cannot be seen to be arising out of the Question that is before the House. He is now asking an issue about the candidature; not on the registration of voters, but the qualifications of a candidate. So, if that is the question you are deferring, maybe, what the hon. Member should do is to table that particular question and we shall answer it properly.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Basically, I agree the Attorney-General has a point. He had answered most of the question, but there is a particular question which I allowed him to ask. It is only in that respect that I have deferred the Question. I am not asking you to go back and get all the details of the Question because you have already answered it. But only details to the supplementary question asked by hon. Member.

For the second time, Question by Mr. Ochilo-Ayacko.

Question No.151

SHORTAGE OF TEACHERS IN
CHAM-GIWADU DIVISION

Is Mr. Achilo-Ayacko still not here? The Question is dropped.

(Question dropped)

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is an ordinary Question which would be allowed to come a second time. Mr. Ochilo-Ayacko is actually in Mombasa attending a conference. Therefore, I will seek the indulgence of the Chair to allow it to come a second time.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Next Question.

Question No.148

RELOCATION OF QUARRIES
IN KISUMU MUNICIPALITY

Mr. Sungu asked the Minister for Mineral Exploration:-

- (a) if he is aware that six quarries now operating within Kisumu Town Municipality are causing death and destruction to property by the continual usage of powerful explosives contrary to Cap.115 of Laws of Kenya;
- (b) if he could ensure that these quarries are relocated out of the residential areas in order to protect people who have been living there before the construction of the quarries commenced; and,
- (c) if he could assure the House that the quarries involved will compensate the owners of the damaged property, particularly Angira Primary School which has incurred damage to all the buildings within its compound.

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I apologise for coming late. However, I seek the leave of the House to allow me to answer this Question tomorrow afternoon.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Sungu, are you satisfied?

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I have no objection to that.

The Temporary Deputy Speaker (Mr. Poghisio): The Question is deferred. Next Question.

(Question deferred)

Question No.012

KENYA/SOUTH AFRICA TRADE IMBALANCE

Dr. Ochuodho asked the Minister for Tourism, Trade and Industry:-

- (a) if he is aware that Kenya Breweries Limited is facing difficulties entering into South African beer market;
- (b) what the Ministry is doing to assist them over these obstacles; and,
- (c) what is the current trade standing between Kenya and South Africa and what is being done to reduce the imbalance.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Speaker, Sir, before I reply to this Question, I would like to apologise for not being here when this Question was first asked. There was a reply which I was not satisfied with and I wanted to get more details.

However, I beg to reply.

(a) Yes, I am aware that Kenya Breweries Limited is facing difficulties entering into South African beer market.

(b) The Ministry supports Kenya Breweries Limited in its effort to seek redress through the Courts of Law in South Africa against the unwarranted objection of its use of the "Elephant Tusker" Trade mark by South African Breweries.

(c) The current trade standing between Kenya and South Africa is as follows:-

Year	Imports Kshs.Billion	Exports Kshs.Billion	Balance of Trade Kshs.Billion
1994	12.43	0.43	(-) 12.00
1995	11.97	2.70	(-) 9.27
1996	12.63	2.38	(-) 10.25
1997	21.80	1.08	(-) 20.72
1998	12.20	0.94	(-) 11.26

Over the years, the trade balance has been in South Africa's favour. In order to reduce the imbalance, our Ministry has taken the following steps:-

(i) The Government has posted a Commercial Attache to South Africa. Hopefully, he will help in promoting trade between Kenya and South Africa to Kenya's favour.

(ii) The Government has organised through the Export Promotion Council, participation in South African International Trade Exhibition (SAITEX) in October 2000. We hope that many Kenyan manufacturers and businessmen will take their wares and display them in that exhibition with the aim of increasing our exports to South Africa.

(iii) In May of this year, we will hold consultations with South African authorities on tariff and non-tariff barriers facing Kenyan products in that market.

(iv) We are consulting with South Africa on a bilateral trade agreement between the two countries, with the obvious objective of improving trade imbalance.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, it is very unfortunate to hear the kind of answers the Assistant Minister gives with regard to the efforts they are making to harmonise the trading balance. However, I first filed this Question about a year ago. About a year later, the East African Breweries Limited still has a problem penetrating into South African market. If you go to any Kenyan supermarket, you could as well call it a South African supermarket because almost everything comes in there from South Africa. Could he tell us in realising that in 1997, there was a major--

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

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us what are the major imports that we get from South Africa, especially in 1997 when we had Kshs21 billion worth of goods from South Africa? What are the two major imports that we buy from South Africa.

Mr. Ekirapa: Mr. Temporary Deputy Speaker, Sir, when we liberalised our market, all manner of goods came into this country from South Africa. I am talking about beer, beverages, foodstuffs, canned fruits and many other goods.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I asked the Assistant Minister a specific question: which are the two major imports from South Africa to Kenya? If he does not know now, he had better not fear to say so.

Mr. Ekirapa: Mr. Temporary Deputy Speaker, Sir, I do not have a complete breakdown of that.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, South Africa bashing will not do. South Africa is willing to trade with Kenya, but the South African High Commissioner to Kenya said that Kenyan businessmen of Asian origin are the ones who are actually abusing the trade privileges, because they are importing goods from South Africa to Kenya without paying duty. So, corruption is one of the biggest hindrance. Could the Assistant Minister assure the House that the Government will do everything possible to ensure that people who are importing South African goods into this country pay duty and Kenyan goods too have access to the South African market?

Mr. Ekirapa: Mr. Temporary Deputy Speaker, Sir, the Kenya Revenue Authority (KRA) has the responsibility of ensuring that everybody pays duty and those who do not do so are not being condoned by the Government. There are other reasons why our business people are not very competitive in their quest to improve the trade imbalance with South Africa, and they are being addressed. First, there is the question of duty. For example, we hope to reduce the duty on cut flowers from the current 20 per cent to 15 per cent, which is accorded to flowers from the European Union (EU). Secondly, we intend to reduce duties on processed pineapples, which is currently at 55 per cent. There are other areas where our products are uncompetitive, because the ingredients used for manufacturing some of these goods are imported and there is high duty on them. The Government is taking the necessary measures to reduce those duties in order to make our business people more competitive.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, the trade imbalance between nations is not a subject of "after-dinner-party speeches", nor a subject of other countries sympathising with you. Look at these two

scenarios.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Dr. Kituyi, ask the question!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, it is fundamental that, that comes out, because of the kind of answer the Assistant Minister has given.

The Temporary Deputy Speaker (Mr. Poghisio): But you will get that by asking questions!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, he will not understand the question unless I make it clear to him.

The Temporary Deputy Speaker (Mr. Poghisio): Dr. Kituyi, ask the question!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, when Egypt noticed a major imbalance between the rivals of Kenyan tea, at a disadvantage of Egyptian exports to Kenya, taking advantage of the Common Market for Eastern and Southern African (COMESA) tariff reduction, she froze the importation of Kenyan tea and Kenya went on her knees and changed the regime of tariffs on imported goods from Egypt. Why did the Kenyan courts rush the resolution of the Kenya Breweries Limited (KBL) dispute about the introduction of Ranger Beer into the Kenyan market much faster than the South Africans are doing with the dispute by the KBL over the "Elephant Tusker" importation to South Africa? They dragged their feet to protect their market; you rushed to please them---

The Temporary Deputy Speaker (Mr. Poghisio): Order! But you are answering the same question you are asking!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, this is a serious matter; I am just trying to make a little speech.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Just ask your question!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, could you try to understand what I am trying to say?

The Temporary Deputy Speaker (Mr. Poghisio): Order! You have already asked the question. Let the Assistant Minister answer it.

Dr. Kituyi: Okay, Mr. Temporary Deputy Speaker, Sir. The fundamental thing that I am saying is this---

The Temporary Deputy Speaker (Mr. Poghisio): But you have already asked your question!

Dr. Kituyi: No, Mr. Temporary Deputy Speaker, Sir! This is an important question. Just listen to its final details.

The Temporary Deputy Speaker (Mr. Poghisio): Order! But you have already asked the question!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, that was a preamble to my question!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Dr. Kituyi! Your question had something to do with rushing of a case. Let the Assistant Minister answer that. That is already a question, because after you have asked it, you cannot go ahead and answer it.

Mr. Ekirapa: Mr. Temporary Deputy Speaker, Sir, he has not asked the question; he was engaged in a preamble to the question.

(Laughter)

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, you insisted that I have asked the question, but the Assistant Minister claims that I have not asked it. Could you let me ask the question in a way that he also understands it?

The Temporary Deputy Speaker (Mr. Poghisio): Ask the question, but do not tell us a story again.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, why did the Kenyan courts rush in resolving the dispute filed by the KBL against Ranger Beer when South African courts are delaying dealing with the matter of the dispute by Castle Breweries over "Elephant Tusker" question? How does sending a Commercial Attache to South Africa and going to a show exhibition assist to address those imbalances?

The Temporary Deputy Speaker (Mr. Poghisio): Order! You have asked your question!

Mr. Ekirapa: Mr. Temporary Deputy Speaker, Sir, regarding the question related to Kenyan courts, I would like to say that they are very efficient, and they disposed of that issue. The South African courts are also still handling the matter which has been brought to them by KBL. We hope that sooner than later, those courts will determine the issue which KBL has put before them.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I want to raise a question with regard to the beer market. The Assistant Minister has already indicated that our products are over-priced and, indeed, beer is one. That is why the beer market is uncompetitive. In the last Budget, the duty on beer was reduced in order to make it competitive in the East African countries and enable the Kenyan beer market to export. What aspects have been implemented in regard to the measure that was adopted during the Budget, because the price of beer has remained the same?

Mr. Ekirapa: Mr. Temporary Deputy Speaker, Sir, the price of beer is one of the issues that we are looking

at and, hopefully, something will be done during the coming Budget.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I stated the fact that the law was changed by Parliament and the tariff lowered. So, what else is he looking for? How come the price of beer has not come down?

Mr. Ekirapa: Mr. Temporary Deputy Speaker, Sir, that is an extra question to which I do not have an answer.

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Ekirapa, the question is very much related. Basically, why has the price of beer not come down? That is a very pertinent question.

Mr. Ekirapa: Mr. Temporary Deputy Speaker, Sir, I said that I do not have an answer as to why the price has not come down.

The Temporary Deputy Speaker (Mr. Poghismo): So, what are you doing about it?

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, that is a an important issue. I mean, beer is one of the biggest products this country produces. Could he go and bring an answer as to why the Minister is unable to implement a law enacted by this Parliament?

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

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, going by the answer the Assistant Minister gave us with regard to the efforts being made, I guess my colleague realised that the Government has not done enough to minimize the trade imbalance. However, I do appreciate that we can minimise the trade imbalance by either enhancing exports, or minimising imports. What specific action has the Assistant Minister taken to ensure that we minimise imports by making them more difficult to get their way into our market? This is because he talked of Kenyan courts being efficient, but they are only efficient when the case favours the establishment. Could the Assistant Minister tell us what action he will take to minimize the imports from South Africa to Kenya?

Mr. Ekirapa: Mr. Temporary Deputy Speaker, Sir, I have said that we are encouraging exports to the South African market.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House by telling us that they are encouraging the export of Kenyan goods when we know very well that it is the Minister for Tourism, Trade and Industry with Asian wheeler-dealers, who are involved in encouraging imports from South Africa to Kenya?

The Temporary Deputy Speaker (Mr. Poghismo): That is not a point of order.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, goods that come from South Africa are not just beers because, if you ever go into our local market, you will find virtually everything, including eggs, is imported from South Africa.

The Temporary Deputy Speaker (Mr. Poghismo): Are you giving information?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I am giving information and also asking a question.

The Temporary Deputy Speaker (Mr. Poghismo): We have finished with that Question.

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, even eggs from South Africa are in the Kenyan market!

The Temporary Deputy Speaker (Mr. Poghismo): Order, Mrs. Ngilu! I think the Question had to do with the Kenya Breweries and the beer market. I do not think we should dwell on the other commodities at the moment. Next Question!

Question No.197

REPAIR OF KALAWANI-KIKIMA-
UTANGWA-MUKUYUNI ROAD

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

(a) whether he is aware that the road from Kalawani Market-Kikima-Utangwa Market-Mukuyuni is in a state of disrepair; and,

(b) what urgent measures he is taking to make it passable.

The Temporary Deputy Speaker (Mr. Poghismo): The Minister for Roads and Public Works is not in. The Question is deferred.

Mr. Munyao: On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that there was sufficient notice given for this Question to be answered, would I be in order to ask the Chair to ask the Minister to reply to it this afternoon?

The Temporary Deputy Speaker (Mr. Poghismo): But the Minister is not here, so let it be answered tomorrow.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, the Deputy Leader of Government Business is here and

can inform him.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Mudavadi, we have a problem here. When can this Question be appropriately answered?

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I do apologise that the Minister is not here to respond, but I would request that the Question be deferred to tomorrow afternoon.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have noticed that a number of Questions have not been answered today because Ministers are not here. This is a very serious issue where Ministers are not taking this House seriously. Instead, they take airport visits to receive the Head of State to be more important than this House. The Chair has to make a ruling today, whether it is Parliament or a visit to the airport which is important. We are not joking here. We are supposed to be very serious in this House. We need your ruling on what action should be taken against them.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Mwenje, I think you have a point. Ministers know exactly that this is where they have their allegiance and this is where their priority should be. I hope the Deputy Leader of Government Business will say something to that effect. But I am not even sure you know where they are.

Mr. Mwenje: I know!

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, the programme for Questions for the whole of this week is already drawn. So, when we say we defer a Question to tomorrow, where are you going to fix it? That is already disrupting the programme of Parliament.

Mr. Temporary Deputy Speaker, Sir, when an hon. Member fails to come to ask a Question, it is dropped for six months unless you are good enough to allow it to come back. But when a Minister or Assistant Minister is not here to answer the Question and the collective responsibility principle does not work, what are we going to do about this? If the Minister is not there, there is one or two Assistant Ministers who should be there. If they are not there, there is collective responsibility, and they can ask one of the Ministers here to answer.

(Maj. Madoka shook his head)

That is correct! That is how it is done! Do not shake your head!

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Anyona, address the Chair.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, this is a very serious matter, and yet the Minister is shaking his head. That is what collective responsibility is all about, and it has been done before.

The Temporary Deputy Speaker (Mr. Poghisio): Order! It is serious enough to warrant that kind of warning, but, at the same time, we have to understand. We have the Deputy Leader of Government Business here who may say something on behalf of the Ministers. The reason we deferred the Question is more to the benefit of the Questioner. We hope the answer will be forthcoming tomorrow. A ruling has been made by the Chair before that Ministers take seriously matters of this House. Questions should be answered, and the written replies should be given in advance to the Questioner, the Chair and the House. In this particular case, I deferred the Question to the benefit of the hon. Member, notwithstanding the fact that the Minister is not here. The Chair has noted what you have said and does not intend to water it down. Of course, when we defer Questions, it disrupts the programme of the House, and Ministers ought to know that. We are only kind enough to do that today. We are only kind enough to do that for today.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I entirely agree with the Chair, but according to this week's programme, I have a Question this morning, and I have another one tomorrow. It will now mean that my other Questions will be dropped. Could I have the assurance from the Chair that I will be allowed to ask both Questions?

The Temporary Deputy Speaker (Mr. Poghisio): That would be for the Chair to rule.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

IMPLEMENTATION OF CIVIL SERVICE CODE OF REGULATIONS

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

(a) Could the Minister confirm that the Civil Service Code of Regulations requiring civil servants and

parastatal employees to retire at the age of 55 years has not been breached?

(b) If the answer to "a" above is in the affirmative, could the Minister table the names of those who are still in the service, specifying special qualifications and any other reasons which could justify their being retained in employment beyond the mandatory retirement age of 55 years?

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I would like to request you and the House and, probably, hon. Ojode, that we postpone this Question until sometime next week. We have to once more verify the list of the people who are going to be retained, and also look more critically into the parastatals. The hon. Member indicated to me this morning that he did not get my written reply, and probably he needs more time to receive it.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I will not have any objection to that as long as we get a list of all the names of those who have attained the age of 55 years.

(Question deferred)

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Have you noticed that when the President is away, the Cabinet tends to be very sluggish and the Government seems to die?

The Temporary Deputy Speaker (Mr. Poghio): Order! Hon. Members, I think it is only fair that you also realise that when you refer to the "Government", you are also referring to yourselves and this House. Sometimes I think we forget that. When we say the Government is dead or something like that, we should be cautious about that.

Mr. Ndilinge: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Gatabaki to mislead the House by saying that the President is away, when I saw his flag flying high at his Harambee House office this morning? Is he aware that the President is around?

SALE OF MURANG'A COUNTY COUNCIL HOUSES

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

(a) Could the Minister confirm the sale of houses belonging to Murang'a County Council at Kiharu Estate within Murang'a Municipality?

(b) Is the Minister aware that the tenders were irregularly opened on the midnight of 27th/28th March, 2000?

(c) In view of the fact that the staff of the council currently occupying these houses will be subjected to unwarranted inconveniences, could the Minister consider revoking the approval of these Houses?

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

(Question dropped)

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Ochilo-Ayacko left for Mombasa last week. The programme for Parliament was drawn up his week and distributed to hon. Members of Parliament on Tuesday. I know that the Chair has made a ruling that hon. Ochilo-Ayacko's Question should be dropped, but I want to request the Chair to reconsider that position. Since the hon. Member is on a House Business in Mombasa, and realising that he would have asked this Question if he was in the House and if the programme had been given to hon. Members, would you kindly reconsider that, so that the Office of the Clerk of the National Assembly can put this Question on the Order Paper for the time when he comes back?

The Temporary Deputy Speaker (Mr. Poghio): Considering that he is out in a Public Investment Committee's mission, that will be considered.

POINTS OF ORDER

VOTER REGISTRATION FOR 18-YEAR OLDS IN 2001/2002

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to demand a Ministerial Statement from the Office of the President. What will happen to those Kenyans who will have attained the age of 18 by the year 2001/2002, now that the Treasury has stated categorically that it will not give money for the Financial Year 2000/2001 while the Electoral Commission of Kenya is conducting an impromptu voter registration beginning from

11th May to 9th June, this year, without preparing Kenyans for this very important exercise?

The Temporary Deputy Speaker (Mr. Poghisio): That goes to the Attorney-General. He is not here? So, this can be handled by the Deputy Leader of Government Business.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I am sorry, I did not hear what the hon. Member said. I was consulting with one of the hon. Members. Maybe, hon. Kiunjuri can repeat his question.

The Temporary Deputy Speaker (Mr. Poghisio): He has raised a question. He wants a Ministerial Statement on voter registration and the fact that the Treasury has stated that it will not give money in the coming financial year.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I will bring this to the attention of the Attorney-General so that he can respond.

AUTHORITY FOR SHOOT-TO-KILL ORDER

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Two weeks ago, I asked the Minister of State, Office of the President, in charge of internal security to make a statement in this House explaining under what authority he had instructed the police to shoot people and kill them, contrary to the provisions of Section 71 of the Constitution of Kenya. To date, he has not made that statement. Could the Chair oblige him to do that?

The Temporary Deputy Speaker (Mr. Poghisio): Is the Minister here? Could the Deputy Leader of Government Business say something about that?

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I will request the Minister to respond to that either this afternoon or tomorrow. He was here a few minutes ago and I think he is consulting on some matters outside.

The Temporary Deputy Speaker (Mr. Poghisio): Dr. Kituyi, be sure to rise on that issue this afternoon.

STATEMENT ON CONFUSION AT CITY HALL

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether it is the duty of the Chair or the duty of hon. Members to ask Ministers to remember to make statements which have been requested. Last week, I requested for a Ministerial Statement to explain the confusion that persists between City Hall, the Ministry of Local Government and, maybe, the Office of the President. We were told that a statement would be made this week. There is no sign that the statement is going to be made. I asked the Office of the President to make the statement, but I do not know whether the statement will be made or not. Could we have a clear position of what is happening?

The Temporary Deputy Speaker (Mr. Poghisio): It is very important that we know who will make the statement and when. Is there anybody from the Ministry of Local Government? Mr. Kiangoi, will you say something about this?

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Temporary Deputy Speaker, Sir, the point by hon. Anyona is very clear. He directed the point of order to the Office of the President.

The Temporary Deputy Speaker (Mr. Poghisio): Who is the relevant person from the Office of the President? The Deputy Leader of Government Business, will you, please, pay attention to Mr. Anyona's issue? He wants to know what happened to the request he made for a Ministerial Statement. What was the matter, Mr. Anyona?

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I had requested for a Ministerial Statement on the state of affairs between the City Hall, the Ministry of Local Government and the Office of the President. There is some confusion there, and Kenyans do not know where to go for services. We wanted, therefore, the Office of the President, as the one in charge of the management of the Government, to tell us who is responsible for the affairs of City Hall.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, to the best of my opinion, the Minister for Local Government should respond to this request. I will get him to come and make a clear statement on whether he is in control or not.

BEATING OF COUNCILLORS AND WANANCHI BY POLICE IN KILOME

Mr. Ndilinge: On a point of order, Mr. Temporary Deputy Speaker, Sir. I stand to request for a Ministerial Statement from the Minister of State, in charge of internal security in connection with the beatings of innocent councillors and citizens in my constituency on Thursday, 27th, April, 2000, by police officers from Sultan Hamud

Police Station. Since I know that the Minister who was in a position to answer that question has just moved out, I want to tell that Ministry that history repeats itself. Back in 1970, we used to have a Minister, namely the late hon. Oloitipitiip---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Ndilinge, you really want a Ministerial Statement; so you should not start giving your own now!

Mr. Ndilinge: Mr. Temporary Deputy Speaker, Sir, I want to give some information. Some hon. Members used to tell the late hon. Oloitipitiip---

The Temporary Deputy Speaker (Mr. Poghisio): Order! The Deputy Leader of Government Business has noted what you have said.

Mr. Ndilinge: Mr. Temporary Deputy Speaker, Sir, I want to give some information.

The Temporary Deputy Speaker (Mr. Poghisio): No, no! That is enough.

Mr. Ndilinge: Mr. Temporary Deputy Speaker, Sir, I want to say that history repeats itself.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Ndilinge, you are asking the Chair to give you an opportunity to request for a Ministerial Statement. I think you have done that.

HARASSMENT OF FISHERMEN ALONG LAKE VICTORIA

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. I stand to seek a Ministerial Statement from the Ministry of Agriculture. Policemen are harassing fishermen along Lake Victoria, and their nets have been confiscated, and so they cannot do anything. To worsen the matter, on Saturday, 29th, April, 2000, the policemen almost shot at the fishermen. During the stampede, the fishermen were injured at the beach in broad daylight at around 8.00 a.m. So, I want to seek a Ministerial Statement from the Minister for Agriculture, explaining why fishermen at Bukoma Beach are being harassed while doing a proper job?

The Minister for Rural Development (Mr. Mohamed): Mr. Temporary Deputy Speaker, Sir, I was consulting with another Minister and I did not hear the issue raised. Could the hon. Member repeat it?

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! This is actually the second time that I am hearing an hon. Member being asked to repeat a question because the relevant person was not listening and was consulting with somebody else. This goes to tell us that the House, especially the Front Bench, needs to be attentive to what hon. Members are asking. I believe that it is only fair for hon. Members to get exactly what they asked for. Hon. Members should not go on repeating what they asked for. If it is time when hon. Members are asking for Ministerial Statements, who should be paying attention, really?

Mr. Wanjala: Mr. Temporary Deputy Speaker, Sir, I was seeking a Ministerial Statement from the Minister for Agriculture. For the last two weeks, fishermen along Lake Victoria, in Bundalangi Division, have been harassed. Their nets have been confiscated and some fishermen have even been arrested. This has gone on up to last Saturday, 29th April, 2000. Now, one of the police officers tried to aim at a certain fisherman who ran away. During that stampede, very many fishermen got injured. I want to seek a Ministerial Statement as to why fishermen are being harassed at Bukoma Beach.

The Minister for Rural Development (Mr. Maalim): Mr. Temporary Deputy Speaker, Sir, I have now heard his request and I am going to make a Ministerial Statement next week.

The Temporary Deputy Speaker (Mr. Poghisio): Fine. Next Order!

MOTIONS

FORMULATION OF MODALITIES FOR CONTINUOUS REVIEW OF VOTER REGISTRATION EXERCISE

THAT, in view of the fact that many Kenyans attain the statutory voting age of 18 years at different times; and considering the fact that the National Voters Registration exercise is done once every five years, this House urges the Government to put in place modalities for a continuous review and update of the voters' registers.

(Mr. Obwocha on 26.4.2000)

(Resumption of Debate interrupted on 26.4.2000)

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Raila was on the Floor. Proceed!

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I want, once again, to thank the Mover of this Motion for having sounded a waking-up call to the Electoral Commission of Kenya (ECK). This is because, last night, there was an announcement on television that the Electoral Commission will soon begin voter registration. There is no doubt in my mind that this is a direct response to this Motion. However, the Electoral Commission did not have to wait for a Motion to be brought to this House for it to act. This is because the IPPG package had actually made provision for a continuous voter registration. What was disturbing about the announcement yesterday was the statement that the Electoral Commission expects to register 1.5 million people. Last time, the Electoral Commission registered 7.5 million people. If you add 1.5 million people to that figure, you get a total of 9 million people. My view is that this is under-registration because the last census, which I understand was flawed, gave the Kenyan population as over 28 million people.

Mr. Temporary Deputy Speaker, Sir, Mozambique, which has got more or less a similar demographic distribution of population, registered, two years ago, 6 million voters in a population of 15 million people. So, if you calculate then, you will come to the conclusion that we should be able to register not less than 12 million people, given our population density. So, we want the Electoral Commission not to do what they did in 1997, and that is under-registration of our people. A constraining factor in voter registration in this country is the identity card. This is because, as you know, there is a requirement that anybody who wants to register as a voter must have an identity card.

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

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

However, the issuing of ID cards is a big problem in our country. Many people who go to the registration centres do not get registered. They have to wait for very many hours. They have to camp there for several days, and most of the times they have to part with money as bribery to the registration clerks. This, therefore, makes some people lose the enthusiasm and hope, and they do not register. So, we want the Government to do something about issuing of identification cards. This is a right because anybody who is born here and is a citizen of this country has a right to have an identification card.

Mr. Temporary Deputy Speaker, Sir, on the constituency boundaries, I say that we have had a lot of gerrymandering in our country so that you have some constituencies which are very large in terms of area and population, and others which are very small. The Government or the Electoral Commission still seems to be laying too much emphasis on geography rather than population. However, parliamentary representation is more about the population rather than tracts of land or wild animals that live on those lands. That is why we need to have a guideline like what they have in the UK, which is the 70,000-voter rule, where every constituency, as far as possible, should have nearly 70,000 registered voters. This should be the criteria rather than just geography.

Mr. Temporary Deputy Speaker, Sir, the other one is that elections in a multi-party democracy are competition for power and acquisition of power. That is why we are saying that elections should be free and fair. When there are irregularities in the electoral process, then the arbitration or ruling on the legality of those elections should be done as quickly as possible. The length of time that it takes for a petition to be disposed of by our courts is disturbing. This is because you find that some people file petitions in 1998, and 1999 ends before election petitions have been disposed of. We have a case here in Woodley Ward, where there was a tie between two candidates. From 1997 when elections were held and there was a tie, it has taken so long that the by-election was only held last month. Now, it makes a complete mockery of democracy and rights of people to elect their representatives. For over two years, the Woodley Ward has been without a councillor because our courts were not able to dispose of a petition. We are saying that courts have a responsibility in an electoral process, and our courts are frustrating the democratic process by delaying to dispose of petitions that are filed by the losers of elections.

Mr. Temporary Deputy Speaker, Sir, we would like to see voter registration that is continuous, and this is something that does not have to be done by the Electoral Commission. In the UK, voter registration is a matter of the local authorities. The local authorities are the ones which are responsible for voter registration, and it is done in the wards, compiled and then a national register is finally compiled. So, let the Attorney-General bring the law and look at the registration exercises in other countries, so that we have a registration exercise that is fault-free and fair. This is so that each and every Kenyan who has attained the voting age of 18 has a right to participate in our elections. Kenyans who live abroad should also have a right, like citizens of other countries, to participate in the elections in our country.

With those remarks, I beg to support.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Temporary Deputy Speaker, Sir, thank you very much for allowing me to have a chance to support this Motion. Before I contribute to this Motion, I would like to say that whenever we have a Motion on the Floor of this House on Wednesdays, the officers concerned should be present. Like in this case, I would have liked to see the Electoral Commission officers seated on those benches, so that they can hear Members' views on the matter pertaining to their duty. It should apply equally to the Ministries' Motions. This is because we are here as politicians and legislators, but the executive powers are also vested on other people who should be here to listen to the views, and assist in the implementation of these Motions when they are passed by Parliament. In the past, officers from relevant Ministries and parastatals used to come to this House to listen to what is happening. I do not know whose duty it is. I do not know whether it is the duty of Mr. Speaker to alert these people to come to the House, or the duty of Parliament. However, either way, the matter should be resolved so that we have those people listening to the views of Members for easier implementation.

Mr. Temporary Deputy Speaker, Sir, the other thing that I would wish to see happening is that when a Member has a Motion that will draw support from both sides of the House, sometimes he should bring it as a Bill. A Motion is an expression of the wish of the House. Now, we pass the Motion as an expression of the wish of this House but, finally, it does not go very far because it is just an expression of the wish of this House. But if it is a Bill and it is passed, it immediately becomes law. This Motion is very important and I wish to congratulate the Mover for trying to remind us that there are certain things that should be done first, so that democracy can be fully enhanced in this country.

The continuous registration of voters is important. When we register voters near the election time as a crash programme, we do not help very much in the democratisation process. At that time, a lot of people over 18 years will be left out because, the very nature of the Act that makes it a crash programme does not allow everybody to register as a voter. In fact, I have always wondered why we cannot use the identity cards as voting instruments. Why do we have to go for another card, and spend million of shillings to print it? The information that is in our identity cards is the same that is printed in the voters card. I have to be told by somebody who knows, why we cannot use the identity cards as voters' cards once we obtain them. The identity cards have details with regard to your sub-location, location, constituency, age and place of birth, among other things. When the election time comes, you are required to duplicate the same information at a very high expense to the Government. I think the identity cards that we have can be used for voting. We do not have to get another document. It may be necessary to report to the station before the elections and show your identity card, so that, when the election time comes, it can be used to vote. It is crucial that the registration of voters becomes continuous. If we cannot do that, then let us use the identity cards which are, continually obtained. But either way, we must ensure that, in every location in this country, people who have attained the age of 18 years, are registered on a daily basis.

Mr. Temporary Deputy Speaker, Sir, our electoral laws need a lot of reforms and amendments. For instance, when election time comes, the election officers are drawn from the constituencies. Those people have interests in those constituencies. They might like or dislike a certain candidate. If they are the same presiding officers, and they preside over constituencies where they have certain vested interests, it is human to imagine that they can, in one way or another, influence for or against, a particular candidate. In fact, I wish to see the electoral law amended so that presiding officers are recruited and moved to a constituency which is not theirs. In their own constituencies, they could adversely influence votes in the area. I would like to give an example with teachers. The teachers are the majority of the people who are recruited to be presiding officers in all the constituencies. If those teachers, who control a lot of parents, ganged up against a candidate, you can imagine what havoc they could cause. You will think that there is absolute democracy and the people made their decision, but the presiding officers may have had a bigger hand in determining who should be a Member of Parliament for that constituency.

Mr. Temporary Deputy Speaker, Sir, the Electoral Commission of Kenya (ECK) sometimes is biased. I am saying this because I personally encountered difficulties in the 1997 elections. The distribution centre for election materials in my constituency and the counting hall for votes was carried out in another constituency. I come from Tigania East, and the law is very clear, that the votes were to be counted in that constituency. But I complained until I stopped because nobody listened to me. The votes were counted in the Tigania West Constituency because of certain influences. I am in the ruling party but that does not mean that KANU has the influence over the ECK. I tried to tell them: "You cannot have votes counted in another constituency! You cannot distribute election materials in another constituency," but they did not listen to me. As we are talking today, I won, maybe, by the grace of God! This is because the forces that wanted me out were so big that my votes from my constituency were counted in Tigania West Constituency, at St. Cyprian Secondary School. That is where everything is based.

Mr. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has made a very serious allegation. He has talked about forces that wanted him out. Are there any other forces which are bigger than Government forces? What are those other forces that were so big that they made the Member of Parliament fear? Is he

inferring that the Government was fighting him?

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Temporary Deputy Speaker, Sir, that is not a point of order. I have made my point, that, that is what happened. I hope the ECK will rectify that. This is because I love democracy. I have been in Parliament for a long time. This is my fourth time to be in Parliament. I am very young and I have not yet reached my retirement age. Some Members of Parliament choose to come to Parliament when they retire, but others choose to vie for election when they are young. Maybe, that is what I did, and that is why I am here for the fourth term.

Mr. Temporary Deputy Speaker, Sir, I would like to see the electoral laws amended so that people can vote, provided they do not vote twice. They should vote with their identity cards or any other document that they have, which has all the information. They can vote wherever they want provided they do not vote twice. In the rural areas, some constituencies are too large. I am not talking about my constituency; it is not that large. I am talking about Nithi Constituency in Meru South District. The registered voters sometimes are as many as the urban electoral constituencies, where you get 80,000 to 100,000 voters, if they are properly registered. They would be even as many as 150,000. I think the ECK should look at such constituencies and harmonise them. The constituencies are based on the number of voters so that representation in this House can be equal.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Munyao: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion. I will start by saying that I actually support the Motion fully. I thank the Mover because the ECK has accepted that there is an anomaly in voter registration. They have seen the importance of continuous registration. Within a week's time, they have accepted that they will begin the process. I wish that the Government, particularly the Treasury, could support them fully and give them all the money that they need because we are already late. This issue should have started way back after 1997. I want them to clear the backlog because even by 1997, not everybody who had qualified for registration was registered. There were some people who were left. They should be given enough money so that, by the end of two years, they can be up-to-date. We would like them to be given all the support.

Mr. Temporary Deputy Speaker, Sir, it is crucial that every location should be given an identity card registration centre. It was once accepted in this House that every location should have an identity card registration centre.

Mr. Temporary Deputy Speaker, Sir, it is crucial that the National Identification Registration Centres be located in every location. It was once accepted in this House that every location should have registration officials; the cameramen and the other staff, so that as people attain the age of 18 years every year, they go for registration and be issued with identification cards. This is because it is mandatory that, after attaining the age of 18 years, one must get an identification card. Therefore, it is important that these people reduce costs incurred in travelling to get identification cards by bringing the service closer to locations. To do so, we need cameramen and the other staff in every location, so that this exercise can be carried out immediately one attains the age of 18 years.

Mr. Temporary Deputy Speaker, Sir, this morning, you heard about a very funny observation, that the Attorney-General, who is in charge of the law in this country, accepted the anomaly. During the registration period there are some fake names which are included in the registers for purposes of rigging at the time of elections. I am not going to say what a certain Minister expects me to say because, today, the rigging is on their side, but tomorrow it will not be on their side because it may not favour them. But it is important that we strike a balance. We do not need these extra fake names in the registers. It is more clearer because, if today, the AG accepts that we had a total of 29,534 registered fake voters last year, and the Electoral Commission's record of names tabled here in this House admits that they have got 61,000 fake registered voters, I think this is crucial. If the Government accepts this kind of anomaly, I think it is a serious issue which should not be repeated.

Mr. Temporary Deputy Speaker, Sir, in 1997, the Electoral Commission registered 10.5 million voters, and according to the available records, out of the 10.5 million voters, 5.2 voters voted during the general elections, leaving 5.3 million voters who did not vote. This is very serious because if those 5.3 million registered voters had voted for whoever they would have voted for, that person would have been the President today. I am referring to history and giving these kind of figures because we need to make voting mandatory in Kenya. Voting must be mandatory because it will bring the right changes that we need. It would not pay dividends for the Member for Kitui West to say that "I am legitimately elected by people in Kitui West", when out of 25,000 registered voters---

The Minister for Environment (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Munyao: I have not finished what I am saying! Listen, so that you may argue properly! You are coming up with no point!

The Temporary Deputy Speaker (Mr. Imanyara): No, no, he has a point of order!

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, is it in order for the hon.

Member to refer to the hon. Member for Kitui West and claim that he was elected by people who never turned up? Is he in order to mention the hon. Member for Kitui West?

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I had not even mentioned anything! He should have waited to hear what I was going to say! What has been happening in here is that, the person whose conscience is affected will know what I am saying. I have not mentioned it anywhere, but these are emergencies of the "X" constituency and--- With 25,000 registered voters in an area, if 8,000 voters vote, leaving out 17,000 voters, the Member goes out with "kifua mbele" saying that, "I am elected". If 17,000 voters did not vote for you, what would have happened if they had turned up? Definitely, the result would have been different. That is all I was saying; that, it is good for one to feel that he is in charge of an area when the majority of registered voters votes for him. One would feel proud that the majority of people registered in his constituency have turned up, they have shown their will by voting in whichever way they vote. That is all I was saying, and I think it would be crucial if--- I know the Electoral Commission is making a lot of recommendations towards what must be done. This is one of the amendments we would like the Attorney-General to bring to this House, so that voting in this country becomes mandatory.

This is also in line with the other request; that, counting, which is becoming a very costly exercise--- Because I have seen it in most constituencies which have got 20 to 30 polling stations. Sometimes the elections are held during the rainy season and it becomes very difficult to cross rivers with vehicles, and at times with bicycles, making it difficult to bring the ballot papers to a particular centre for counting.

Mr. Temporary Deputy Speaker, Sir, we need to have an amendment to the law, and this must be done before the next General Elections so that counting of votes will be done at the polling stations. They have to be counted at whatever polling station it is. Let them be counted there; let the agents certify the results and then they travel to the centre where the announcements will be made. That way, those experts of rigging whom we know - some of them are fairly close here - will not be able to achieve what they wanted because it is very clear that you will count them and go out with your results, fully certified by all the agents. The votes will be left there because they will be waste materials as the results will be certified and carried to the announcement centre. It is essential for this to be done.

Mr. Temporary Deputy Speaker, Sir, we also need a mechanism because Kenya has got millions of its own people outside this country who are either studying or doing whatever activity. We must have a process and system of identifying and registering our people abroad. As they register, we also must have a way of getting them registered from wherever they are, and we also make sure that when the time comes for voting, there is a mechanism to make them vote. They can vote out there and the votes be brought into this country in a way to be included in the actual counting.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about the constituency alignment. The law is very clear that, rivers are natural boundaries. What we saw in the last constituency boundary alignment was that, even some existing big rivers were jumped and some areas had to be reverted to other areas. I have in mind Mbooni Constituency, which has got a big river called Thwake and some locations are on the other side and others had to be "flown" technically.

With those few remarks, I support the Motion.

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, I would like to associate myself with the sentiments of those hon. Members who have said that we should do away with the voters' cards because they are expensive to print. This move will cut costs and time. The national identification cards contain all the details that are required, and the registration of voters takes a lot of time.

Mr. Temporary Deputy Speaker, Sir, I would have liked to contribute while hon. Munyao, who is a Nominated Member of Parliament, is in the House. The electoral areas in this country should be determined by size and also the population density. There are some areas in the Arid and Semi-Arid areas (ASAL) which have fewer people but the distances are quite far. This requires an hon. Member of Parliament to travel long distances to reach those people. So, it should not be based on numerical strength alone, but also on land size because the people on the ground need services. It is high time we considered amending the law with regard to the alignment of the electoral boundaries. There have been some anomalies in the past, where people are transferred to a different area because a certain Member feels that they may not vote for him. I think it is high time we considered revisiting the electoral boundaries' issue so that we can do it the right way. By so doing, people will not be treated unfairly.

Mr. Temporary Deputy Speaker, Sir, in the 1997 General Elections, there were some cases of violence and I am sure that if those elections were free and fair, then out of the 5.2 million votes cast, His Excellency the President would have got 5 million votes. But that is my personal opinion. In an area like Kitui West Constituency, which I represent, the voters travel long distances, because of the distances between the polling stations. The area is vast and arid with fewer people. Because of the distances, many people did not go to vote during the last General Elections. So, in those marginal lands where we come from, more polling stations should be established to save time and allow the people to vote for the candidate of their choice.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of nominations, which is based on the numerical strength which a party has in the House or in the civic bodies. In the last two years, some parties have gained more Members of Parliament, hence, they should get more Nominated Members of Parliament. If we went by that, I think some Nominated Members of Parliament would not be in this House because the ruling party has acquired several seats since the last General Elections. So, the Electoral Commission should be empowered by this House to allow for nominations by those parties which have acquired more Members of Parliament. A case in point here is Kitui District where the Social Democratic Party(SDP) had 47 councillors, but now it has got only 11 councillors due to defections. This means that the ruling party has to be given a chance to nominate some councillors and the SDP should cede some nominations. This has not been done because the Electoral Commission is tied. This House should give it the mandate to nominate because the rule is that for every three elected councillors, the party qualifies to nominate one councillor. I think this imbalance has been there for too long, and it is very unfair to the ruling party because it is not enjoying the privilege it should be enjoying at the moment.

Mr. Temporary Deputy Speaker, Sir, I have been involved in very many by-elections. We should discourage violence at all costs, and anything that will keep voters away from voting. But what I have realised in the by-elections that I have participated in, especially in Kitui District, is that there has been a tendency to instigate violence whenever some parties realise that they are losing. This is an act of cowardice! The best thing is to accept defeat. It is the people's mandate to elect their representatives and we must respect their wishes and rights. So, it is good for this House to note that when there is no violence during elections, the voter turn-out is very high. The registered voters in the last General Elections were over 10 million, but those who cast their votes were half that number. The reason for this is long distances and violence. In areas where some people are perceived as belonging to particular parties which are not favoured in those areas, such people are scared away. But we need to co-operate and stop any further scaring away of voters from exercising their right to vote.

Mr. Temporary Deputy Speaker, Sir, the registration of voters should be a continuous process so that Kenyans who reach the age of 18 years at different times can be registered. Why should we register voters within a short period? This locks out other people who attain the age of 18 years within that time. It is good to prepare our people for voting continually. But I disagree with hon. Munyao, that voting should be mandatory. People should have the freedom to either vote or not. You cannot force people to go and vote. That would be dictatorial! I appeal to hon. Munyao that the practice of forcing people, the way the Democratic Party, through hon. Munyao wants to force people to vote--I am getting very scared that if this party forms the Government, there will be chaos because they will always be forcing people. Thank God that it is not possible for them to form the next Government.

Mr. Munyao: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Minister has decided to attack me directly. I thought an hon. Member is supposed to express his views but not to directly discuss another hon. Member?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Munyao! He merely expressed his opinion in disagreeing with you. He did not discuss you.

Continue, Mr. Minister.

Mr. Munyao: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister implying that I know Kikamba more than English?

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

Mr. Anyona: Thank you very much, Mr. Temporary Deputy Speaker, Sir. This Motion is timely and also an eloquent reminder of the fact that we do not take democracy seriously. I think we have taken democracy for granted and we tend to treat this as a ritual; things that must necessarily happen. That is not the case. Democracy is a very expensive and difficult commodity to come by. What is democracy? Basically, democracy is the fact that the citizens of a country participate in the process of governance. We are now saying that it is not even enough to talk about citizens in general terms, but you must target certain groups; that is, why we are talking about affirmative action. Unfortunately, in this country, affirmative action is understood to mean women. It is not. It means every other segment of society that may be in one way or another, be disadvantaged. When hon. ole Ntimama always talks about the Maasais and their land, that is correct. They are in a category which has been targeted in that particular respect and they need some affirmative action to make sure that they are protected. That is why in a democracy, we must go out of our way to make sure that citizens freely and willingly participate in the governance of their country, so that they do not blame the President, Parliament and the Government. They are responsible. It is their Government. If their Government does not meet their requirements, they are able to get rid of it.

Mr. Temporary Deputy Speaker, Sir, in this particular case, indeed, yes; we must go out of our way to encourage our women to participate in governance and not just in development. As far as I am concerned, most of the developments at least, in the rural areas is done by women. But they must be involved in governance. One of the reasons why the age limit was reduced from 21 to 18 years, was to get the youths involved in the governance of their

country early enough in their lives, so that they have the necessary experience to run the country when their time comes. Therefore, it is the responsibility of political parties. I think, again, we have taken multipartyism, or pluralism for granted. There are people here, who said in 1982 when they were enacting Section 2A, that this Constitution had served them well for 19 years and they wanted to bequeath it to their children for the rest of our lives. Today, the same people are talking a different language. Mr. Temporary Deputy Speaker, Sir, the purpose of pluralism was to allow space for dissent. There was nothing wrong with the one party arrangement, because that was the African concept of governance through consultation and consensus. When we found out that it was not working, after all, we were operating a foreign system; then we resorted to multipartyism. But people thought what we were talking about was to create vehicles, either for chauvinistic interests, or ethnic interests, personal interests and the main price is merely to go to State House, to become the President or a Minister. No! The purpose of parties was meant to create a multiplicity of vehicles which Kenyans can use in their freedom to improve their governance. Therefore, political parties must have the responsibility and must respond to the challenge that they must now grow up. They must drop the ethnic garb that they wear. That this, personal approach to politics and political parties must give way to a broader concept of leadership and governance. Therefore, if political parties are going to exist in a true sense of the word, they must then begin to cultivate a sense of ideological independence. I know when we talk about ideological, we frighten people because during the Cold War---

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Charity begins at home. Could the hon. Member of Parliament who leads his own political party -he is the only Member of Parliament of his political party - show an example by dissolving that party and then joining other parties?

(Laughter)

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, that is what I meant. People like this one, take this thing for granted. He has not paid any price for it. He comes here and makes a lot of noise, but that is part of your freedom. Let me go on. I can understand where we are coming from, but we must know where we are going. In the Cold War, it was difficult to develop the ideological position, but now, we must know whether KANU is, KANU and DP is DP, and KSC is KSC. There must be a reason. The parties must now learn to develop manifestos that spell out how they intend to run the country. They must have programmes which people understand so that they can say: "You told us there will be water boreholes here, but they have not been drilled. What happened?" In any case, it will be good guidance for the parties, the leaders and the Government.

Mr. Temporary Deputy Speaker, Sir, one of the biggest enemies of democracy today is apathy on the part of the people because they are tired. They do not know where they are going. We have to do something to make sure that our people do not suffer from this fatigue. There is also apathy on the part of the leaders. The leaders are also tired. They have stopped thinking. They are just prodding on. That is not good enough.

Mr. Temporary Deputy Speaker, Sir, coming back to the question of registration, I want the Minister to explain further about I know he has responded - Section 4, Cap 7, which states that the Electoral Commission, in consultation with the Minister, will by order say the registration will take place. Who is this Minister? We thought the Electoral Commission was independent? The powers which used to be held by the Minister were taken away and yet, the Act, - I am reading the current Act - talks about the Minister. We do want that removed so that the Electoral Commission does not have to look over its shoulder. The Electoral Commission is free to consult with everybody, but there should be no specific requirement in the law that the Minister will have a role.

Secondly, the question of continuous registration was agreed by the IPPG. What I do not understand really, is whether, in fact, we need a law to make registration of voters continuous. What the laws says at the moment is that, the Electoral Commission can order registration to be done and there is a minimum period of 30 days. You can do it for the rest of the year; so, really, we cannot say that it is the law which has hindered us. It is simply, as I said, because we have gone to sleep. We have forgotten that democracy is something that is dynamic. It must go on all the time. Even in Britain, Tony Blair has had to give the Labour Party a new image so that, there is new vigour. Therefore, I would like to be told what exactly we mean by continuous registration. One of the things, I think we will have to do is to synchronize the registration of persons and voters. If at that level, you get an identity card and voter's card, then clearly, that is an efficient and cost-effective method of doing things. But this idea that you have to go to one place to get the identify card and then, you wander to another place to get a voter's card at some stage is very wasteful. I think to that extent, the question of registration of persons is compulsory. I think in the interest of democracy, the question of registration of voters must be compulsory. I do not think we want to force voters to vote, but as part of the affirmative action, we must force people to exercise their rights. So, if we say, a young person, who is 18 years old is required to register as a voter at the same time when they register as persons, I think that is in the interest of democracy.

Mr. Temporary Deputy Speaker, Sir, we said in the IPPG that we are trying to exercise democracy and not to

restrict it. Then the question of identity cards came in. When I first came to this Parliament in 1974, there was no issue of identity cards. It was brought later on, based on the Apartheid system in South Africa to try and curtail people from voting. I have never believed that we need an identify card for a Kenyan to vote. But we said, if you do need an identity card, then let us have a birth certificate. Most of our young people now have birth certificates, so, why do you have to demand for an identity card, which in any case is very difficult to get and is very expensive?

Mr. Temporary Deputy Speaker, Sir, an identification card is not, really, even necessary, for various purposes. So, what we are saying is: Let us liberalise the process of registration and bring registration centres closer to the people. The registration exercise the Electoral Commission of Kenya (ECK) is going to undertake, for example, is going to be based on the already existing registration units, and yet we expect when elections come, the voting centres will be increased. Now, how will that be done? The voter's card indicates where you are supposed to vote, will by then have changed.

With those few remarks, I beg to support.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion very strongly, indeed. I would like to congratulate the Mover for having brought this Motion to the House. The Motion is very timely, indeed.

In developed countries and major democracies of the world, the question of continuous voter registration is very important. As soon as you attain the age of 18 years, you get registered automatically wherever you are. Voter registers are reviewed and amended to remove names of those people who have died, and others. I think it is very important for this country to get a voters' register that will reflect on democratic principles. It is very true that also the question of registration of persons should go hand in hand with the voter registration exercise. That is, indeed, very important.

I know that the ECK will start the voter registration exercise on the 11th of this month. However, in my constituency, there are hundreds, if not thousands, of people who have not been issued with identification cards. It is going to be very difficult to have those people registered within the 30 days the ECK will carry out the voter registration exercise. This is another exercise which should be continuous. I have not carried out any research to establish whether what is happening in Narok District is what is happening in other districts, but we have not had any exercise on registration of persons at all; I do not know why. May be, the problem is that of co-ordination between the registration of persons officers and the Provincial Administration. Even during the last general elections, many people in Narok District did not vote because they had not been issued with identification cards; their identification cards were delayed in Nairobi; also, chiefs did not clear some people to be issued with identification cards, and they remained unregistered; they were disenfranchised. We do not want to find out people in this kind of situation this time round.

Therefore, the voter registration exercise must go hand in hand with the registration of persons exercise, because the two are completely interrelated. The two exercises, therefore, should be synchronised and harmonised in a situation like this. As I said, nothing is happening in Narok District at all. I read the newspapers yesterday and realised that people have got only 30 days within which to register as voters. That is not enough time for people to be issued with identification cards and also to be registered as voters. In such a situation, some people could be disenfranchised.

Mr. Temporary Deputy Speaker, Sir, there is also the question of the delineation of boundaries, which I think should be looked into very carefully. Of course, population is an issue when it comes to such matters. Although some people did not agree to certain factors, during the last exercise, we should look at the land terrain, environment and other difficult aspects such as lack of communications. Indeed, such areas should be considered. Although some areas are densely populated, they have good means of communication and others forms of infrastructure in place. There are areas where there is no infrastructure in place, or communication facilities. Those areas should be considered, so that they can also have the necessary representation.

Then, there is the boundary review of local authorities. I think this was done rather badly in the past, because it was the Provincial Administration that decided where the locations would be. Some of those locations were transformed into wards. Some of them were created for purposes of security and, sometimes, because the District Commissioners (DCs), or District Officers (DOs), favoured certain chiefs. It is very important that the ECK looks into the delineation of boundaries of local authorities. The last time such an exercise was carried out locations were, completely, transformed into wards, and that messed up some of our areas. During that time, I had a DC called "Nandasaba". I said on the Floor of this House then, that the man was so unreasonable, inhuman and that is in the HANSARD Report of that time. I pity the people of Kisii District, because I understand that, that DC has been posted there.

Mr. Temporary Deputy Speaker, Sir, that DC made sure that, although the number of registered voters in my constituency was the same as that of registered voters in the south, he manipulated the delineation of the wards and gave that constituency 27 wards, and left us with 17 wards. So, those in the south of the district ended up having the numerical strength, and thus having more political power than us. That is why you have seen it reported in newspapers

that Narok County Council has the wrong people to lead it. The boundary delineation was one-sided. That local authority has now been looted dry.

I hope that the Kenya Anti-Corruption Authority (KACA) and other related agencies are making sure that that matter is investigated and probed properly. Our children are no longer getting any bursary. We no longer have cattle deep chemicals, and ticks have become a menace. All this is because the wrong people were elected to lead that local authority, because the DC then gave one constituency more locations than the other constituency. So, I think the ECK should balance the distribution of wards and locations. If it does not do so, there will still be unfairness.

The other point I would like to make is on the question of the voter registration exercise. Last time, we had a problem. Because some people wanted to manipulate democracy, they went ahead and imported some people from adjoining districts to, for example, register in Narok; I am talking of my own experience. You know, there are idlers all over, and some people can hire such people to register where they have an interest. So, what I am saying is this: During the registration of persons exercise, we normally have a panel of elders, who sit with the registration officers to establish whether the persons seeking registration have attained the age of 18 years.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Minister, it is now time for the Mover to reply. Mr. Obwocha, you may take the Floor.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I would like to thank the hon. Members who have contributed to this Motion, starting with the Seconder, hon. Kariuki, the Attorney-General, hon. Raila, hon. Karauri, hon. Munyao, hon. Nyenze, hon. Anyona and finally hon. ole Ntimama. I would like to be specific by thanking the Attorney-General for accepting to bring a law to amend this. What remains is the implementation because we get many promises from the Government which they never fulfil. We hope that this time round the smiling Attorney-General will do his job. We want a continuous registration process. The National Assembly and the Presidential Act, Cap 7, it is flawed by, for example, indicating that you can use your National Identity Card (ID) or passport when you are registering as a voter.

In the IPPG, we went further and asked: Is your ID more important than your birth certificate when you are registering as a voter? Really, we need to review this law.

I would like to say that we need an independent Electoral Commission. The Constitution says very clearly that the Commission shall not be subject to direction of any other person or authority, but what we see is contrary. We would like to have a Commission that is totally independent.

We have been asking this Commission to do many things one of them being that it must avail transparent ballot boxes before the next general election. We do not want to hold any other general election without transparent ballot boxes. In the last general elections, some donors offered transparent ballot boxes, but the Commission said that it was not ready. At that point, we knew that they were bent to rig those elections and they must not repeat that.

I would like to inform this House that we want a properly structured Electoral Commission. We do not want a commission that does not know how to put its sittings and does not set its own rules. This independent Commission must set its own rules, its structures, how it operates and if somebody wants to challenge it, he or she can challenge something that has been set.

Mr. Temporary Deputy Speaker, Sir, we want a commission which is well funded. I will come to that point later on. I would like to say that we want a total review of the electoral laws so that we can go to general elections knowing that we are going for free and fair elections.

The other point that I wanted to make is that there are many things that are done between the polling stations and counting halls. The Electoral Commission in considering these issues, should consider counting all the votes in the polling station as a check and at the headquarters of the constituency so that nobody in between the polling station and the headquarters where the votes are counted manipulates the votes or the ballot boxes. We would also like to appeal that Kenyans who are abroad be allowed to vote.

In asking that the voter registration exercise should be continuous, we are not asking for piecemeal registration. I noticed in today's newspaper that the Chairman of the ECK, Mr. Kivuitu, has announced that he will carry out a one month registration exercise. What is the one month registration exercise supposed to be? Is there an impending general election in Kenya? Does the President want to call a general election in Kenya? I think he will be ill advised to do that. It is very inappropriate to do that kind of thing. If they are taking cue from this Motion, it is asking for a continuous registration exercise and not a one month registration exercise. This exercise is meant to get all those youngsters, who have attained the age of 18 years and above, registered.

Secondly, the cry of Mr. Kivuitu about funding in the newspapers is pathetic and sad. The Treasury should know that democracy is an expensive exercise. They cannot say that they are taking care of poverty and insecurity--- If you have an undemocratic election and chaos erupt in a country, how will you eradicate poverty or insecurity? You need that stability in order to try and eradicate those vices. If the country is not stable, there is no way you can address those vices. So, the Treasury should know that by telling Mr. Kivuitu that people of Kenya do not eat democracy that is

being naive, blind and not thinking beyond one's nose. We are saying that enough money should be made available for the ECK to carry out the duties for which it has been assigned. I hope that the call for the restructuring of the current ECK so that it does not represent political parties is done as soon as possible before this country goes to the next general elections. This is because we do not want people who go to the Electoral Commission to represent their political parties.

We want Kenyans who are neutral, impartial and who can represent this country without considering their party affiliation. Their names should come to this Parliament for vetting. We have seen instances where people who have recommended to be barred from holding public offices being appointed to hold public offices. For example, the Public Investments Committee recommended that Mr. Muindi should not hold a public office and yet he has just been appointed a High Commissioner. We do not want to condemn him unheard. If the matter came here, before a parliamentary committee, then he can be given a chance to defend himself about the allegations of corruption. Sending him to another country as an ambassador is an abuse to this House which has recommended that he should not hold any public office.

With those remarks, I would like to appeal to the Members to support this Motion. I beg to move.

(Question put and agreed to)

PROVISION OF DRIVERS/BODYGUARDS/
FIREARMS/DIPLOMATIC PASSPORTS TO MEMBERS

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

THAT, in view of high insecurity being experienced in the country, this House resolves that every Member of Parliament be provided with a driver and a bodyguard of his choice both payable by the Government; a firearm licence and a diplomatic passport.

We have witnessed very many Members of Parliament being targeted when going about their official duties. We know that Members have a lot to contribute towards the development of this country and that most of the time they do work day and night. If they are not given some people to assist them in carrying out their services, sometimes it is very difficult to work effectively. If we are in the same country working for the same Government, doing collective jobs for all of us and for our people, we do not see the reason why some other people should enjoy some facilities while others are denied. This is very unfair. We would like every Member to be given a driver of his choice who will be honest, answerable to him and will work effectively because he knows that although he is paid by the Government, he obtained that job because of that particular Member. These drivers will serve the Members well. They will at least be prepared most of the time to attend to Members.

For instance, a Member has to drive himself to the constituency for a harambee. Sometimes they drive day and night while they are still thinking of what they will do in the House. Eventually, this Member will probably sleep behind the wheel and an accident may happen. That is why we are asking this Government to be so impartial because we know that some Members from the KANU side are given drivers and bodyguards. If we are talking of the same House and Government, we do not see the reason why some Members should enjoy some facilities while others do not enjoy them. That is why we say that a driver and an armed bodyguard are adequate to assist Members to carry out their day to day jobs.

Very many Members have suffered a lot, even in the hands of the security personnel. Sometimes some police officers start pushing Members in the presence of their constituents when they want to interrupt their meetings which of course, is quite unfair. If these Members had bodyguards, they could intervene and say: "No, this is wrong. You should not push an hon. Member while he is doing his work." You cannot push an hon. Member while he/she is in his constituency and his/her constituents are watching. In this Eighth Parliament many Members have suffered in the hands of hooligans. Some of them have fallen on the road barriers which had been put there by crooks. That is why we are asking for an armed bodyguard. This does not mean that an armed bodyguard has got to fight. The bodyguard will shield the Member from problems which may occur at night while thugs are trying to trap him on his way.

I have a list of Members who have suffered during this Session. For instance, hon. Ochilo-Ayacko, hon. Kajwang and hon. Wanjala have been attacked in different areas. We heard recently that hon. Kamande Mwangi was attacked by an Administration Policeman while he was trying to fight for the rights of his constituents. This is quite unfair. Hon. Eng. Toro was harassed by crooks in his home, in front of his wife and children. If he had an armed person to assist him, probably this might not have happened. I have also been a victim. While I was driving to my constituency, I found a barrier which had been put up on the way by crooks. Eventually, I managed to pass, but my car was damaged. If I had an armed bodyguard, he would have assisted me and I would have avoided damaging my car.

Some of the hon. Members have been saved by their bodyguards. For instance, hon. Mwewa was attacked at

one time when she was coming home. She was saved because she had a bodyguard and then she went on her way. We want equality of the services of this country. We are now praying for our brothers; hon. Shidiye who is hospitalised in London and hon. Leshore who as we know are just being moved around on wheelchairs. If these Members had bodyguards at the time when their car was hit by that matatu, these bodyguards would have been alert, got out of the car and this attack might not have happened because they would have tried to save the hon. Members. This is the reason why we say all hon. Members of Parliament should be given drivers and bodyguards.

Mr. Temporary Deputy Speaker, Sir, many hon. Members have suffered at the hands of thugs and police. For instance, on 27th September, 1999, when hon. Munyes was addressing his constituents, an Administration Police officer cocked his gun ready to shoot him. Why should we allow this to happen? I am happy that the Minister in charge of security is here. He has answered many questions on the harassment of hon. Members by police officers in their constituencies. I hope the Government will support this Motion. We know that some Back-benchers on the KANU side and hon. Members of the Opposition have suffered more than the Ministers and their Assistant Ministers. Although Ministers and their Assistant Ministers are given bodyguards and drivers, they should support this Motion because in the year 2002, some of them might be on this side. This is because the next Government will not be a KANU Government. We want to see all hon. Members treated equally and with dignity in matters of security, irrespective of their political parties.

Mr. Temporary Deputy Speaker, Sir, we know that some Government officers have drivers and bodyguards. Some hon. Members are in charge of big constituencies consisting of two to three divisions. So, you can imagine the amount of work they have to do for their people. They have to drive around in their constituencies inspecting development projects. It is their sole responsibility to develop their constituencies. But it is not fair for this Government to provide DOs with drivers and bodyguards, while hon. Member do not have them. The Government has also employed day and night watchmen for the DOs. All that we want are bodyguards to take care of our security when we are sleeping. If the house of hon. Kamotho was broken into while he was asleep, what about the security of other hon. Members of Parliament. Even the thugs knew hon. Kamotho's house is guarded 24-hours, but they broke into it. So, that is why we say this Government must treat all of us equally on matters of security.

Mr. Temporary Deputy Speaker, Sir, on the question of diplomatic passports, we know that when hon. Members are travelling abroad just like Ministers and Assistant Ministers, they should be recognised and treated in a diplomatic manner. Any hon. Member in this House can be appointed to a Ministerial post. So, I do not see why drivers and bodyguards should not be automatically provided for them.

I feel it is high time that the Government considered our request. We know that there are many cases of insecurity in this country. But our work is very vital. We should be give more preference because our work is very vital to this country and, due to the nature of our work, sometimes we are forced to sleep outside our homes. Some constituencies are so big that hon. Members cannot drive from one corner to another. So, they are forced to spend a night away from their homes. So, it is important that they are provided with bodyguards to take care of their security. The reason why we are saying so is that our system is very discriminative. I do not see the reason why some nominated hon. Members are provided with drivers and bodyguards while majority of us do not have. For example, hon. Kittony has a bodyguard and a driver. Hon. Ngilu who is a presidential material does not have one. Why should we not provide all hon. Members with---

Mrs. Kittony: On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect, is the hon. Member in order to say that I have been provided with a bodyguard and yet, I employed one for myself? It is not fair. We all sympathise with his Motion, but he should stop giving me as an example of hon. Members who have bodyguards.

Mr. Wambua: Mr. Temporary Deputy Speaker, Sir, I am not bothered by her point of order. I am not sure whether the hon. Member has a bodyguard or not. I just wanted to convey a point, but not to hurt her feelings.

Mr. Temporary Deputy Speaker, Sir, the reasons I have given are evident that hon. Members need to be provided with bodyguards and drivers. Some hon. Members who are enjoying these facilities do so, because they are given drivers and bodyguards.

So, with those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to move. I request hon. Angwenyi to second the Motion.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to second this Motion. The matters of security for hon. Members of Parliament cannot be taken lightly. As you know, our country has become increasingly insecure. By passing this Motion, we are not saying that Government does not provide security to all Kenyans countrywide. We have been given cases of hon. Members who by nature of their work, are exposed to danger. We have been given many cases by the Mover. We heard what happened to hon. Orenge and hon. Mwewa. I thank the Government for providing hon. Mwewa with a security detail. In fact, we should not oppose that, but thank the Government. If hon. Mwewa did not have that security detail, she could not be with us today.

Mrs. Mwewa: On a point of order, Mr. Temporary Deputy Speaker, Sir. I was not provided with a security detail by the Government. I had to follow the procedure by applying to the Government, because my home lies along Mombasa-Nairobi Road, which is insecure. So, anybody is in a position to ask for a security detail from the Government.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, we thank the Government for agreeing to her application. We know of cases of hon. Oloo-Aringo, hon. Leshore and Shidiye. The case of the latter two is pitiful, because they are hospitalized in Europe. They did not have a security detail when they were hurt by thugs. Some time back, we had a case where hon. Ndilinge was also accosted by some people on his way to Mwingi, but because at that time he had a security detail, he escaped unhurt. We have many such cases in this House.

Insecurity is not only confined to Members. It also extends to other members of the public. However, we know that the Government does not have adequate resources to provide every Kenyan with an individual security detail. The National Assembly is an equal arm of the Government. We have got three equal arms of Government; the Executive, where we have the Ministers, Assistant Ministers and PSs; the Judiciary which comprises of Judges and Magistrates, and Parliament. Ministers, Assistant Ministers, PSs, Judges and Magistrates are provided with security details. But many Members of Parliament are targeted by thugs, because the legislators are not provided with security detail.

Mr. Temporary Deputy Speaker, Sir, this country is insecure. While we are looking for ways and means of curbing insecurity in this country, we must extend that by providing security detail to the legislators. The work we do, the time we take to do it and the Nissan cars we drive is exhaustive and tiring. So, we need to have somebody who can drive us around. Again, the other arms of Government have been provided with drivers. So, I do not see why the legislators cannot be provided with drivers.

We have got an abundance number of security personnel and drivers who could be attached to Members of Parliament. They are idle in the countryside. In my division, we have got five Administration Police officers (APs) attached to every chief, and I have got 13 chiefs. Thirteen chiefs times five APs totals to sixty five Members. We have got about eight security personnel in every division, and I have got three divisions. That is another 24 personnel. Those personnel are idle and harassing innocent citizens. Last weekend, I was in my constituency and mamas were complaining to me that they had sold their goats, so that they could pay fees for their children. However, the money had been taken away by "marauding" and idle APs. So, why can we not engage those APs and let them earn their salaries by being assigned to the 222 Members of Parliament? If this Motion is passed, it will not necessarily mean that we must have security details. If you do not need it, you would have the choice to take it up, or not. I was an Assistant Minister for sometime, and I was not given bodyguards. So, if we pass this Motion and make it compulsory that an hon. Member deserves a security detail, we should move fast and give him automatically. The grumbling by the Mover of the Motion that this side of the House is being favoured is not true. This will enable all hon. Members of Parliament to have an equal chance to security detail.

Mr. Temporary Deputy Speaker, Sir, there are other aspects of this Motion--- Maybe, the Mover should accept certain amendments to it. For example, the firearms--- If you have got a security detail then you do not need a firearm. To have security detail and a driver are essential and necessary to an hon. Member of Parliament. This country has developed and is undergoing an economic depression and very many people have been laid off from their jobs and many others do not have anything to eat. When they see an hon. Member of Parliament - we are very generous in giving out whatever we earn in Harambee meetings - they believe that we have got money all the time. So they get tempted to accost us and try to get some money. I suppose that every hon. Member of Parliament is accorded the choice to have a security detail and a driver.

With those few remarks, I beg to second.

(Question proposed)

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I beg to support this Motion very strongly.

Since we were elected to this House, we have now come to learn the risks we are exposed to by being hon. Members of Parliament. I have filed a Question to the Minister of State, Office of the President which seeks to know why there is a lot of insecurity in this country and, indeed, the City where we all reside. Personal security is not an issue to be debated. This is an issue which should be guaranteed. It is even guaranteed in the Constitution, but it has not been applied. Literally everyday, we read in the newspapers about thugs killing people, police killing thugs and vice versa. Therefore, everybody needs security.

Mr. Temporary Deputy Speaker, Sir, hon. Members particularly need security due to the nature of their work. For example, my constituency, Embakasi, is the most densely populated in this country with registered voters numbering over 114,000. There are many slums and guns changing hands among the residents. Literally everyday, I

read in the newspapers about killings that have occurred in Kayole, Dandora and Njiru. This morning, I read in the newspapers about two people who were killed and thrown in a quarry at Njiru. Nobody, including the police know when this happened.

Mr. Temporary Deputy Speaker, Sir, there is hardly one day that goes by without us reading that people have been killed in this City and other different areas. For example, particular tribes in Isiolo in Eastern Province, are killing one another. This is not an issue which somebody can argue about. This is happening in the country and it is known. Hon. Members of Parliament have also been targeted. We have seen a number of similar cases, and hon. Wambua tried to tabulate some cases here, including other cases, for example, that of hon. Wanjala who was attacked along Naivasha-Nairobi Road. It is only recently - this is quite fresh in our minds - that two of our colleagues cannot attend the proceedings of this House because they are in London undergoing treatment after being attacked in this City. Security is not a matter any more, to be discussed and treated in secrecy. Even when we are provided with firearms, it should not be kept secret.

Mr. Temporary Deputy Speaker, Sir, it is true that a number of our hon. Members have security, for example, personal bodyguards who are also armed. This is quite in order and we thank the Government for taking care of them. In fact, nobody should say that he has been discriminated against. All of us should be provided with security and for those who have it, thanks to the Government for providing it. Those who do not have security, should be provided with it immediately. We are risking our lives and we are prepared to risk them, but we should be provided with the necessary security. This is necessary for every hon. Member.

I know this is done because when I was an Assistant Minister I used to have security. I used to have a bodyguard and firearms. I am not saying that I do not have security now, but all I am saying is that we all need to have it. Everybody needs to be provided with security. This should apply to every hon. Member of Parliament who is here. Nobody should think that anybody will misuse firearms because we are grown-ups. These are hon. Members and they know when to use firearms and when not to use them. If a firearm is given to an ordinary policeman, who is not educated, and is not of my status and he keeps it properly, why would one think that it would be misused by an hon. Member of Parliament? This is certainly not the case. This will make hon. Members work more efficiently. I would not have to arrange for "Jeshi la Embakasi" to protect me when I am moving around if we are provided with security because I would feel that I am being taken care of by this system.

Mr. Temporary Deputy Speaker, Sir, I was speaking last night to some German Members of Parliament, who were here, and they told me that they are provided with security, for example, firearms, drivers and bodyguards. They are taken care of wherever they go. This is also happening even in our neighbouring countries here, for example, Uganda and Tanzania. Let us not look as if we are still primitive, that we do not trust that our people can be responsible if they are left with armed guards or if they are armed themselves. Hon. Members of Parliament are not so many. We are talking of only 220 hon. Members, and already half of them have been provided with security. All Ministers, a good number of KANU Members of Parliament and those hon. Members, who are in good books, have been provided with security. All we are saying is that this should apply to everybody who is in this House. They should be provided with security and I am sure, they will be more efficient and effective. Even if I differ with somebody, I will not use a gun, but I will use my hands. You should leave alone those who use their teeth. This is a "womanish" kind of a thing. But those who are real men--

Mrs. Ngilu: "Womanish"!

Mr. Mwenje: I am sorry; I did not mean to hurt Mrs. Ngilu.

Mrs. Ngilu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member on the floor to use such unparliamentary and an "outside" language in this House?

The Temporary Deputy Speaker (Mr. Imanyara): He has already retracted and apologised.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I realised immediately and I meant to say "cowardly". I did not mean to say "womanish". I wanted to say "cowardly". So, all I am saying is that everybody, including the gracious Ladies in this House, should be provided with this security. It is necessary and essential and I am sure it will not be misused. As you can see here in the city, everyday we have a case of people being attacked. We also have cases of leaders being attacked.

Looking at this Motion and considering the situation as it is, Members of Parliament should be taken care of so that they are able to be more effective in their constituencies. They should be free in their houses. Sometimes they have to wake up at night when they are summoned by their constituents to solve some of their problems. It is not always possible to go and call a policeman to give you an escort. Sometimes you want to go without other people knowing so that you are efficient. This security is essential and it should be provided to us. Let it now be provided to all of us and our security will be taken care of. We can guarantee the Government that there will be no incidents, particularly when we have security details. In any case, we have never heard of a case where Members of Parliament have drawn or pointed guns at each other in a situation which does not warrant it. It is not that they do not have guns.

A good number of them still have guns, but they do not misuse them.

Mr. Temporary Deputy Speaker, Sir, in any case, the regulations for having firearms should not be changed. No! They should be maintained. Hon. Members should now be provided with security without being subjected to the bureaucracy followed in providing firearm to any common man. The procedure is so long that one gets tired in trying to acquire security details. When you go there and approach a Mr. ole Mpesha it becomes a long story. When you go to the Security Committee, it is another long story. How do you expect a Member of Parliament to go there and then everything is known by everybody and literally you put him or her even at higher risk?

Mr. Temporary Deputy Speaker, all we are saying - I think this is what the Motion is asking about - is that we should be given firearms, bodyguards and diplomatic passports. I hope the Office of the President will not try to amend this Motion because we will not accept amendments of any nature on this Motion. We should pass it as it is because it is the only way that we can now be assured that Members of Parliament are safe, guarded, prepared and should not fear at all. They can visit whichever part of this country because Nairobi, where I am elected, North Eastern, and parts of Eastern Provinces are very risky areas at the moment if you go there unarmed. So, we hope that the KANU side and everybody else here will support us. All peace loving Members of Parliament should be able to vote for this Motion so that at least our security can now be guaranteed.

With those few remarks, I beg to support this Motion very strongly.

Mrs. Ngilu: Thank you, Mr. Temporary Deputy Speaker, Sir.

I stand to support this Motion. This Motion came into this House two years ago when it was brought in by hon. N. Nyagah and it was defeated. I do hope that this time it will go through. This is because most of us, have borne the brunt of some form of violence or have undergone through some of insecurity in one way or another. We can all remember that our two Members of Parliament from the Government side are today recovering in hospital as a result of insecurity in this country. We can also remember that they helped in defeating this Motion two years ago. I kept on saying to myself: "What would have happened if these two Members of Parliament had actually armed security bodyguards to ensure that when they were waiting in their car their was guaranteed?" I know that if they were armed, what they went through would not have happened.

Mr. Temporary Deputy Speaker, Sir, while talking about security for Members of Parliament, we also have to look at security in totality. This has happened to so many of us. When armed things hurt members of the public they do not care whether the victim is a Member of Parliament or a member of the public. When we talk about Members of Parliament, we ought to think about their security because they are more exposed to dangers than many others people.

Mr. Temporary Deputy Speaker, Sir, we also need to talk about the political thuggery that is being experienced in this country. Once you have a political opponent, he will do anything to get you out of the way. But most importantly, what we have been experiencing are incidents where people come and break into your home, hurt you and take away your goods. Guns will help where Members of Parliament are concerned. But I also think that we need to put certain programmes in place, that will help reduce insecurity in this country.

We have also experienced sophisticated break-ins in this country. In Machakos, Kitui, Mwingi and Makueni, for instance, people have come with petrol bombs. They throw them under the doors, beat up and kill people. Members of public should be educated on how they can help themselves. They should either open the doors or have security to protect them. As a Member of Parliament, I can say that two attempts to burn my house have already been made at Kitui. It is only neighbours who came and helped to stop the fire, which had already burnt one side of the house. I am not sure whether they wanted me as a person, or it was just the kind of thuggery that we experience. However, being a Member of Parliament, I do imagine that they knew the house belonged to me, and they knew what they wanted from that house. They could even have wanted my life. I would like to support that Members of Parliament be given armed security. They need to be given bodyguards. They are more exposed to travelling at night from their constituencies. We have known that there are people who put nails on the road and once a car breaks down, the victims have no other way. I have been a victim of this when I was campaigning. I was attacked and worse still, people come, not just want to attack you. They also want to rape women. They have done that in the past. This is one of the things that is making women not to run for seats in Parliament, civic authorities and others. It is for this reason that we fought for the affirmative action. We should have more women in this House. When you think of physical violence, not many women would like to get into such offices.

Mr. Temporary Deputy Speaker, Sir, on the area of diplomatic passports, I have travelled many times using my ordinary passport. There is a lot of embarrassment that we encounter. When we are checked at the immigration desks, you are asked to declare the type of business that you are going to do. When you tell them that you are one of the delegates including Government officials, you are asked about your passport, when others have diplomatic passports. It look as if you are cheating. This is one area where we should either all get diplomatic passports, or ordinary passports. But this should not be discriminatory as has been the case. I have travelled with Members of Parliament from the Government side who hold diplomatic passports, while I have an ordinary passport.

Mr. Temporary Deputy Speaker, Sir, the other issue is that of having a gun or firearms. Today, there are so many people with guns, but I do not think that, when the Government says "do not acquire a gun" is going to make any much difference. I do believe that those of us who have been denied guns - as you have heard and you have seen - are able to go down to Eastlands and get themselves guns. So, why not regularise this so that, whoever wants to have a gun can have it, especially public servants who have to work during odd hours? I think this is something that you have to look at and approve it this time. I do hope that the Government side this time is not going to oppose this Motion.

Mr. Temporary Deputy Speaker, Sir, I want to say that these guns will not be misused. I have heard one hon. Member from the Government side say that, some Members of the Opposition cannot be trusted with guns. I want to say that we can be trusted with guns because we are responsible people. However, we want to protect, not only our lives, but the lives of people around us. Personally, I say that there are many times when I have been attacked during political meetings and done nothing but, I have also known one case where a Cabinet Minister who was not at all threatened during a political meeting, asked his bodyguard to disperse members of the public who were hostile to him. I do think that, that is not even the way a gun should be used; and yet I have known him to use it that way. We will not use it that way. I do believe that, some Members of Parliament can be very responsible.

With those few remarks, I support the Motion.

Mr. Muiruri: Thank you very much, Mr. Temporary Deputy Speaker, Sir.

I stand to support this Motion. The question of issuing firearm certificates is very important to the Members of Parliament. From the word go the officer in charge of firearms was a Mr. Walker, who had specific instructions when issuing firearm certificates to one or two communities; the Europeans, Asians and a few well-connected Africans. That was the practice then. He was also instructed to issue firearms to international game hunters.

Mr. Temporary Deputy Speaker, Sir, today, the officer in charge of the Central Firearms Bureau of Kenya is a Mr. ole Mpesha who also has instructions that he should never and should never issue firearm certificates to Members of the Opposition. When the same man was appointed, he was a very junior officer. There was a long serving officer there called Mr. Gichuru, who was not considered because he was not favourable to the system.

Mr. Temporary Deputy Speaker, Sir, as soon as somebody---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Muiruri, you will have eight minutes to contribute next week!

Hon. Members it is now time for the interruption of business. Therefore, for the time being, the House is adjourned until 2.30 p.m. this afternoon.

The House rose at 12.30 p.m.