

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 22nd April, 1998.

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.019

NUMBER OF DEATHS IN REMAND INSTITUTIONS

Mr. Deputy Speaker: Is Mr. Leakey not here? We will leave this Question until the end. Let us move on to the next Question.

Question No.017

NON-PAYMENT OF SALARIES TO COUNCILLORS

Mr. N. Nyagah, on behalf of **Mr. Murungi** asked the Minister for Local Authorities:-

- (a) if he was aware that Councillors of Meru Country Council have not been paid their allowances since they were elected in December, 1997; and,
- (b) what urgent measures he was taking to ensure that the said Councillors and all Councillors country-wide who have not been paid their allowances are paid promptly.

Mr. Deputy Speaker: Is there anyone here from the Ministry of Local Authorities? We will leave that Question until the end then.

Question No.021

DESTRUCTION OF FOOT BRIDGES IN KIBERA

Mr. Raila asked the Minister for Local Authorities:-

- (a) if he was aware that all foot bridges in Kibera Estate in Langata Constituency have been washed away by the *El Nino* floods, thus causing great difficulties to the residents, including school children; and,
- (b) if the answer to "a" above was in the affirmative, what urgent steps he was taking to ensure that the bridges are repaired.

(Hon. Raila was on the Government side)

The Assistant Minister for Transport and Communications (Mr. Obure): On a point of order, Mr. Deputy Speaker, Sir. Is hon. Raila in order to ask a Question from the Government side.

Mr. Deputy Speaker: Order, hon. Raila! If you want to ask a Question from that side you better do so from the Back Bench. Is anyone here from the Ministry of Local Authorities? This Question is deferred.

(Question deferred)

Let us go back to Question by Mr. Leakey.

Question No.019

NUMBER OF DEATHS IN REMAND INSTITUTIONS

Is Mr. Leakey still not here? His Question is dropped.

(Question dropped)

Let us move on to Mr. Murungi's Question by for the second time.

Mr. Murungi: Mr. Deputy Speaker, Sir, I apologise for coming late. I did not know that I will be here early, so I had asked my colleague, hon. Nyagah to ask the Question on my behalf. It appears that the Minister for Local Authorities is still asleep. In the circumstances, I beg you to defer the Question to this afternoon.

Mr. Deputy Speaker: Hon. Murungi, are you ready to ask your Question?

Question No.017

NON-PAYMENT OF SALARIES TO COUNCILLORS

Mr. Murungi asked the Minister for Local Authorities:-

- (a) if he was aware the Councillors of Meru Country Council have not been paid their allowances since they were elected in December, 1997; and,
- (b) what urgent measures he was taking to ensure that the said Councillors and all Councillors country-wide who have not been paid their allowances are paid promptly.

Mr. Deputy Speaker: Is anyone here from the Ministry of Local Authorities? Well, that Question is deferred. But we cannot defer it to this afternoon because the Order Paper is already prepared. I would like the information to be delivered to the Minister for Local Authorities that he has been rather "tired" in the performance of his duties today.

(Question deferred)

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. At the very beginning of the Eighth Parliament, it will be very bad performance of this House, if Questions went unanswered either because hon. Members are not there to ask them or the Ministers are not here on time to answer them. Could we have it put quite clearly that Ministers have a responsibility to this House to answer Questions and there is no excuse from them to do so. This message must go out loud and clear both to the Government and the country.

Mr. Deputy Speaker: Once Hon. Ministers are appointed to their positions they know that part of their responsibility is to answer Questions in this House. This message ought to be passed to the Minister for Local Authorities that two Questions have been asked of him of today, but he was not here to reply.

Next Order!

MINISTERIAL STATEMENT

STRIKE AT CHEMELIL SUGAR COMPANY

The Minister for Labour (Mr. Ngutu): Mr. Speaker, Sir, I beg to make a Ministerial Statement on industrial unrest at Chemelil Sugar Company as requested last week.

Recently, a strike occurred at Chemelil Sugar Company in Muhoroni, Kisumu District. The unrest started brewing at the Company during the third week of March 1998. The Secretary-General of Kenya Union of Sugar Plantation Workers Union duly reported the existence of a trade dispute to the Minister for Labour on 23rd March, 1998. The respondents were named as the Chemelil Sugar Company Muhoroni. Consequently, the Union issued a strike notice. The grievances reported by the Union were violation of collective bargaining by the management and unbecoming conduct by the Managing Director, Mr. Harun Toikong'. In a bid to avert the looming strike and upon consultation with the tripartite committee, the Provincial Labour Officer, Nyanza, Mr. Louis Olugubu, was appointed as a conciliator. Conciliatory meetings were convened on 1st April, 1998, with a view to seeking amicable settlement of the dispute. However, these efforts by the conciliator to broker a peaceful agreement were thwarted by the impasse over the removal of the Managing Director.

The tripartite committee vehemently rejected inclusion of the Chief Executive removal because it is not negotiable under the existing parties' recognition and collective bargaining agreement. The Union remained adamant on its demand to have the Chief Executive removed. This grievance took centre stage, and this intransigence further drove a wedge between the workers and the management, thus derailing the conciliation efforts. On 2nd April, 1998, the workers downed their tools and a fully pledged strike commenced. Further attempts by the conciliator to have the workers resume duty proved futile, as the charged workers outrightly rejected the appeal. In response, the Minister for Labour issued an order on the same day, declaring the strike illegal, because the procedure for calling the strike had not been followed and the machinery was not exhausted. The workers still defied the Ministerial order and clung to the illegal strike. Tension escalated at the Company premises.

On 5th April, 1998, the management issued ultimatums to the workers to resume duty by 7th April, 1998, but these were ignored notwithstanding the subsequent dismissals. The parties ultimately agreed to sign a return-to-work formula on 16th April, 1998, based on the following tenets:

(1) Management demands that striking workers re-apply for employment and that their cases be considered on 17th April, 1998.

(2) No victimisation of workers who will have turned up for work.

(3) The services of workers who will have resumed be construed as continuous, with no loss of benefits or service.

(4) Parties concurred that the conciliator shall pursue reconciliation exercise to its conclusion.

(5) Government to deal with the issue of the Managing Director.

It is imperative to point out that the situation has now reverted to normal. It is envisaged that the reconciliation exercise will quickly get back on track. The parties concerned have been urged to forge a common front to resolve the problems at Chemelil Sugar Company which, indeed, are not intractable.

Thank you Mr. Deputy Speaker, Sir.

Dr. Omamo: Mr. Deputy Speaker, Sir, could the Minister for Labour assure the House that the crux of the matter in the minds of the workers is not yet touched? The workers believed and still believe that the removal of the Managing Director should be effected so as to foster industrial peace. Could the Minister assure the House that the Government is looking into this issue as a matter of urgency. This is because when a football team is playing wrongly and the team members are complaining; who is to go? Is it the captain or the coach? In Kenya, the coach has to go. Please assure the House that the coach will go.

Mr. Ngutu: Thank you for that observation. I have already said that the Government is taking the necessary action on the officer concerned.

Mr. Anyona: Mr. Deputy Speaker, Sir, I wanted to raise a different matter but I thought this is an important issue and I wanted to seek some further clarification from the Minister, if I may. The sugar industry is a very important one in this country. It affects ordinary Kenyan sugarcane farmers who have no other way of earning a living other than sugarcane farming. So when there are some industrial problems in that particular sector, very ordinary Kenyans get hurt. I did hear the Minister talk about the procedures not having been followed - that is what led to the dismissal of the workers. It is quite clear that the Trade Disputes Act is totally out of date and cannot serve as a useful tool for industrial management in a multi-party democracy like ours at the moment. What is the Minister doing to ensure that the Act is brought up to date so that it becomes an effective tool for the management of industrial disputes?

Mr. Ngutu: Mr. Deputy Speaker, Sir, the labour law is under review and as soon as the whole matter is sorted out, it will be brought up in the House for further discussion. Thank you.

POINT OF ORDER

MINISTERIAL STATEMENT: EVICTION OF TENANTS

Mr. Anyona: Mr. Deputy Speaker, Sir, If I may, I would like to raise an equally important issue, but different from this one. I want to seek a Ministerial Statement on the basis of an SOS. This matter falls between two Ministries; the Ministry of Local Authorities, and the Ministry of Public works and Housing. As we are sitting here this morning, the residents of Madaraka estate in Nairobi West are under threats of being evicted from that estate. This estate has about 26 units and each unit has 13 flats. So, we are talking about 650 families who are threatened with eviction this morning. This estate is an old one. It was built in 1973, and the residents have lived there ever since. I personally became a resident there in 1974. Right now all the residents are being threatened with eviction.

The story is that Madaraka estate was put up by the City Council by a loan from the National Housing

Corporation. The Nairobi City Council would in time repay the loan through rent accruing from the tenants. I do not know what has happened but in the course of time apparently, the City Council did not pay the NHC or something went wrong with the arrangements. The residents have been harassed, sometimes rents have been raised arbitrarily. The residents do not know whether to go to the Nairobi City Council, the Ministry of Local authorities or the Ministry of Public Works and Housing. They have had to suffer this kind of double jeopardy where they have to pay rents that are unwarranted. At the moment, there is a dispute apparently between the Nairobi City Council and the NHC about the repayment of the loan.

As a result of that dispute, for whatever it is worth, the NHC has threatened the residents with eviction if they do not pay the rents directly to them rather than to the Nairobi City Council. I think there was a notice in the Press--- I have a letter which has been written to the residents, Ref. 4.1.13, Vol. 111(91), AN, dated 20th April, this year. It is addressed to each individual tenant and it says this:

REF: EVICTION NOTICE

"It is noted that as at 17th April, 1998, you had not heeded to our notice on monthly payment of rent Ref. No. NHC 413 Vol. 111(91), dated 23rd March 1998. You are therefore given notice to either pay rent in full or vacate this flat by 22nd April, 1998, failure of which you will be forcibly evicted at your own cost".

It is signed by a Mr. Atambo Nyakundi on behalf of the Managing Director and it is copied to the Officer Commanding Police Division, Langata Police Station.

Mr. Deputy Speaker, Sir, as we are sitting here, the residents of Madaraka estate are being threatened with eviction and the support of the police is being enlisted. I do not know what the police have to do with a dispute over rents. As I was driving along coming this way, a fire had been set up. Tyres are being burnt and they are blocking the road that leads to and out of Madaraka estate. I would like, as a matter of urgency, to have the situation arrested so that this kind of action is stopped. I would like to appeal to the Ministers for Local Authorities and Public Works and Housing to get together and make a Ministerial Statement this afternoon to save the plight of this innocent residents. Thank you.

Mr. Deputy Speaker: Does the Minister want to comment on this matter?

The Minister for Local Authorities (Prof. Ongeru): Mr. Speaker, Sir, why I have come five minutes late, is because some Madaraka residents were in my office this morning and we were trying to grapple with the situation which, certainly, warrants a Ministerial Statement once I get in touch with my colleague in the Ministry of Public Works and Housing. Be it as it may, the position is very clear, that it has got entangled with the legal processes in court, and I do not know to what extent one can be able to make a statement without jeopardising the legal position already in court. But the position is very clear, that, that estate belongs to Nairobi City Council.

Mr. Deputy Speaker: Prof. Ongeru, could you be brief and tell the House when you will make the statement?

The Minister for Local Authorities (Prof. Ongeru): Mr. Deputy Speaker, Sir, I was just giving an insight, because it is an urgent matter, but I will be able to give a comprehensive statement this afternoon. Since the matter has been raised by hon. Anyona, it is only fair for hon. Members to know the exact position, and then I will be able to give a Ministerial Statement this afternoon, as long as I get in touch with my colleague in the Ministry of Public Works and Housing, so as to see which way forward.

Mr. Deputy Speaker: Hon. Ongeru, are you giving the Ministerial Statement this afternoon or tomorrow afternoon?

The Minister for Local Authorities (Prof. Ongeru): Mr. Deputy Speaker, Sir, maybe tomorrow afternoon will be a more reasonable approach.

Mr. Raila: Mr. Deputy Speaker, Sir, I am satisfied with the efforts the Minister is undertaking. Madaraka Estate is in Langata Constituency. Yesterday, I spent two hours at the offices of the National Housing Corporation in the company of some Madaraka Estate residents.

Mr. Deputy Speaker, Sir, what needs to be taken into account, when the Minister is looking into this matter, is the fact that the tenants are not at fault. All these tenants have continued to pay their rents without default to the City Council, and that the Corporation is acting unfairly in trying to evict them because they have paid their rents to the City Council with whom they have a tenancy agreement. As at this time, there is no tenancy agreement between the residents of Madaraka Estate and the National Housing Corporation. The National Housing Corporation is writing amorphous letters not addressed to any individual; they are simply addressed: "To the Tenants, Madaraka Estate". They do not even have on site an estate agent like the City Council, which has an estate office in Madaraka Estate that can deal with those tenants. I recommended to them that, until this matter is properly sorted out, the Madaraka Estate residents are entitled to continue paying rent the way they have been paying, and that they should not be made to suffer because of the legal technicalities between the City Council and the National Housing Corporation.

(Several Members stood up in their places)

Mr. Deputy Speaker: Order, Members! Really, we cannot continue on that subject because the Minister has already promised a Ministerial Statement. So, other issues relating to that matter should be raised after the Minister has made his statement.

What is it hon. Anyona?

Mr. Anyona: Mr. Deputy Speaker, Sir, in view of the fact that the Minister is going to make the statement tomorrow, and this letter has threatened these tenants with eviction today, can we have an assurance now, before the Minister makes the statement, that the residents will not be disturbed until he has made his statement and the matter determined, whichever way? I beg to lay this document on the Table.

(Mr. Anyona laid the document on the Table)

The Minister for Local Authorities (Prof. Onger): Mr. Deputy Speaker, Sir, the Ministry issued a statement yesterday regarding the position of Madaraka Estate and it is already in the newspapers. I will be issuing an additional Ministerial Statement tomorrow afternoon. In the meantime, as soon as we are dispensed off with the business of this House, I intend to go back to my office and see how best to handle the situation between now and the time I make a Ministerial Statement tomorrow afternoon. The assurance is from the Minister and hon. Members should not be worried.

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

Mr. Deputy Speaker: Hon. Kituyi, is it on the same subject?

Dr. Kituyi: Yes, Mr. Deputy Speaker, Sir. Since hon. Members are being so generous in advising the Minister on sensitive issues to follow, some of us have information that Mr. Lawi Kiplagat wants to grab Madaraka Estate the way he did the Kenya Milling Corporation. The Minister should also look at it from that angle for his answer.

Mr. Deputy Speaker: Order! Dr. Kituyi, that does not help the cause of the tenants. Shall we proceed to the next Order!

MOTIONS

FORMULATION OF NATIONAL CRIME PREVENTION STRATEGY

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

THAT, considering the increasing levels of crime and its negative impact on growth and development in our nation, this House urges the Government to formulate a National Crime Prevention Strategy (NCPS) with a view to reducing the levels of crime in the Kenyan Society.

Mr. Deputy Speaker, Sir, every Kenyan is very worried at the rising levels of crime in our society today. In fact, nobody in this country is safe at all. The high rate of crime has had a very negative impact on our economy. Everybody knows that the tourist industry is tottering; it is on the brink of collapse because of insecurity in our country.

Mr. Deputy Speaker, Sir, nobody is safe on the streets of Nairobi. We also keep on hearing of cases of women and children being mugged, and innocent children being killed in our society. We hear of some very gory tales of women's private parts being mutilated by their husbands. A number of foreigners who work in foreign missions here have of late been a target of criminal attacks. This is something that is very worrying to every Kenyan.

Mr. Deputy Speaker, Sir, last year, this House, in consideration of this perennial issue, passed the National Crime Research Centre Act. The centre was charged with the responsibility of carrying out co-ordinated research into, and evaluating the impact of, programmes pursued by the agencies responsible for administration of criminal justice. It was also charged with the responsibility of collating all crime related data and carrying out research into any criminal activity; in particular, crime causation and prevention, and group or culture-related crime.

Mr. Deputy Speaker, Sir, to date, as I am talking, no steps have been taken to establish this centre. As a result, we still continue to operate in the traditional way. The bulk of resources up to today go into administration of justice after the crime has been committed. What we are suggesting here is prevention of crime, rather than control of it. In the engineering field, there is what is called "preventive maintenance". Preventive maintenance

seeks to arrest break-downs of machines. So, here, we are talking about trying to come up with a strategy aimed at preventing crime, rather than just controlling it. Traditional approaches to crimes have centred on security issues. Actually, the approaches have left crime control as the domain of the security departments. We are suggesting that crime should be looked at as a social issue, as opposed to being looked at exclusively as a security issue. If this is done, then a comprehensive strategy can be developed to deal with crime and its negative impact in our society. We are suggesting here that there should be a shift in relation to criminal justice, from a State-centred system to a victim-centred system. We want the Government to view crime as a social problem.

Mr. Deputy Speaker, Sir, this is what has been done in other countries. We are suggesting that in formulating these strategies, the Government should have the following vision, and I quote:-

"That Kenya shall be a society where its inhabitants can pursue their daily life in peace and safety, free from undue fear or crime and violence. It shall be a society in which the fundamental rights of individuals are respectively protected with support and co-operation of fellow citizens. Economic development among all sectors shall be unhindered by fear, and Kenya shall attract the confidence of the investors and the interest of tourists."

Mr. Deputy Speaker, Sir, the Police Act, basically, classifies the functions of the Police Force as follows:-

"The Force shall be employed in Kenya for the maintenance of law and order; the preservation of peace; the protection of life and property; the prevention and detection of crime; the apprehension of offenders and enforcement of all laws and regulations with which it is charged."

This basically confirms the contention I was making, that the strategy at the moment is geared towards control rather than prevention of commission of crime. The attitude of the police is reflected by their approach to their work.

Two days ago, there was a crime committed in Likoni in Mombasa. Before the culprits were arrested, the police spokesman, Mr. Kimanthi, said: "People should not think that this is the same group that caused havoc last August. We are dealing with criminals and I do not think that this is something which should cause alarm." The police spokesman came to the conclusion that we are dealing with criminals and, therefore, that should not cause alarm, whereas innocent revellers were being attacked by a gang. Up to the time when Mr. Kimanthi was speaking, the attackers had not yet been known and apprehended. This is the attitude of our Police Force. All the time, they aim to know the causes of crime before they have even detected who is behind the crime. We often read from the Press of police having broken some ring of diehard criminals, without giving evidence as to what kind of crime these people had committed. Our Police Force aims to shoot and kill criminals. Once a criminal is dead, a gun is put beside him to show that he was the most wanted criminal who had caused havoc. However, since dead bodies do not speak, nobody knows whether what the police say is true or not.

Mr. Deputy Speaker, Sir, the International Centre for Prevention of Crime, which is a UN affiliate has given a summary of the causes of crime as follows: Relative child poverty; blocked opportunities for the youth; lack of services such as low-cost housing areas, alienation from school; economic recession; substance abuse and land related issues. Up to now, our Government has not carried out a comprehensive research into the causes of crime in our country. We have crimes, like the ones I have described, of people breaking into houses and stealing; cattle rustling; ethnic clashes; paramilitary activities like the one that is currently taking place between the West Pokot and Marakwet Districts; vehicle theft and carjacking, and gender violence. We also have crimes against children in our society. We need to know and define the causes of these different types of violence. Firearms related violence has, probably, resulted from the proliferation of firearms. There is cross-border smuggling of firearms into the country from neighbouring countries, which are going through economic or political instability. This has made ownership of cattle a very risky occupation, indeed.

There are "white collar" crimes and cases of corruption. All the time, when we talk about corruption, we talk about those who are responsible for committing corrupt acts. We do not go deeper into the causes of corruption. For example, is it enticing for a civil servant to give a bribe? Most civil servants earn between Kshs15,000 and Kshs20,000. They cannot even afford a house in Buru Buru Estate with that kind of income. So, it is very tempting for such a person, when he faces an Asian businessman, who gives him Kshs50,000, to commit a crime. We must look into the causes of corruption, if we want to deal with it effectively. The cases of gender violence, which I had talked about earlier--- Recently, there was a case in Mathare Valley, where somebody beat up his wife and used a sharp object to mutilate her private parts. This was a despicable offence. Probably, the wife had committed adultery, but even if she had committed such an offence, there are law enforcement agencies that are meant to deal with this kind of case. So, these are social, cultural and traditional attitudes that must change. Therefore, this requires education. If we want to develop a comprehensive national crime prevention strategy, we must bring in all the various Government departments, like the Education Department; Health Department; Police Department; Local Authorities; the private sector and the non-governmental organisations (NGOs).

Mr. Deputy Speaker, Sir, it is not just enough to urge the people to protect themselves, or to ask

contractors to put up burglar-proof houses. It is much more than that. Cases of political violence and the so-called ethnic clashes are issues that need to be looked into in soberness, and without any emotions at all. If Kenyans were to sit down and go deeply into the causes of these crimes, a permanent solution could be found. That is the reason why we are proposing the setting up of a truth and reconciliation commission, to go deeper into the root causes of these problems. We know that land is one of the major causes of ethnic clashes. Land remains a non-resolved issue even after 35 years of Independence. We know that the root cause of Mau Mau uprising was land. Soon after Independence, there were calls, even in this House, for the introduction of comprehensive land reforms that would have made land available to the needy. We know that this matter remained a contentious issue because it was the homeguards or the royalists - who supported the colonialists - who benefitted during that time, at the expense of the people who fought for Independence.

Mr. Deputy Speaker, Sir, we need to look much deeper into this issue without trying to politicise it. But, of course, there is a political dimension to ethnic clashes. Up to now, nobody has told Kenyans why it was necessary to kill so many Kenyans in Molo, Olenguruone, Burnt Forest, Mt. Elgon and Sondu in 1992. Neither has anybody told us why it was necessary to kill Kenyans in Likoni last year. So many people died in Likoni, but up to date, no one has properly been arrested and brought to book. Likewise, this has happened in Mtondia in Kilifi District, Kilgoris, Gucha, Migori, Trans mara and, lately, in Laikipia, Njoro and Molo.

These are issues which the Centre for Crime Research should deal with, with a view to finding a comprehensive policy to deal with this menace. We are saying that the time has come for Kenyans to come together, irrespective of their political affiliation, and deal with this matter. We are urging the Government to take stern action, because it is the responsibility of any government to govern, and ensure that the security for its citizens is guaranteed. It is the responsibility of any government to ensure the protection of the lives and property of its citizens. That is why we are saying that this matter is of extreme importance and urgency to Kenyans. The National Development Party of Kenya (NDPK) is very concerned, and that is the reason why it has brought this Motion before the House. It is an issue over which we seek and expect full support from both sides of the House, because it is not a controversial issue.

With those few remarks, I beg to move, and request hon. Murungi to second the Motion.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir.

It is my very great honour and privilege to second this very important Motion. The Motion is seeking to urge the Government to do a very simple thing. We are merely asking the Government to formulate a comprehensive national crime prevention policy, or a national crime prevention strategy. It is a fact that crimes, especially violent crimes, are on the increase in this country. All one needs to do is look at the *Daily Nation* and the *East African Standard* every day, and see horror stories of armed robberies, cattle rustling, killing of people, theft and all that. Crime has become a way of life in this country.

Mr. Deputy Speaker, Sir, we, in the Democratic Part of Kenya (DP), would like to support this Motion because we believe in justice, the rule of law and the security of all persons in Kenya and their property. We have made promises to the people of Kenya that when the DP comes to power in this country, people will have a nice sleep. We are going to control crime and ensure the security of the lives of all Kenyans and their property. We intend to fulfil those promises one day.

Mr. Deputy Speaker, Sir, it is a great shame that the KANU Government, over the last 35 years, and despite the massive resources which this Parliament has voted to this Government, has been unable to fulfil a primary and fundamental task of any government, which is to secure the lives and the property of its citizens. It is a sad fact that the KANU Government has lost the war against crime to economic and social bandits in this country. It is a sad fact that the Kenya Government has failed to put an end to theft, corruption and the misuse of public resources in this country. It is also a sad fact that, as we are talking here, there is a civil war going on between the Pokots and the Marakwets, which the Government appears to be unable to control. There are numerous cases of cattle rustling and banditry in most of North Eastern Kenya, Eastern Province and some parts of Rift Valley. It appears as if it is the bandits who are ruling huge sections of this country, instead of the Government.

It is also a sad fact that the KANU Government seems to be losing the war against drug trafficking. Recently, in our own area, that is in Mt. Kenya Forest, the Kenya Wildlife Service (KWS) officers uncovered a huge plantation of 600 acres of bhang. One wonders where the Government was when the land was being cleared, and when the bhang was being planted. We feel that today, the life of every Kenyan is threatened by the dark forces of crime. Our lives are threatened! We live in terror, fear of destruction and theft of our property. We feel that it is high time that the Government took a more serious attitude to crime. The Attorney-General has approached this issue in an *ad hoc*, impromptu and haphazard manner. In fact, he seems to be like an old woman wearing tattered clothes and who keeps on talking about mending the tattered clothes instead of buying new ones. We want to buy new clothes for this Government. It is high time we re-examined our theories on crime and our

responses to it. The Government seems to proceed on the assumption that crime is merely a question of security and violence. That is why we are recruiting more policemen, buying them dogs and all that. We would like to see crime as a more complicated and complex social issue, with deep roots in our society. If we are to succeed in the war against crime, we have to attack those roots. Well, one of the root causes of crime is unemployment, poverty and the shrinking economic opportunities in this country. For a poor person to survive, any means which ensures survival, including illegal means, is acceptable. That is why we have prostitutes and policemen even on Kenyatta Avenue and other streets in town. Those women have to survive.

Mr. Deputy Speaker, Sir, in the past, the Attorney-General has engaged himself in cosmetic and haphazard measures to combat crime and create institutions of combating crimes in this country. We have in mind institutions like the Law Reform Commission which was formed with great fanfare, but today it has no funds. It cannot operate. We have various task forces appointed by the Attorney-General and given no dead-lines, and we do not know what they have been doing for the last five years. We have the Council of Law Reporting, which has not published a single law report. The latest is what hon. Raila mentioned: the National Crime Research Centre, which is composed of big names, but they are doing nothing. We have not even set up the centre. So, the question is: Is there any need for the Attorney-General to come up, exercise our minds in this House and set up all these organisations which are literally doing nothing? They only exist on paper. We are asking all those organisations which the Attorney-General has set up to sit down and prepare a comprehensive national crime policy and strategies for implementing it.

These cosmetic measures taken by the Attorney-General will never succeed until we have a blue print. Young governments, like the South African Government, have already set up their own institutions and they have come up with a comprehensive crime prevention policy, a copy of which is here with my friend, hon. Raila. We have all been complaining about overcrowded prisons and rehabilitation centres. It does not make any sense for our people to rot and die in jail when we have no roads in this country. The British used Italian prisoners to make the Kijabe Road. Why can we not use our prisoners to make roads passable in this country? The British used the Mau Mau to work at Mwea Irrigation Scheme. Since 1963, which projects has the Kenyan Government used the prisoners to make? Why can we not open up new agricultural areas, like Bura Irrigation Scheme, and bring water to Garissa and other places using prisoners? All we need is a little intelligence, which the KANU Government does not seem to want to use.

Lastly, we have been using 18th Century theories of retributive justice, which is merely justice of revenge against criminals in this country. It is high time we re-examined this Western legal concept and replaced it with our own restorative justice. Let us borrow from Maasais, Turkanas and the others, so that we emphasise on reconciliation, forgiveness and rehabilitation of people in our society.

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

(Question proposed)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, while acknowledging the spirit in which this Motion has been proposed and seconded, I am glad that it has been seconded by hon. Murungi, who has just received a promotion to be the Attorney-General of the Opposition. He was my lecturer at the University and I can see he is still doing better than myself. I would like to acknowledge the fact that crime, indeed, is in a deeper thing than just control. It is even deeper than just a Democratic Party Government coming to power, if it ever would. Hon. Murungi should not spend a little more time of his very intelligent eloquence to heap the blame on KANU. He must remember, all the time, that for a very long time, the Vice-President of KANU who is now the Chairman of DP, had no ideas either, on how to handle this situation. It is a much deeper thing. I would like to accept this, and I would like to say that I am not replying on behalf of the Government; hon. Madoka will do that. I would like to bring in a short amendment so that the Motion can actually be effective and implementable.

Mr. Deputy Speaker, Sir, I would like to propose an amendment to the Motion by deleting the words "to formulate a National Crime Prevention Strategy (NCPS)" appearing therein, and inserting the words "to ensure that the National Crime Research Centre formulates a National Crime Prevention Strategy (NCPS)" in place thereof, so that the Motion as amended reads:

"That considering the increasing levels of crime and its negative impact on growth and development in our nation, this House urges the Government to ensure that the National Crime Research Centre formulates a National Crime Prevention Strategy with a view to reducing the levels of crime in the Kenyan Society".

The purpose of this is that last year, the Seventh Parliament did pass a law. The Law which was the National Crime Research Centre Bill, and which has now become an Act of Parliament, did mandate this research centre to

look into the root causes of crime and come up with a strategy. I think what this House needs to do is to acknowledge that there has been an initiative by the Government to put in place the machineries for the prevention of crime. The Crime Research Centre is, in fact, a strategy for prevention of crime. It must be acknowledged that as far as the control of crime goes, the Government has done its best. I must say that crime is not a monopoly of the Republic of Kenya. Crime is, in fact, sometimes a by-product of the complexity of society itself. Many of the hon. Members have travelled and they do understand that crime does exist in almost every cosmopolitan society. It exists in cities more than in the rural areas because of the complex nature of society. It is much safer to walk around Nairobi than to walk around the City of Miami in Florida, or the City of Johannesburg. I went there one week ago, and one Member of my delegation got his watch snatched, just two metres away from Holiday Inn in the centre of Johannesburg. You cannot have your watch snatched just outside the Inter-Continental Hotel in the City of Nairobi.

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

The Assistant Minister, Office of the President (Mr. Sunkuli): I am quite orderly. I do not know what the hon. Member wants!

Mr. M. Galgalo: On a point of order, Mr. Deputy Speaker, Sir. Is hon. Sunkuli in order to say that one's watch cannot be snatched outside Hotel Inter Continental here in Nairobi, when my watch was snatched last year outside the Meridian Hotel?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I am sure the hon. Member was trying to cross to the other side of Tom Mboya Street. I am not saying that there is no crime in Nairobi, but that it is not the correct position to depict Nairobi as the most unsafe place in this continent. The Government has tried its best to put in place the machinery for the control of crime, but a strategy for the control of crime depends on two things: The time and place.

Today, we have a number of security units that we have created as a Government to combat crime. We have the ordinary police to look at the different situations that arise from day-to-day. There are also the paramilitary GSU, the Anti-Stock Theft Unit for places where there is stock theft; and the Flying Squad to look into the immediate situations and quickly respond to cases of crime here in the City of Nairobi. There are hot-lines that we introduced in order to ensure that citizens do obtain quick response by delivering a quick complaint. There are also game rangers that we have put everywhere to look after tourists in our country. I do not agree that the slump in tourism is a factor of insecurity in Kenya. It could be a factor of propaganda about insecurity in Kenya. I come from the Maasai Mara, and any hon. Member can challenge me on how many cases of insecurity on tourists have actually taken place there. The control system has been in place, but what hon. Raila wants us to do today, is to put in place a prevention strategy. We must acknowledge that we cannot have a vaccine against crime but we must look for a way of ensuring that our society is looked at comprehensively in order to produce methods of controlling crime.

Dr. Kituyi: On a point of information, Mr. Deputy Speaker, Sir.

The Assistant Minister, Office of the President (Mr. Sunkuli): I am not accepting that information.

Mr. Deputy Speaker, Sir, the Julie Ward case was in the 1980s and I hope the hon. Member appreciates that. What we are discussing today is the aspect of prevention. How are we going to prevent crime in our country? The prevention of crime is a social matter. We need to look at the reasons why we have crime coming up in our society. It has been proposed that the economic situation in our country, perhaps, has contributed to this. Has the moral aspect of our society decayed? Are our churches playing a role or they have abdicated their responsibility in order to play a role in politics? It is an irony of our time, that today, the churches in Kenya are the most visited, perhaps, more than anywhere else in this world, but we still have crime in our country. Do we not need to ask our pastors whether they are playing their role so that the Crime Research Centre needs to look into these things? These are the matters that we wish to propose in the amendment so that the Crime Research Centre can look into all these things.

With those remarks, I beg to move.

The Minister for Local Authorities (Prof. Ongeru): Mr. Deputy Speaker, Sir, I stand to second the Motion as amended. In spirit, we agree that crime in any society must be combated within the means available; that crime is not a societal pudding. In other words, it is not a pleasurable thing to have it committed everywhere.

But I believe that in any society one needs, to very carefully delve into the issues that are involved in the causation of crime. Research, therefore, becomes a necessary tool. Those in the academic world know it very well, that before you can formulate an acceptable programme or strategy, one needs to look at the pros and cons of the problem involved and do a thorough research.

Mr. Deputy Speaker, Sir, the Seventh Parliament had the opportunity to deliberate, request and urge the Government to formulate a National Crime Research Centre. What the Motion should be asking is that we activate that National Crime Research Centre. We know that crime is a very contemporary situation world-wide.

The crime sophistication continues to baffle even the most sophisticated countries. Crime takes many forms. It may be a petty crime, it may be crime relating to the sophistication level of any nation or any country and suddenly, we have now seen crime in the electronic media and in the electronics that are use world-wide. Therefore, the bottomline in this Motion, as amended is to be able to create the enabling machinery and platform to handle crime. I think the National Crime Research Centre, as established by the last Parliament, will be a necessary tool in order to be able to combat crime. Sometimes, crime has been used to vilify this country on many occasions, even when it happens in very isolated circumstances. That does not mean that the Government condones crime. That is not true at all. We do, in fact, wish to eliminate crime if we can. But the best strategy at this stage is to be able to formulate ways and means of establishing the modalities and the various forms of crime in order to enable our security forces to tackle crime much more effectively. I believe that if a crime is committed in the rural areas, it might be easier to handle that sort of crime than a crime committed in an urban centre because of the level of sophistication and the type of crime which varies from centre to centre and from a given rural situation to another rural area. Therefore, the Government is, in a way, accepting that we have got to try and prevent crime before it is committed. I think that will be the best strategy. There is no use prescribing pills at the end when the cancer has become more cancerous because it will have become more contagious and very expansive and extremely difficult to treat. In my profession, prevention is better than cure and certainly, preventive procedures and strategies mediated through the National Crime Research Centre will help this nation to be able to combat crime much more effectively.

Mr. Deputy Speaker, Sir, what is most important is that our language, strategies, approach and speeches; be they in the churches, political gatherings or Parliament, should reflect the Kenya we all want to be in. I do not think you can come and heap it on the Government. We have responsibility to prevent crime when we are able to detect it. The machinery of preventing that crime must surely be invested in a body which is sophisticated and thorough enough. Within our given machinery, we do have such bodies. What we need to do is re-define the levels of crime. Crime is not something that you can just jump on to. You must re-define the level, the extent to which the crime is being committed in any given field. Sex crimes, for instance, are rampant. One needs to know the type and level of society one is dealing with in order to be able to, eloquently and much more efficiently, combat that crime. Political crimes sometimes are committed for reasons best known to the criminals. I feel that many from the Opposition side of this House have targeted the Kenya African National Union (KANU) not because the latter has done any mess, but simply because of the undue urgency for reasons known only to themselves to be on this side. I suspect that they are trying very hard, but this may not happen because Kenyans do understand what needs to be done. However, whatever may have been said, the point in hand here is that crime is preventable so long as we all bring our minds together and work together.

Mr. Deputy Speaker, Sir, nobody relishes crime as nobody wants to be robbed of his property at night. It is a very devastating experience for those of you who may have gone through this ordeal. I have gone through this ordeal in one or two occasions. It is the most unpleasant to ever happen. I do not think that the Government will condone crime at any given moment or stage. We are urging the Opposition side of the House to agree with this amendment to enable us carry out a very thorough and effective research in order to be able to have effective methods of combating crime.

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

*(Question of the first part of the amendment,
that the words to be left out be
left out, proposed)*

Dr. Kituyi: Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to express my concerns about this burning issue of the day - the question of crime. I want to say at the outset that at the proposed amendment to the Motion is superfluous. You cannot amend a Motion urging a Government to do something by asking it to push an agency of the same Government to do the same thing. The act of a Government pushing its agents to execute a certain duty is the same as urging that Government to act. So, these are superfluous amendments.

I will make my contribution to the original Motion, Mr. Deputy Speaker, Sir. Much of the time we come here and pontificate about everybody being shattered by crime, how nasty it is to be shot at and being robbed. We are being hypocritical and refusing to confront reality. We are refusing to address the root cause of crime in this country. Crime is not just the act of some person snatching a handbag from a lady in the streets of Nairobi. The culture of crime in this country is a consequence of demonstrated fruitful returns from criminality. When persons get rewarded in high office because of criminal conduct, they will do more than anything else to legitimise crime now that it pays. When senior public personalities indulge in things that are explicitly and obviously criminal and get away scot-free, we are cultivating the culture of criminality, and we cannot come around and pontificate about

how nasty it is and how everybody wants research on crime carried out to eradicate it. The fundamental issues are: How serious is the political class in this country to fight crime? Who are the principal beneficiaries of crime? How many times have persons who have been shown to have been thieves of public resources been rewarded by higher offices in a land which says it is fighting crime?

We may not just be talking about little gun-shooting people in the streets, but that also worries them. Of course, we worry when we know individuals; when we know persons as they get killed. Three weeks ago, the wife of a close colleague of mine, Mrs. Mukute, who was a Russian expatriate teacher at the International School of Kenya, was meaninglessly gunned down on the streets of Nairobi, near Kencom House. One and a half weeks ago, a young lawyer, who is a brother to Moses Wetangula, was shot by robbers. They took his car, then pursued and shot him outside his car. Right now, he is at the Aga Khan Hospital, irreversibly paralysed from the diaphragm downwards. The very next day, the daughter of the late Dr. Fredric Masinde, was shot in a robbery attempt meaninglessly. When you know the individual victims, it pains you. We want to talk about how we can do something about this, but sometimes you see individuals where there are more complicated matters than these ones.

The preliminary results of the German Government investigation into the killing of their country's expatriate working with the GTZ at Runda, suggest vested interests in destroying a person who was coming too close to vested interests by very senior persons in this country's Government. At the start of last month, two senior Danish expatriates who were working on the Health Sector Support with KEPI resigned, and the Danish Government stopped the funding of the health programme because some people with vested interests here were fighting against the expatriates, threatening their lives because they could not be corrupted. When we come here and pontificate about how bad crime is when we legitimise it and, actually, reward it; when persons with a lot of doubt about their characters get into high offices, from nominations into Parliament, to senior Ministers in the Government. If Sajjad can import sugar without paying duty, and is nominated a Member of Parliament and appointed an Assistant Minister, what are we saying about crime?

(Applause)

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

Hon. Members: Keti chini, mhe. Maitha. Are you hon. Sajjad?

Mr. Maitha: Mr. Deputy Speaker, Sir, is it in order to discuss another hon. Member without moving a substantive Motion?

Dr. Kituyi: Mr. Deputy Speaker, Sir, I promise not to discuss hon. Sajjad.

Mr. Deputy Speaker: Hon. Maitha is quite right.

Dr. Kituyi: That is why I promised not to discuss hon. Sajjad.

Mr. Deputy Speaker: You cannot discuss a Member of this House unless you move a Substantive Motion.

Dr. Kituyi: Thank you, Mr. Deputy Speaker. The Seventh Parliament was always tied down by one phenomenon: You wanted to ask some people some questions to assist you get some answers, but you did not get access to such persons because they were always not in this House, and you are always left wondering whether whatever they are being accused of was true about criminality or they were just being faked.

Mr. Speaker, the composition of the Eighth Parliament is very good. We have a lot of Members on the Government side who will help us with a lot of investigation about what they know about criminal activities in this country. Hon. arap Ngeny will help us understand the non-remittance of extelecoms taxes to the Government by the Kenya Post and Telecommunications Corporation when he was the corporation's Chief Executive while hon. Leting will help us understand something about the Police Mahindra deal which was executed when he was the Permanent Secretary in the Office of the President. Hon. Kosgey will help us to understand how to bring down a multi-billion enterprise. These are some of the issues, but I do not want to go into those now. We have five years during which they can help us deal with it. The import of my statement is the following: Economic impoverishment at a time when Kenya is at the cross-road of the name "AK Zone" from Djibout to Congo Zaire.

Mr. Deputy Speaker, Sir, this means that there is access to means of violence and there is desperation among the underclass. But it operate in society where the leaders have shown that crime is rewarded, and you cannot blame those people for being criminals. If this country is going to deal with crime, first we should start with leaders. We must expunge, from the categories of leaders, individuals who have been demonstrated to have been involved in crime. We must fight the culture in politics where hon. Kituyi who draws a salary of Kshs70,000 a month in Parliament donates Kshs150,000 every weekend at Harambees from himself and friends. To legitimise your leadership because of how much money you can put together, even when that money is ill-gotten is part of the nurturing of the culture of crime. Until and unless the political class in this country abhors that culture, until and

unless we start teaching the values that chastity and integrity are much more important than demonstration of ill-gotten wealth, to speak about fighting crime is to try to decommission a nuclear plant with a razor blade.

Mr. Deputy Speaker, Sir, this political class is also partly to blame for the escalation of crime in this country in another important regard. We have paid too much attention to politicking and too little attention to fixing the social question. Except for haphazard introduction of programmes and projects, social dimensions programme and so on, the political class never addressed the question as to why the underclass is further and further, following out of the bottom of the economy, why those who live below the sewerage line in Mathare do not relate to us as citizens of the same country or why 67 per cent of the population of Busia District live below poverty line? Why after 30 years when the world was thinking that now we had rid of yellow fever, Kenya becomes the first country in the whole world in 20 years to record cases of yellow fever? After being the fastest in expanding primary immunization and vaccination programme country in the world, between 1965 and 1975, Kenya has over the last 10 years realised the most dramatic decline in the immunization cover for children in the whole world other than the countries at war. Such social crimes of omission and commission are the basis of desperation in the underclass; are the basis of growing irrelevancy of the political class, frustration and political fog that emerges from that is the foundation of the expanding legitimacy of crime.

Mr. Deputy Speaker, Sir, we are being told that we want to help the police to fight crime. Very nice expression, indeed. Mid-last year, there was a robbery at Chimoi, a small market centre in Malava Constituency. A person rushed to a local police station in Webuye Town spoke about robbers shooting patrons at a bar in Chimoi. The police rushed and surrounded the people who had been robbing the night club and shot dead one person. The person they shot dead was the OCS of Webuye Police Station. They killed their boss. So, if we are asking that boss to facilitate the fight against crime, perhaps, by even giving him more sophisticated weaponry, are we strengthening the fight against or weakening the fight against crime? Until we address the problems of the income and living conditions of the police force, they will continue indulging in crime in order to sustain themselves.

With those few remarks, I beg to support.

The Member for Dagoretti (Mrs Mugo): Mr. Deputy Speaker, Sir, I congratulate you for being elected to that office and for the confidence and trust shown in you. This is the first time I am contributing when you are sitting there. I am saddened that my friend is trivialising--- I am referring to the Assistant Minister, Office of the President. He has trivialised this very grave and serious question. I thought that when we speak of things that really affect the lives of Kenyans, we should all speak with the seriousness they deserve.

Mr. Deputy Speaker, Sir, the President himself said that we have to co-operate and, I believe that these are the issues that we should talk about in one voice. It is very sad to see that every time it is suggested KANU or the Government should have--- They are already on the warpath. We are referring to KANU because it is the party in power.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of information, Mr. Deputy Speaker, Sir.

The Member for Dagoretti (Mrs. Mugo): I think I have the information that hon. Sunkuli wants to give me. Mr. Deputy Speaker, Sir, please protect me.

Mr. Deputy Speaker, Sir, I say that because when you invoke the churches here that maybe they have a role in what is happening, that is politicising the question of security. I want to oppose the amendment to the Motion but support the Motion. I oppose the amendment because the Government seems to be in the habit of abdicating its role. When you say that the Government ensures that the Research Centre comes up with strategies, we know of very many researches done but nothing much is happening. We do not need a research to know that violence begets violence. Research is very important as it has room in some areas of crime. But there are some which are very urgent. When I talk of KANU, it is because KANU is the one in charge, it is in the Government and it is its responsibility. We in the Opposition do not have the machinery to stop crime, but the Government has.

Mr. Deputy Speaker, Sir, as my colleague said, the culture of violence is slowly sinking in Kenya. That is what is leading to insecurity. When you hear Ministers in the Government making warlike utterances, in fact, that is promoting open conflict. We know that has happened and we have seen it and nothing happens to those Ministers; if anything, they are promoted. Then what happens to the ordinary people? What kind of leadership is being offered by our Ministers and Office of the President, on these issues which matter very much to Kenyans, such as corruption and insecurity? It looks like some of them are steering those very actions. I challenge the Government side to change the attitude of always thinking that they are being criticised unfairly because only then, we can deal with the issues affecting Kenyans. Either what President said has a double meaning or the Ministers and the Government are not willing to comply. We need implementation.

Mr. Deputy Speaker, Sir, I oppose the amendment because we do not want research just for books to be piled up somewhere. We need action because political will is what is missing in eradicating crime in this country.

The white collar crime is what is breeding crime in our society. When an official is given a Ministry or a parastatal to run--- Somehow, the public coffers become empty, the money is misdirected. Instead of that officer being punished, he is given yet another bigger parastatal to run down. If he is lucky, he might even get a whole Ministry.

Mr. Deputy Speaker, Sir, we demand that the Office of the President gives guidance to this nation as to where we are going with regard to economic crimes as well as corruption and tribal clashes in certain areas where we know that some very big names have been mentioned as being behind those clashes.

I oppose the amendment because the Government is trying to abdicate its responsibility of seeing and ensuring that security is maintained in this country.

Mr. Deputy Speaker, Sir, I would like to speak on crime in my constituency. Yesterday, I attended a funeral of a Mr. Karanja who was gunned down on Saturday in a public place. He was the PTA Chairman of Ndururua School. Since he was killed, the family has not heard anything from the police, despite informing them. There have been about 20 incidences in Kawangware alone in the last month. What my people said yesterday at the funeral was that, the thugs were dressed in police uniforms. So, they are convinced that the police are either playing some role in the thuggery or some police uniforms have been stolen and are being used by the thugs. In fact, I would like a Ministerial Statement from the Minister of State, Office of the President concerning this issue. About a month ago, I went with OCPD Langata and OCS Karen to Ngando where two people had been killed on the road. Nothing came out of that, regardless of the fact that I called the whole police force including the Provincial Police Officer. In Mutuini, bodies are found almost every other morning lying by the road side; victims of the thugs. The same is happening in Uthiru and after all the reporting, no arrests have been made. Are people going to be able to sleep or go about their businesses if lack of law and order is prevailing in this country?

Mr. Deputy Speaker, Sir, another area that I would like to speak about very strongly, is the violence of rape; an issue which is very close to my heart. It is true that women's and girls' rights are violated more often than ever before. I would like to see this House come up with stringent laws that would punish the culprits. I do not think we need so much to dwell on research. We know it is happening and where it is happening. We have been crying for family courts, as part of prevention of this crime and this can be done if some money is spared during the next Budget to tackle this crime. Also there is rampant violence at home, in the community and state violence. It is not so long ago when we saw a woman with her hair plucked off. This was State violence and torture. What message are we then sending to the community? What happens to the ordinary person who sees that violence is a virtue in this country? They go and do it because it happened elsewhere in very high offices.

Mr. Speaker, Sir, I would urge the Government to treat this debate seriously. Instead of just speaking, they must be sensitive to what is being said, whether what is being said is true or not, it is true that the Government has not done enough to prevent crime in this country. It is also true that we do not need research for the Government to be able to act against crime and corruption. Instead of putting those short term measures you have seen is---

With those few remarks, I support the Motion.

Mr. Deputy Speaker: Order! Hon. Mugo, your time is up.

The Minister for East African and Regional Co-operation (Mr. Biwott): Thank you very much Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Mr. Deputy Speaker, Sir, I do agree with the hon. Member who has just spoken that we should treat this Motion very seriously and make it devoid of politics, because crime, as it is, is a very serious phenomenon that is happening in this country at the moment. I do agree with the spirit of the original Motion although it skirts around the functions of the National Crime Research Centre, which I think the hon. Member is fully aware of. So, to that extent, I think the Motion as originally formulated was superfluous in the sense that we already have a centre dedicated to specific research on crime so as to tackle it at its roots effectively. Crime, like disease, must have a diagnosis before treatment. So, I do agree on the emphasis of prevention, because if you can prevent something, you end up doing more than the actual treatment. Therefore, if the Motion was formulated before with the hope of succeeding as it was, it should have urged the Government to accelerate the functions of that research and it would have--- So, I have risen to support the amendment moved by hon. Sunkuli.

Mr. Deputy Speaker, Sir, crime is serious and it deserves serious attention. It also deserves to be allocated adequate resources to combat. It requires resources to fund the centre, to formulate the findings of the research and the implementation of the findings of the research. We also require a lot of funding for the law enforcement machinery and particularly the police, so that they can have adequate means to respond quickly to incidences of crime, and also to be able to move quite speedily and regularly, in order to deter any suspicious characters from committing crime.

Mr. Deputy Speaker, Sir, I heard about the Pokot and Marakwet skirmishes. Indeed, this is a sad thing

that it is happening at the moment. It is happening because cattle rustling has been mechanised as opposed to original traditional methods. I think that, to be able to deal with it effectively, it is incumbent upon the leaders and elders from those areas to sit and discuss genuinely and desirously, to formulate ways and means of preventing further occurrences of such crimes. With the help of the law enforcement institutions of this country, the problem can be brought down to manageable proportions.

Mr. Speaker, Sir, it is encouraging that the original Motion which is now being amended was brought by an hon. Member from the opposite side of the House. This is because throughout the whole period of the Seventh Parliament, the Opposition engaged in a number of lawless activities. They were engaged in appeals for numerous mass actions to be staged in the country. They organised themselves to cause disturbances and disrupt the running of this country. Most of them at that time were calling for civil disobedience among Kenyans. I can see the hon. Member who always likes attacking me seated over there and now, it is my turn to attack him. That hon. Member---

(Mr. Biwott pointed a finger at hon. Muite)

This hon. Member was among many others who were in the forefront agitating for civil disobedience. Civil disobedience teaches citizens to disobey the law. Once the law is disobeyed or disregarded, people are bound to commit crimes as it has been witnessed in this country before. All those mass actions in form of demonstrations that were held, particularly what happened at Uhuru Park last year, were instigated by hon. Members who should have been assisting in the prevention of crime.

Mr. Deputy Speaker, Sir, the Eighth Parliament seems to have instilled a bit of sense in Members. I believe that with concerted efforts and without politics, we can work together to prevent the occurrence of crime, and support the police in the efforts to crack down on criminals. We can support the Police acquire more resources and report to them on any impending crime.

Mr. Deputy Speaker, Sir, in the past, there was emphasis placed on virtues of being a good citizen. These virtues were aimed at teaching people that, a good citizen is one who reports crime and would not allow crime to be committed in his or her presence. Today, people are attacked and harassed by criminals but the people around them just look over, without intervening to help the victim. I think we should encourage our society to be mindful of the welfare of all Kenyans so that, whenever a crime is being committed, members of society around can come in to aid victims. In this way, the criminals will be apprehended and brought to justice.

Mr. Deputy Speaker, Sir, hon. Kiraitu Murungi, the Attorney-General in DP's shadow cabinet, commented on the hard work done by the *Mau Mau* freedom fighters during the struggle for Independence, though they were forced to do so. I believe the hon. Member is a lawyer and one of those who champion human rights. If what was done at that time was repeated now in this country, I do not think it would be allowed. I think it is something everybody condemned. The people who were forced to join the *Mau Mau* Movement were forced against their will. Even though they did a good job, the action of forcing them to join the movement is brutal. It is wrong for any person to make any reference to it as if it is a good lesson to emulate.

Mr. Deputy Speaker, Sir, the question of drugs is something our country should be wary of and do everything possible to ensure it does not become a practice. Once it becomes that, it destroys the fabric of the society.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I wish to inform hon. Biwott that, if this Government is fighting against drugs, it could not appoint a person who has a conviction on drug peddling in America to head the Government's Anti-corruption Unit, one Mr. Mwau.

The Minister for East African and Regional Affairs (Mr. Biwott): Mr. Deputy Speaker, Sir, I had hoped to benefit from the hon. Member on his request to inform me, but unfortunately, he too is still in the dark. Maybe, when he gets proper information, he can offer me advice and I might take it. At this moment, I feel it was a worthless advice and so, I will not pay any attention to it.

Mr. Deputy Speaker, Sir, child crime, rape and other related evils need to be combatted. I agree with the hon. lady who had spoken before me, when she said the two issues need to be attended to in this country so that our people do not become victims of them as in the developed countries. People in these countries have decayed as a result of degeneration of their life. In these countries, two-year old children are defiled while old women are raped. I think by the time a society degenerates to that extent, then there should be something which has gone wrong.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to support the amendment.

Mr. Kajwang: Mr. Deputy Speaker, Sir, I rise to support the amendment to that Motion. I support this Motion, because one of the functions of this National Crime Research Centre is to look for ways to prevent crime. This Motion urges the Government to reinforce crime prevention efforts in this country.

Mr. Deputy Speaker, Sir, crime has continued to grow in this country because it pays. As long as I know the opportunity cost of committing a crime gives more benefit than loss, then I would go on to commit it. I went to Khartoum, Sudan, one time and I saw women wearing gold chains on their necks everywhere. They also had many bangles made of gold on their hands and yet, nobody attempts to snatch them. I asked for the reason, why in that country, people walk with gold so conspicuously and nobody touches them. I was told that if one touches that gold with the intention of stealing, the Government would cut his arm. Then, you will walk without an arm until you die. So, the opportunity cost of snatching a necklace is so painful that one will never try to steal it. I want, therefore, to reiterate what hon. Dr. Kituyi said earlier on that, when we see those who commit a crime in our society seem to benefit and nothing happens to them, everybody else will also be tempted to do the same so as to benefit.

Mr. Deputy Speaker, Sir, if I see a young man like me who has not worked harder than I driving a Mercedes Benz, and then tomorrow he drives a Pajero and I walk on foot everyday, I would be forced to find out what he does to get such fortune. If it is as a result of a crime he had committed, then I also will do the same so as to be driving. So, the question of crime depends on the policy of this Government. We should not make crime to be a well-paying venture. If I were in the Government, I would start by ordering those who have better standards of living than what they earn, to explain how they got all that money. If we started from there, then crime would stop easily. We can start by ordering some people who commit such crimes to face justice - I personally fear the strokes of the cane. But if I see people benefitting everyday from crime, then I will be tempted to join them.

Mr. Deputy Speaker, Sir, the first thing we should do is to outlaw *Harambee*, as I used to suggest when I was at the University. *Harambee* is one of the biggest causes of crime in this country. If I am supposed to raise Kshs100,000, every other week for a *Harambee*, and I cannot do so, but my opponent can raise that, then definitely I will want to look for money, even if it is through a crime so that I can secure my parliamentary seat.

Mr. Deputy Speaker, Sir, I would like to ask this Government to bring a Bill to this Parliament outlawing *Harambee* so that everybody can participate in the political state equitably. Another thing I would like to talk about is the justification of crime on political terms. Every so often when a crime is committed, somebody wants to justify it on political terms. Some people will say that the people of Molo deserve to be killed because they did this and that. Others will say: "Of course, this is not the only Government which cannot prevent crime, the other Government also did it." All this is a justification of crime on political terms. Sometimes there is even a justification of feelings; that we are entitled to commit crime. There are some people in this country who feel they are entitled to steal cattle, like what is happening between the Marakwets and Pokots. If we try to stop them from stealing cattle, they will tell us that we are interfering with their culture or business. I understand that the activity is now mechanised.

Mr. Deputy Speaker, Sir, the biggest cause of crime in this country is poverty, unemployment and relative deprivation. If we are not going to address these problems seriously, then we are going to have more crimes committed. Even if we put up many research centres, they will only give the data of how many people have been killed, raped and robbed. The only thing which will help this country is to look for ways and means of reducing, if not eradicating, poverty, unemployment and deprivation.

Finally, there is a lot of crime in Lake Victoria. Our fishermen are unsafe and there are a lot of pirates from Uganda and Tanzania. Our boats and fishing nets have been stolen and our fishermen have been killed. There are no police officers in that place. We border Uganda and Tanzania and we have no police officers along the border. The Kenya Navy is doing nothing in Mombasa, there is no border in Mombasa. Instead, they should be deployed along our borders. I want half of the Kenya Navy to be redeployed to Lake Victoria so that our fishermen are safe and so that they can fish commercially. Just the other day, I learnt that to put an engine boat with a fishing net into Lake Victoria, one would require to have Kshs300,000.00. These pirates stole 20 fishing nets in one day. That is a big loss and you cannot replace it. We should not forget that there is no insurance in the Lake. Half of the Kenya Navy should be redeployed to Lake Victoria because we have two borders. There is no border in Mombasa and these officers are doing nothing there apart from eating fish and meat.

An hon. Member: There is a Somalia border in Mombasa!

Mr. Kajwang': But there is no country called Somalia. So, there is no threat from Somalia whatsoever and there is no navy in Somalia. So, we want our Navy to be redeployed to Lake Victoria. We also want some Army barracks to be created in Mfangano Island so that we can protect our Lake and so that our fishermen can fish in peace.

Otherwise, I support the Motion as amended.

(Question, of the first part of the amendment,

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

*(Question, of the second part of the amendment,
that the words to be inserted in place
thereof be inserted, proposed)*

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

(Question of the Motion as amended proposed)

Mr. Deputy Speaker: Hon. Members, note that the Government Responder ought to be responding from 11 o'clock which means there would be little time for other hon. Members to contribute. So, could we allow those who have not spoken to contribute?

Mr. Orenge: Thank you very much, Mr. Deputy Speaker, Sir. I think that the Motion as originally moved was very important in so far as crime prevention is concerned. I wish, at a convenient time one day, to give the Mover of the Motion a copy of the South African paper, which is very detailed, on the question of crime prevention. And if he so wishes, I can table it as a reference point for now and for the future. Merely placing the responsibility on the Crime Research Centre would not be an effective way of ensuring that the process of crime prevention is implemented as it should.

Mr. Deputy Speaker, Sir, there are very important departments of the Government that should deal with crime prevention. First and foremost is the Office of the Attorney-General, the Police Department, the Department of Defence, the Ministry of Trade and Industry and the Ministry of Finance. There are various components of crime that need to be dealt with, with an inter-ministerial committee which would formulate a workable strategy for crime prevention. The Crime Research Centre, as I understand it, would merely be a forum for purposes of research and to disseminate the results of such research to the relevant authorities in order to ensure that the implementation of a country's crime prevention strategy is firmly in place. But, we must get the ideas right. We must look into the causes of crime in this country, and more so, the types of crimes that arise out of the economic situations in this country. This has a lot to do with the issue of economic governance and the management of public affairs.

Mr. Deputy Speaker, Sir, if we look at why the police, for example, take bribes on the road for simple traffic offenses which should be dealt with, one would find that they do these things because they follow those who are in senior positions of responsibility. Unless this Government is committed to preventing crime from the topmost office, every other strategy would not work out. We must lead by example. For example, the maize importation--- I am sorry my time is up.

Mr. Deputy Speaker, Sir, I reluctantly support this Motion.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I would like to give the first two minutes of my time to the Leader of Government Business, hon. Ngala.

The Minister for Lands and Settlement (Mr. Ngala): Bw. Naibu Spika, namshukuru Waziri katika Ofisi ya Rais kwa kunipatia dakika chache ili nizingumze. Nasimama nikiunga mkono Hoja hii na marekebisho ambayo yamefanywa na kukubaliwa na Bunge zima.

Bw. Naibu Spika, nafikiri zote tumezungumza juu ya Hoja hii tukiwa na roho nzito sana kwa sababu tunazungumza juu ya usalama wa Wakenya wetu ambao tungependa waishi katika hali ya mazingara ambayo ni ya usalama. Kwa hivyo, mwenye kuleta Hoja hii kwa wakati kama huu anajua kwamba Serikali ilikuwa tayari na iko mbele ya mawazo haya ambayo tumeyazungumza juu yake kwa sababu tayari imekwishatayarisha mipango ya kuweza kuangalia na kutafuta njia ya kuweza kufahamu kiini cha matatizo ya uhalifu katika nchi yetu. Kwa hivyo, ni jambo zuri kuonyesha kwamba Serikali ikiketi na kumulika mambo kama haya kwa wakati unaofaa na kama tulivyojulishwa mwaka jana, Serikali ilifanya mipango hii na ikatoa tayari mipango na hata kupitisha kwamba kuwe na chombo kitakachoweza kutumiwa katika kutafuta mambo ya uhalifu---

Bw. Naibu Spika, Serikali kila mara inakemea na inakabili mambo ya uhalifu na, kwa hivyo, ni vizuri tuelewane kwamba mipango iliyopo ni kwamba tusiruhusu njia ambazo zinaweza kuleta fujo katika mambo ya usalama. Wachache wa wale waliozungumza wamekuwa na mwelekeo mzuri. Wengine labda walikuwa wanataka kutumia nafasi hizi kutupa maneno na matope kwa wengine lakini nafikiri si sawa katika hali kama hii tukiwa zote tunajua matatizo ya usalama jinsi yalivyo na shida zilivyo, kuanza kutupiana vidole na kuanza kuzungumza kwa

njia ambayo inaonyesha kwamba tunataka kuleta mawasiliano ambayo siyo sawasawa.

Bw. Naibu Spika, ni kweli hali kama ilivyo si nzuri lakini juhudi zinafanywa kama ninavyofahamu, na sisi kama viongozi ni vizuri tutafute njia na mbinu nzuri kupitia kwa Serikali yetu ili tuweze kupata misaada ya vifaa zaidi, mawasiliano zaidi na askari zaidi ili tuweze kuangalia ni kwa njia gani ya mapambano tutakayoweza kufanya kuhusu kupambana na mambo ya uhalifu. Lakini ni hakika kwamba katika mazungumzo tunayofanya hivi sasa hapa, pia kwa njia nyingine tunatoa mwangaza kwa mwananchi kujua kwamba Serikali haikai kitako tu bali inafanya mipango maalum kuhusu mambo ya uhalifu na njia zinazofuatwa kuhakikisha kwamba raia wanapata kuangaliwa vizuri kuhusiana na mambo kama haya. Haya yanafanyika nina hakika Waziri anayehusika atajibu kwamba sio matakwa au mapenzi ya Serikali kwamba mambo kama hayo au raia awe mtu wa kuhangaishwa au wa kupata taabu. Lakini ni vizuri tuyazungumze maneno haya na ni vizuri tuweze kuelewana kama ambavyo tumelewana; kama Bunge ili mambo kama haya yakiletwa tuweze kuyazungumza vizuri.

Bw. Naibu Spika, nimesema naunga marekebisho kwa sababu Hoja ya kwanza ya kuleta marekebisho ilikuwa inasema "to formulate". Lakini sisi tunasema tunataka kuhakikisha kwamba tunaunda kitu hicho. Kwa hivyo, sisi tuko zaidi katika nguvu ile ile lakini kwa nguvu ya zaidi kuhakikisha kabisa kwamba tunaunda mambo kama hayo.

Kwa hivyo, mimi yangu yalikuwa ni hayo machache tu, na kwa hivyo, naunga mkono.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, first I would like to thank hon. Raila Odinga for having brought this Motion and all the other hon. Members for accepting the amendment. I think it is important that we all recognise that we are very, very concerned about crime. After listening to the contribution of every Member, it is evident that we are all very concerned about the rate of crime in this country and the Government is equally concerned. A responsible Government would not want to see an increase in the rate of crime. A responsible Government has that obligation to try and ensure that the rate of crime in the country is reduced. Nobody can say that he can completely wipe out crime in their country. One can only try and ensure that the rate of crime is reduced.

Mr. Deputy Speaker, Sir, the Government recognises that unless we have a peaceful environment in the country, we will curtail any economic growth. So, the Government will do its best to ensure that the rate of crime is curtailed so that everybody is able to go about his or her duties without any hindrance. Although it might appear that the rate of crime has increased, in fact, statistics tell us a different story and I would like to give you the actual statistics.

Mr. Deputy Speaker, Sir, as regards the last five years, I am going to categorise the various crimes. I am going to refer to major crimes. When we come to murder cases, in 1993 we had 1,315 cases. In 1994, we had 1,280 cases. In 1995, we had 1,170 cases. In 1996, we had 1,167 cases. In 1997, the figures slightly went up to 1,193 cases. When we come to robberies, in 1993, we had 6,571 cases. In 1994, we had 6,349 cases. In 1995, we had 5,686 cases. In 1996, the figures went up slightly to 5,904 cases and in 1997, the figures went down to 5,248.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to give these figures to the House and thereby to, perhaps, mislead us unwittingly without telling us whether he is referring to the figures related to reported cases of robbery, convicted persons or the actual attacks? What does his figures refer to?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, these figures relate to those cases which are actually reported. I finished with robbery cases. When we come to motor vehicle thefts, in 1993, we had 1,878 cases. In 1994, they went down to 1,581. In 1995, they went down to 1,291 cases. In 1996, the figure went down to 1,038 cases and in 1997, there was a dramatic fall to 671 cases. In 1993, there were 1,119 rape cases reported. In the next four years the figures were as follows:- 1994, 1,143; 1995, 1,120; 1996, 1,224; and 1997, 786. In the case of break-ins, the figures were: 1993, 15,756; 1994, 14,732; 1995, 11,064; 1996, 11,204; and 1994; 9,360.

Mr. Deputy Speaker, Sir, the total number of crimes has generally gone down. For five years, from 1993, the total crime figures were: 1993, 93,000; 1994, 86,268; 1995, 70,728; 1996, 72,325 and 1997, 53,434.

These figures show that the crime rate has been reduced in this country. But the impression given, that the crime rate has increased, is attributed to the recent mode of violence. We hear of many cases of people being shot dead, people being mercilessly hacked to death and shoot-outs between gangs and the policemen. The media has tended to pick up these crimes because of their violent nature. Therefore, whereas the actual incidence of crime might have declined, the media is more active in reporting these cases and thus makes it appear as if the crime rate has increased.

Mr. P.N. Ndwigwa: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to insinuate that the rate of crime has gone down, while the truth is that people no longer report certain crimes like robberies and rapes because the police have become so ineffective? It is virtually useless to go to a police station to

complain about robbery. Even when you do so, you are told that they have no petrol and so they cannot get to the scene of the crime.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, if the cases are not reported to us, we have no records and, therefore, I cannot comment on that.

As I said, the media reporting has made us feel that crime rate has gone up, but it has been reduced.

I am not saying that we are not facing a serious situation of crime. We accept that there is a serious scenario relating to crime. The Government is doing its best to curb crime. Due to some constraints the Government is not able to give the police the necessary resources to respond to some of these cases. We are approaching our friendly countries for assistance. We hope that we will be able to provide the necessary transport and communication equipment so that our policemen are able to act on these cases as effectively as possible.

The National Crime Prevention Centre will soon be set up. The Attorney-General has received the names of the members of this Centre. It is a very highly powered membership for this Centre. It has the Attorney-General; as the Chairman, the Chief Justice, the Commissioner of Police, the Commissioner of Social Services, the Commissioner of Prisons, the Principal Probation Officer or his representative, three persons appointed by the Minister, being persons eminently qualified in the field of criminal law, sociology or criminology or representing universities in Kenya, one representative of NGOs to be nominated by the National Council of NGOs and three other persons appointed by the Minister by virtue of knowledge or expertise in a specific aspect of crime-oriented research.

The Attorney-General has assured me that he will gazette these names early next month. The Centre will soon start operating.

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Minister to tell us how he will tackle this question of crime, when he is the only one who will appoint all the members of the Centre?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I think the hon. Member did not follow what I said. It is not the Minister who will appoint members to the Centre. This Act has already determined who will be in the Committee. So, it is not me or any other Minister who will appoint members of the Committee of the Centre, except for only two Committee Members.

I would like to emphasise the functions of the Council so that we clearly understand why it is not necessary to have different committees to formulate the policy. The functions of the Council shall be to formulate a research policy and programme of the Centre, direct the research activities of the Centre with a view to ensuring that its objectives under this Act are attained and plan and organise fundraising activities to generate funds for this Centre.

I would like, at this juncture, to say that the Government of Japan has indicated that they will be giving us some funds in order to make sure that we set up this Centre, so that it can operate effectively as this House would like it to.

Mr. Raila: Mr. Deputy Speaker, Sir, I am very grateful to all hon. Members who have contributed to this Motion. Indeed, every hon. Member who has spoken here has expressed his concern about the state of security in our country. Hon. Sunkuli said that you are safer in Nairobi than in Johannesburg or Miami. But the difference between Nairobi and Johannesburg is that the South Africa Government has already recognised the severity of the situation and has already come up with a national crime prevention strategy.

Hon. Sunkuli mentioned various other organs of the Police Force that deal with different types of crime.

Mr. Deputy Speaker, Sir, the issue is not control, but prevention of the crime. That is the reason why this Motion is calling for the formulation of a comprehensive national crime prevention strategy. This will include change of attitude, education and expansion of law enforcement agencies. So, we are calling upon the Government to change its own strategy and approach to this issue.

Mr. Deputy Speaker, Sir, that is why even the National Crime Research Centre Act, as passed by the House last year, falls short of addressing this issue the way we want. Because, if you look at the membership, it leaves out other departments like the health department which is very important when you are dealing with victim empowerment. It also leaves out the NGOs and the private sector.

The Minister of State, Office of the President (Maj. Madoka): On a point of order, Mr. Deputy Speaker, Sir. I think, I pointed out that the NGOs have not been left out.

Mr. Deputy Speaker: That is a point of information and not a point of order.

Mr. Raila: Mr. Deputy Speaker, Sir, we are saying that we want to go much deeper. The question of street children, which was not mentioned here, is an issue that needs to be comprehensively addressed. The PC of Nairobi believes that over 50 per cent of the street children in Nairobi are pretenders; they are people with their

parents and that he can deal with the situation by merely arresting them and taking them to corrective centres and schools. We need to go much deeper and find out why we have street children. When street children come out and fight with security officers in the streets of Nairobi it is a shameful thing. But that is just a symptom of a much deeper problem. Why do we have street children in the first place? So, this is an issue that needs to be addressed. That would be addressed in that comprehensive policy.

Mr. Deputy Speaker, Sir, Dr. Kituyi said, and I agree, that the political class has not shown that it is serious in dealing with this issue of crime. This is because very many offenders, particularly people who are responsible for committing criminal offenses and corruption have continued to go scot-free. In fact, some of them have been awarded. For example, Mr. Ketan Somaia was awarded the Elder of the Burning Spear (EBS).

Mr. Deputy Speaker, Sir, the Minister has given statistics that, in his view, tend to show that the rate of crime in this country is reducing. We would like to question the source of those statistics. In the Minister's view it is because of the vigorous reporting by the media, that the crime rates appear to be on the increase. But, the Minister has left out of his statistics the other crimes like those that are committed against children, and corruption, which are never reported. He has also not told us how many people have been killed deliberately in the so-called, ethnic clashes that have taken place all over the country.

Mr. Deputy Speaker, Sir, unless the Government accepts that these are crimes against humanity, put them in his official records and produce them in this House as the Minister has done, it will show that the Government is not serious in combating or dealing with the causes of this serious issue of clashes in our country.

Mr. Deputy Speaker, Sir, I wish to lay on the Table of the House the National Crime Prevention Strategy document, prepared by the ANC Government of South Africa only three years after coming to power. After coming into power, the ANC Government realised that for it to be able to implement its reconstruction and development programme, it had to deal comprehensively with this question of crime. It set up a team that has formulated this policy document. If you look at this policy document, it goes much deeper than just scratching the surface. It looks at crime as a social issue and not just as a security issue. It states that the Government has to deal with the major causes like unemployment, lack of education opportunities in schools for children and poverty. So, I am laying this document on the Table for the benefit of the Government. I would like to urge the Government to take this issue equally seriously and ensure that this crime research centre is established as soon as possible. We passed the Act in March, last year. It is over a year since the Act was passed and no steps have been taken to set up the centre. Now, we are being told that the Attorney-General is going to gazette the membership next month.

Mr. Deputy Speaker, Sir, we do not want the Government to bring Bills to this House merely for cosmetic exercises. When donors complain that diplomats are being killed here, then the Attorney-General rushes here to bring a Bill to be passed and then it is dumped into the dustbin of history.

Mr. Deputy Speaker, Sir, I am grateful that the Government sees the need. I have reluctantly accepted the amendment and I hope that we are going to lay a firm foundation for proper co-operation between both sides of the House.

With those few remarks, I beg to move.

*(Question of the Motion as amended
put and agreed to)*

Resolved accordingly:

THAT, considering the increasing levels of crime and its negative impact on growth and development in our nation; this House urges the Government to ensure that the National Crime Research Centre formulates a National Crime Prevention Strategy with a view to reducing the levels of crime in the Kenyan society.

FINANCING OF POLITICAL PARTIES

Mr. Kibaki: Mr. Deputy Speaker, Sir, before I move the Motion, I would like to bring to the notice of the House, that in paragraph (b), the words "Presidential votes" were erroneously inserted. They should be deleted so that we are only talking of "the number of votes" got in the election.

Having made that correction, Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, while noting that Kenya is by virtue of its Constitution a multiparty democracy; considering that viable political parties are critical for the existence and survival of any multiparty democracy; and thanking the Government for accepting the proposal that

parliamentary political parties be funded directly by the State from the Consolidated Fund with effect from July, 1998; this House resolves:

(a) That annual grants be made to parliamentary parties through the Budget in each financial year.

(b) That the amount of such grants be the number of votes secured by the parties in the immediately preceding general elections multiplied by Kshs100 each.

(c) That the Government, as a matter of urgency, establishes

a clear legal framework to ensure transparent, fair and just financing of all political parties.

Mr. Deputy Speaker, Sir, we can still build on that kind of goodwill. We all arrived at a consensus that political parties need to be financed from the public funds, if they are to survive. We also arrived at a consensus that, that might have been included in the Budget last year but we were very late for that. We were discussing these matters after the Budget had been proposed. As you know, this year, in accordance with the traditions, the Budget, is being prepared now. Therefore, we are saying that we are now in time to include in the Budget, what we wanted to include last year. I know therefore, no one should try to raise the matter of principle any more, because this matter was debated and we all agreed that political parties are an essential integral part of a multiparty democracy. What we are called upon to do now is to make them viable. That particular point was discussed and agreed to last year.

Secondly, political parties are critical and essential part of a multiparty democracy. A political party is a vehicle which allows individuals to come together, formulate the particular changes they want in the society and be able to lobby for those changes. It is the political parties which make individuals effective in the politics of a nation. Otherwise, individuals alone are not effective. They must work through a political party, so as to be recognised internationally. Anyone who accepts democracy accepts the existence of political parties. Indeed, most countries which have democracies around the world agree to finance political parties in a certain manner. We are growing into a multiparty democracy now and we should join the rest of the world in doing the same.

Mr. Deputy Speaker, Sir, I know the formula which has been used in many parts of the world has had to relate to the number of votes given to political parties during elections. This was a way of trying to reduce the number of political parties which could claim a right to access to public funds. They had to show by participation in an election and securing of votes from the general public that they had become part of the system. That is why we refer to parliamentary political parties as those that have been able to participate in an election and get some parliamentary representation. We should be guided by the number of votes each party received and not by the number of seats it has in Parliament.

I am making this point because it is important to relate to the fact that parties represent citizens and not otherwise. Therefore, the number of citizens who have opted to support a particular party is a better criterion rather than the number of seats a party has secured in Parliament. This is important because in some Constitutions there are some very disorderly provisions for the allocation of parliamentary seats. In a system like the one we have here in Kenya or other parts of Europe, for instance in Great Britain, the number of votes a party gets could be very large and disproportionate to the number of seats it gets. We have not adopted proportional representation in this country. That is why it is important to relate the criteria back to the actual number of votes each party got and not to the number of seats it has in Parliament.

Mr. Deputy Speaker, Sir, thirdly, when that criteria is agree on, it should be incorporated in our laws, so that it becomes part of our system. It should not be subject to the whims of any particular Government at any particular time. This is because, as we all know, anybody who is in a position to influence an election will always influence it in his own favour. It is human nature to behave in such a selfish manner. We have laws to make sure that people do not yield to temptation easily.

Some people believe in what a famous Irish man said: When you are tempted, the best way to find a solution is to yield promptly. We are not going to inquire into whether our Government has been yielding to this temptation. We are now talking about a new Kenya, where we want political parties to be an integral part of our political system and to be accepted. Above all, we want to remove from the minds of Kenyans, the idea of regarding your political opponent, who belongs to a different political party as your enemy. He is not your enemy. He only happens to have different political views from yours. He only has a different proposal, as to how to solve a particular problem. But he is a true Kenyan. In many ways, he is even loyal than what many of you may regard themselves to be. So, we want to establish a position that political parties do not matter any more. It would be similar to having many religions. People go to church wherever they go and nobody asks them what their church is. Nobody wants to care which God you worship, or whether you worship the devil. There are some fellows who even worship the devil. We have devil worshippers in Kenya and nobody tries to deny them their right. So, we are saying that political parties should be taken as a normal way of life. We should accept them and stop

arguing about it. We should leave people to have the total freedom to join the party that they want. I hope we shall never have parties that are refused registration. This is because it is a criminal thing to refuse the people their right to organise and promote what they are convinced is the right thing to do.

So, in moving this Motion, I am trying to make sure that what we agreed in the IPPG last year, alongside with so many other things that we agreed, is implemented. That is what we are pursuing. We want the implementation of what was agreed upon. Therefore, I know that we shall get everybody's support in this matter.

As regards the criteria that we want to use for the payments, that is a matter that people can have different views on. I am only proposing one way; that payments should be based on the votes cast for a particular political party. But that is open for debate.

Finally, let me say that in this country, we still have some individuals who cannot grow up. They are still behaving in a childish manner. Even in this Parliament, we have people who made statements the other day, at their particular constituencies, threatening fellow Members of Parliament because of their different views, and said: "I do not want so and so to appear in a certain region or district. If he dares set foot there, it will be at his own risk". I hope that in this Parliament, even those few who are still sick with that particular disease or regionalism, will get cured. This is because in this nation, we shall live together. It is so simple and actually, you feel sorry that a grown up Kenyan, elected to Parliament, can stand up in his constituency and make such a proposal. He dares say: "anybody (and he names them) if he dares come here, he shall regret forever". In other words, they are threatening violence. Such people are not fit to be leaders, and above all, to be elected leaders and pretend that they are in Parliament to promote democracy, and to be in Parliament for the welfare of society and just government of men and women. We should grow up and such kind of talk should never come out of the mouth of an hon. Member of Parliament. He should accept the party that you are in and your freedom to speak, organise and travel is the same freedom that must be enjoyed by every other Kenyan, whether he is a Member of Parliament or not. If you accept that, you will become humble, respectable and an honourable person. But if you threaten others and encourage people to attack each other because you do not like their politics, you have a primitive kind of mind, which we hope will get cured and grow up. We must grow up. As a nation, we cannot afford to be threatening each other. Political parties are no more. They are like your religion. You go to church every Sunday and nobody asks you what church you go to. Equally now, political parties will be a way of life.

Finally, let me say that the Government must allow the media to express itself freely. We still have the Kenya Broadcasting Corporation (KBC) which is not giving equal political parties coverage. We passed a law here last year, which asked the KBC to give equal time and fair coverage to all political parties, so that different views can reach the public. But we have slipped back to the primitive thing, where today, if you listen to the KBC, it is only reporting about President Moi and KANU repeatedly. They report everything they do, like, "they have gone to the toilets - they have gone to church or somewhere - Moi and KANU, Moi and KANU!

(Applause)

Are we not ashamed? Do we have a Government or do we have a country which has become a party? If we have a Government, it must be national. The minimum you can do is to allow the KBC to report freely. We should free the airwaves. What we know now is that the Government controls the media and they are not allowing them new licences to operate TV stations. The pretence that they are waiting for useless task forces to give a report is vague. But when they are waiting for the report, they are giving licences to their favourites. They are not cheating anybody by that pretence! The Minister for Information and Broadcasting is not here, but the statement he made the other day made him more of a total disgrace. This is because he was refusing to allow some people the licence, and pretended that he was waiting for some other things, and on the same day, he had already licensed somebody else. Even last year, he licensed somebody else within two days. But when he is asked for a licence, he says that he is still waiting for a task force report. How can we have such double-talk? It used to be in communism where we used to have double talk. Nowadays, Communism is finished! So, do not behave like Communists! No! You cannot be allowed to have double talk. You either have one useful head, or if you have no head at all, you should be guided.

(Applause)

It must be guided! We are asking the Government to free the media, together with the KBC. A free licensing system should be an integral part of what we are talking about here. We should have a licence like everybody else.

(The communication system broke down briefly)

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. The communication system has been sabotaged!

Mr. Deputy Speaker: The problem has been noted and it is being addressed to.

Mr. Aringo: On a point of order---

Mr. Deputy Speaker: But we are still on a point of order raised by hon. Ndicho.

Mr. Aringo: There is more than meets the eye! There is no recording going on.

Mr. Ndicho: We know who are behind it!

Mr. Deputy Speaker: Order! Everything is okay now! Proceed, hon. Kibaki!

Mr. Kibaki: Mr. Deputy Speaker, Sir, I was saying that we need to have an honest Government which will allow freedom of expression, freedom of the media and license all those who have applied for licenses. We should be ashamed of ourselves. Our neighbours in Tanzania have allowed this kind of freedom and yet, we always pretend that we are more advanced than they are. But in this one line, we are behaving in a primitive manner. It will not save anyone to refuse to hear contrary opinions. Those opinions will not make you die. In fact, this Government should know that people in the rural areas do not listen to KBC any more. The other day, I met some women picking tea and listening to the British Broadcasting Corporation (BBC) and not the Kenya Broadcasting Corporation (KBC). When I asked them why they were doing so, they said: "KBC inasema uongo."

If the Government is identified with telling lies and you think that you are protecting yourself by continuing to tell more lies, that is not going to save you.

Mr. Deputy Speaker: Mr. Kibaki, the word "lies" is unparliamentary.

Mr. Kibaki: Mr. Deputy Speaker, Sir, those are not my words! I am just quoting what I was told. They were speaking in Kikuyu.

The Minister for East African and Regional Co-operation (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member for Othaya---

(Several hon. Members stood in their places)

Mr. Deputy Speaker: Order, hon. Members! What is your point of order, Mr. Biwott?

The Minister for East African and Regional Co-operation (Mr. Biwott): Is the hon. Member in order to burden this House with words that were spoken in Kikuyu and not English or Kiswahili? Could he recite those words in Kikuyu, so that we can look for translators?

Mr. Kibaki: Mr. Deputy Speaker, Sir, we do not accept that mischief! Kenyans speak many languages and he has no business trying to belittle any of them.

The Minister for East African and Regional Co-operation (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: No! Proceed, hon. Kibaki.

Mr. Kibaki: Mr. Deputy Speaker, Sir, we are demanding that the KBC should be fair in its reporting as part of the freedom of political parties. If KBC is going to continue to refuse to report fairly, we must take them to court because we passed that law here. We demand that KBC reports all political parties and views fairly. If they will continue with what they are doing, which is criminal, they will face the law. The Government should not also continue to behave in such a mischievous way by giving useless instructions to KBC. I know that those who are in KBC would like to behave honourably as true Kenyans but they are being directed through the Minister for Information and Broadcasting. I see that his deputy, who should know better, is here. KBC should report all parties fairly and equally.

Finally I ask both sides of the House to support this Motion.

With those remarks, I beg to Move.

The Assistant Minister for Information and Broadcasting (Mr. Ekirapa): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, hon. Ekirapa. Mr. Kibaki's time is up. Hon. Kihoro!

The Member for Nyeri Town (Mr. Kihoro): Mr. Deputy Speaker, Sir, my name is Wanyiri Kihoro. This is the first time I am appearing in Parliament, although I should have appeared here a long time back. I represent Nyeri Town Constituency and I believe that I am the only Member of Parliament who wears the name of his constituency everyday. I congratulate you for your election to the Office of the Deputy Speaker and I wish to second the Motion before the House.

Mr. Deputy Speaker, Sir, the most important aspect of this Motion is that it took a long time since the late 1980s and early 1990s to come up with acceptance on the part of the KANU Government to embrace multipartyism in this country. The fight was long and time has come now for the Government to accept the principle of equality in terms of financing all the parties in this country. The principle should be accepted by KANU because Section 1(A) of our Constitution declares that "Kenya shall be a multiparty State for all times." So, it is important that we make a multiparty democracy in this country a reality by making sure that the Opposition parties are financed. KANU has had a long start since they assumed office in May, 1963. They have had time to invest, make friends and claim Kenyatta International Conference Centre (KICC) as their own private property. But the Opposition parties, having been in existence for the last seven years, are greatly disadvantaged.

They do not have any offices; they have got to rely on hon. Members and their own supporters to provide them with offices. KANU has got KICC and they have rented it out in order to support KANU activities. So, in this particular respect, the Kenyan taxpayer who pays money in order to get services rendered, would want to see to it that if he supports an Opposition party, that party should not be put at a disadvantage when it comes to political competition during elections. KANU has been able to accumulate friends and property since May, 1960. Take for example the dinner which they had last year where they managed to raise Kshs100 million during that luncheon. The Opposition parties on the other hand, do not have the connections that KANU has got, where they can be able to give tax advantages to their own supporters, and be able to reap that in terms of donations. It is important that when we talk about Kenya being a multiparty democracy, the reality must be brought down to our parties in the sense that money should be remitted from the Consolidated Fund and be put in the treasuries of Opposition parties.

I say that not because the Kenya African National Union (KANU) will be the governing party for ever. It is possible before long, it could even be after another six months, to have the present Opposition on Government side of this House and KANU could be on this side of the House. The principle being advocated for by the Opposition will be there. You could as well be the beneficiaries of the principle of funding Opposition parties in this country. It is important to be fair in the political arithmetic in this country. In this country, when we talk about multiparty democracy, we talk about funding of these parties in respect to each party's viability; they must have offices, be able to employ staff and be able to pay them, so that we can have a real democracy in a multiparty Kenya for the future. This principle can be traced to Britain and America. In Britain, for example, the Conservative party has been in existence for over 400 years and has been able to fund their activities. They may not require as much funding from the Government, but they have had the opportunity to build their own political base which has enabled them to compete with other parties such as the Liberal and Labour parties. The Liberal Party too has got a long history going back to 400 years, and they have also been able to build for themselves a good political base. The Republican Party in the United States of America has also a similarly long history, dating back to 1860 and they have been able to build a good base.

In our country, after only six years old multiparty democracy, it is important that the principle of making parties viable financially, should be accepted, because there is money in the Consolidated Fund. If this money is spent properly, Opposition parties will benefit because this is the wish of Kenyans who have put their money into the Fund.

Another aspect which has come up is that the ruling party has claimed ownership of the Kenyatta International Conference Centre from where they conduct their activities. But up to now, any maintenance work that is carried out there is being paid for by the Government. A certain company was paid money by the Government last year or two years ago for some engineering and wiring work they did at the KICC. The proceeds from rent for the building are being used by KANU for their own political activities.

Lastly, I would agree to a situation where there would be a certain restriction at the bottom level, to ensure that the principle of funding political parties is not turned into a commercial enterprise by some imaginative Kenyans. It is possible for some people to form a party and claim money from the Consolidated Fund and eventually be able to destroy that principle of establishing viable democracy in this country. I would, therefore, agree to a situation where it might actually be unnecessary to take money from the Consolidated Fund to fund a political party. I, therefore, beg to support that, funding be made available from the Government and from the Consolidated Fund to support Opposition parties, including KANU when it becomes the Opposition.

Mr. Deputy Speaker, Sir, I beg to second.

(Question Proposed)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, last year, the IPPG recommended that political parties should be funded. In principle, this is a matter that none of

us can reject because in order for democracy to exist, there must be good political parties. Now, we have even put in our constitution, under the IPPG docket, a phrase that clearly makes Kenya permanently a multi-party State because we have said that Kenya shall be a multi-party State. Therefore, the political party is an important tool that must be looked after. The reason why we are going to reject this Motion, is not because we do not believe that political parties should be funded. We have all seen the problems that have faced political parties in this country. When we formed political parties, they became parties of some persons, especially the Opposition political parties in 1992. A person could just lock up an office and disappear with the furniture of that office and the political party dies financially that day. That kind of personalisation of the political party is because it is clear that certain political parties were funded by only one person and therefore, they were not the political parties of the people but of that particular person. If that particular person decides not to fund the political party, that results into the death of that political party.

Mr. Temporary Deputy Speaker, Sir, hon. Kibaki knows very well that there is an economic recession, and that in fact, this Motion cannot be implemented. Purely, for financial reasons, this Motion should be brought sometimes in 1999, or at the beginning of the next century when perhaps, we will have settled the financial problems. It cannot be implemented because there is no money. Why does this House want to act in vain? Why does the House want to move a Motion that says that the Democratic Party will be given Kshs180 million, that KANU will get Kshs240 million, or if SAFINA takes over as the main political party of Central Province next time, that they should get that package. This is the kind of thing I am trying to say; that we cannot afford to pay this now---

(Several hon. Members stood in their places)

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you satisfied that the Assistant Minister should be permitted to use abusive language in this House, by suggesting that DP is a tribal party in Central Province and that SAFINA might be a tribal party in Central Province? Should he not be restrained from using abusive language because we know KANU itself, is a conglomeration of small tribal parties and when Moi is not there, there will be no KANU? If he dies tomorrow, there will be no KANU.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, hon. Kibaki has just confirmed that the official language of DP is Kikuyu.

Mr. Kibaki: On a point of order, Mr. Temporary Deputy Speaker, Sir, you can see that they hon. Member is not sane. He is lowering this House to a level which he only belongs, nobody else. If he wants to go naked like a Maasai, he can do so but not in this House.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I know hon. Kibaki has no respect for the Maasai and I want to assure him that the feeling is mutual. I would like to say here that---

Mr. Munyao: On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you still satisfied that the hon. Assistant Minister is in order to insinuate that DP is a tribal party and its official language is Kikuyu, when the Secretary-General, who is more senior than the Assistant Minister, is a person from "Southern Province" where he also belongs? Will he apologize?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I wish to apologize to hon. Munyao for saying that. I did not mean that he is a Kikuyu. He is an eminent man and he is one of the exceptions in the DP.

Mr. Temporary Deputy Speaker, Sir, the point I was going to make is that, when in 1991, we decided to form political parties, we did not actually form political parties; instead we formed tribal parties. This is why I personally have an objection about funding the current political parties as they are, because it is very clear from the way you---

Mr. Kaptan: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that, in 1992, we formed tribal parties when, in fact, FORD(K), the party I belong to, has members from all over the country? Is he in order to say that we have only tribal parties in the Opposition?

Hon. Member: He must withdraw!

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, during the last Parliament, FORD(K) was the main Opposition political party. The reason why it is not one of the main political parties now, is not because it was an unpopular party but because of tribalism. Other tribes left FORD(K) and it remained a small political party because certain tribes moved out of it.

Mr. Donde: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am the Member of Parliament for

Gem on FORD(K) ticket and there are FORD(K) Members of Parliament from other provinces outside Nyanza Province. Is the Assistant Minister in order to say that FORD(K) is a tribal party?

An hon. Member: Even the Temporary Deputy Speaker is a FORD(K) Member of Parliament from Meru!

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, you are one of the exceptions with my friend, hon. Leakey. The whole thing, as I am speaking-- The general rule is that almost all the political parties in the Opposition are based on tribes and that is a fact. Even if hon. Kibaki goes to another district today, like Trans-Mara and speaks, because everybody knows that he is running a political party that is based on tribalism, he cannot get followers. That is a fact of life, that we did not form political parties in this country.

Mr. Kibaki: On point of order, Mr. Temporary Deputy Speaker, Sir. Must we allow the Assistant Minister to keep on provoking us? Democratic Party is not tribal. It does not matter how much bullshit you speak, it is not tribal! And you are not going to make it tribal!

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kibaki!

Mr. Kibaki: We cannot allow this! We cannot---

The Assistant Minister, Office of the President (Mr. Sunkuli): Facts are bitter!

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Kibaki! Hon. Sunkuli, I think both of you are abusive. Both of you are using unparliamentary language. Hon. Sunkuli, you will not provoke any other hon. Member. Please continue.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of your ruling and the insistence by the Assistant Minister, can he now withdraw an apologize?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, as soon as I finish my contribution, I will withdraw. I am saying that this Motion, perhaps, somebody should come out with an amendment and hon. Kibaki should not get annoyed because I did not mean that. I meant to say that there are good reasons why we should not fund the political parties the way they are and at this particular time. At any rate, somebody should question the formula that has been used in order to say that we should fund political parties. I think, the only credible way right now of funding political parties is depending on their majority in this House. Not depending on the number of voters outside there.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Sunkuli, who is very frustrated after having failed to be appointed a full Cabinet Minister was a participant of the so-called IPPG last year---

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

Mr. Ndicho: I am on a point of order! What is wrong with this Maasai?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ndicho! Hon. Sankori, is on a point of order. Will you allow him to finish whatever point he has?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, hon. Sunkuli was a Member of the IPPG which agreed in principle about the formation and funding of political parties. What is he telling us now?

Mr. Sankori: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have just ruled that we should not provoke each other. Is it in order for hon. Ndicho to say that, hon. Sunkuli is frustrated after having failed to be appointed as a full Cabinet Minister?

The Member for Tharaka (Mr. Mwenda): Mr. Temporary Deputy Speaker, Sir, first, I want to take this opportunity to thank the people of Tharaka for having elected me to Parliament and I would like to assure them that they will never regret making that decision.

Mr. Temporary Deputy Speaker, Sir, I support this Motion. By accepting this Motion, we shall all be demonstrating our commitment to the promotion of democracy in this country. There is no way we can develop democracy in this country without the Government financing the political parties. The various political parties exist by the will of the people of this country. They are the fora of expressions of the will of the people of this country and how they want to be governed and how they want this country to move forward. KANU has had the advantage because of its old history of existence. It has been controlling the resources of this country. During the last general elections, we all know that the KANU presidential candidate had the advantage of using jets and government vehicles which were fuelled and funded by the Government. All the other political parties were not in a position to move at all. They were not in a position to even pay their own agents, leave alone financing their own campaigns. That is why it is important for every Member in this House to support this Motion because it will be meeting the will and desire of the people of this country. Having been accepted in principle during the last IPPG

meeting, which I understand hon. Sunkuli was a very articulate member, it would be dishonest for such a Member to go back and now say that political parties should not be funded by the Government. We, as leaders, should demonstrate maturity in the way we approach issues that affect this nation. We must ensure that as we open our mouths to talk, our minds and hearts are also open. Why would an hon. Member support the financing of political parties and then later renege on his pledge, and try to push it further until 1999. There is absolutely nothing wrong with the composition of the present political parties as they exist. For one to say that they are tribal is being contemptuous. The DP has Members of Parliament drawn from various tribes in this country.

An hon. Member: Even the Maasai!

The Member for Tharaka (Mr. Mwenda): We have the Maasai where the hon. Sunkuli comes from. I come from Tharaka, not from the Kikuyu community and I am a DP legislator. So, it is really contemptuous to say that the DP or FORD(K) are tribal parties. What we are simply saying is that we do not wish to miss the salient feature of this Motion, which is the need for political parties to benefit from public funds so that we can all have a level playing ground. Why would one particular party (KANU) want to enjoy public funds at the expense of other political parties? This is unfair and we should actually be asking ourselves: What is the modality of financing these political parties? There ought not be any question of whether or not we should fund political parties. The system of how to get the parties supported or financed is what we should be discussing now, and not whether or not we should fund them.

Mr. Temporary Deputy Speaker, Sir, as hon. Members said, we have very many political parties in this country. But we should be talking about parliamentary political parties, that is those parties that are represented in parliament by elected Members of Parliament. By that, we shall be excluding commercialisation as the hon. Kihoro said. By doing that, parties shall be formed and funds requested from the State coffers. By definition, Parliamentary political parties are those ones which have a minimum of seven Members of Parliament. In that way, we shall be ensuring that these political parties exist as they grow stronger and stronger.

Thank you Mr. Temporary Deputy Speaker, Sir, I support the Motion.

The Assistant Minister for Natural Resources (Mr. Twaha): Mr. Temporary Deputy Speaker, Sir, I would like to raise my disappointment over this Motion. Although, it is a good idea that parties should be financed, I think it is not a priority. We, in Lamu, do not have tarmac roads and this is our first priority.

(Applause)

The biggest injustice in Kenya at the moment is the disregard by the political class, as represented in this House by 210 of them, and the half a million of civil servants over the priorities of the millions of Kenyans and also that they owe them a living. Why should funds amounting to Kshs108 million be allocated to Democratic Party of Kenya and another Kshs246 millions for KANU while for last 35 years, there has been no tarmac roads to Lamu. For the last eight months, our roads have been impassable. For the next few months, people are going to starve in Lamu.

Hon. Members: Blame it on KANU.

The Assistant Minister for Natural Resources (Mr. Twaha): I appreciate the fact that there is no money at the Treasury. But it is wrong for somebody to stand up here and ask for money to finance political parties, when, in Lamu, there are virtually no roads. It is even very difficult for the relief supplies to reach Lamu because the roads are impassable. The roads cannot be repaired because the Government lacks funds. In the same vein, let us have priorities as leaders. This is not a priority, and as leaders, we cannot afford such luxury.

Thank you, Mr Temporary Deputy Speaker, Sir.

Mr. Githiomi: Thank you very much, Mr. Temporary Deputy Speaker, Sir. In supporting this Motion, I feel Opposition political parties cannot operate without funding from State coffers because even KANU normally funds itself. KANU officials will be cheating us if they oppose this Motion. We know for sure that the KICC building does not belong to KANU. But, by virtue of it being in power, it has assumed the ownership of KICC. The building generates alot of funds for KANU.

Mr. Temporary Deputy Speaker, Sir, if we refuse funding for other political parties, then we shall continue allowing KANU to loot funds from Public coffers and using such funds for campaigns. Mr. Temporary Deputy Speaker, Sir, it is not a question of whether or not political parties should be funded because this was agreed upon in the IPPG package, and most of the KANU Members who came back to this Parliament were present during the deliberations. They know for sure that it is a matter of law that political parties should be funded. Therefore, the question of whether they should be funded or not does not arise. In any case, if they talk of the country not having money, that is not a matter that should be addressed by the Opposition, but the

Government. They know where the money is. Some times back Kenya was a very rich country, but they have looted the economy. So, the Government should fund Opposition political parties.

Mr. Temporary Deputy Speaker, Sir, I have heard many KANU members claiming that during the campaigns they spent as much as Kshs8 million. We all used to earn the same salary during the Seventh Parliament and I could not afford even Kshs500,000. But a Member of Parliament who was in this House with me could afford Kshs8 million. It goes without saying that this funding was coming from KANU and hence from the Government.

Mr. Temporary Deputy Speaker, Sir, I support this Motion because that is the only way democracy can thrive in this country. If we want Kenya to be a multiparty state, then we must look for ways and means of funding political parties. At the moment, Opposition parties are funded through personal donations from well wishers. It is very sad when an individual funds a political party while the Constitution is very clear that Kenya is a multiparty democracy. The question of having no funds does not arise because most of the money is looted by these people and particularly the ones on the Front Bench. Some of them are billionaires after looting public funds. They should sit down---

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

[Mr. Deputy Speaker resumed the Chair]

The Assistant Minister, Office of the President (Mr. Angwenyi): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to impute improper motive that, we, in the

[The Assistant Minister, Office of the President]

Front Bench, have looted public funds? I, personally, have not looted any money. Is he in order to impute improper motive that we have looted public funds?

Mr. Githiomi: Mr. Deputy Speaker, Sir, we were here when the hon. Assistant Minister came into this House and he had only one shirt, but now he has very many clothes.

Mr. Deputy Speaker, Sir, I do not intend to engage in an unnecessary argument with the hon. Member because he does not know the looters. He is only given some hand-outs by a few of them like hon. Biwott who came into this House with only one red shirt, which was torn at the collar, but he is now a multi-billionaire. We are talking about a nation---

Mr. Deputy Speaker: Order! Mr. Githiomi, you should not impute improper motives on other hon. Members.

Mr. Githiomi: Mr. Deputy Speaker, Sir, I apologise---

Mr. Deputy Speaker: Order! Observe the Standing Orders. Proceed.

Mr. Githiomi: Thank you, Mr. Deputy Speaker, Sir. I apologise for imputing improper motive on other hon. Members, but we are talking about a nation. We are talking of serious matters and facts which affect our children. At the moment, many Kenyans are unable to educate their children because of the looting of public funds. That is why we are asking the Government to fund political parties instead of this money being looted by individuals. If these political parties are funded, they are going to democratize this country and in future we might be better placed as a country. I recall that during the single party state very many Kenyans who were critical of the Government of the day suffered at the hands of Special Branch officers as a result of making their minds known. It is, therefore, necessary that this country funds all political parties because this is the only way the country can promote democracy and reduce looting of public funds from the public coffers.

Mr. Deputy Speaker, Sir, it is actually not true for some Members here to say that some political parties should not be funded because whether they are funded or not, roads will not be repaired or constructed. Indeed, roads will still continue to be in deplorable conditions because the money that is set aside for those roads will go to individuals' pockets. So, it is necessary that political parties be funded and the formula for funding political parties should be the ones that the Mover proposed. It should be based on the number of the electorate who voted for a particular Presidential multiplied by 100. That was the proposal of the Mover. This is because the people who voted knew for sure that they were voting for a political party that they would like to support, maybe, for some time. So, we should respect their decisions. Indeed, we should as a matter of fact, apply that method. It is the only way in which we can have equitable distribution of funds to various political parties. It is important here to note that we should not be confused by KANU that political parties should not be funded. This is because even as they are sitting here, they are funding their own parties through public coffers.

Thank you very much, Mr. Deputy Speaker, Sir. I support the Motion.

The Member for Kacheliba (Mr. Poghio): Thank you, very much, Mr. Deputy Speaker, Sir. The people of Kacheliba constituency have returned me here after a long period of absence since I was here last in 1988. I was here for three months and then I received the "honour" of being expelled. At that time, KANU was the only party.

Mr. Deputy Speaker, Sir, I support the Motion. This Motion is subject to abuse, if we pass it as it is right now, the large tribes will use this particular Motion to consume, if not completely shut out the smaller tribes. That just means that the small tribes like the Pokots and the Marakwets---

Mr. Ndwiga: On a point of information, Mr. Deputy Speaker, Sir!

The Member for Kacheliba (Mr. Poghio): Mr. Deputy Speaker, Sir, I do not need that information. The Pokots, Marakwets and the other smaller tribes along the Coast will never form political parties and if they do, they will be funded in a very limited way.

Mr. Deputy Speaker, Sir, I do also wish to say that this Motion is subject to abuse because some of these political parties that are asking for funding have incurred several debts themselves. Some of them want to take care of personal debts with this kind of money and we are not going to allow that.

Mr. Deputy Speaker, Sir, I also want to add here that the big tribes of Kenya are using exactly their population and their numbers to calculate the figures they would get. By multiplying the Presidential votes with Kshs100 per person, it means that we are going to have several parties from the largest tribes getting money alone. They will use this opportunity to invite certain parties to join them so that they can get more funds.

ADJOURNMENT

Mr. Deputy Speaker: Order! Hon. Members, it is now time for the interruption of business. The House is, therefore adjourned to this afternoon at 2.30 p.m, 22nd April, 1998.

The House rose at 12.30 a.m.