

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th September, 1997

The House met at 2.30. p.m.

[The Temporary Deputy Speaker

(Mr. Wetangula) in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.641

FIRST AFRICAN CHIEF IN TRANS NZOIA

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

(a) who the first African Chief was when Trans Nzoia District was proclaimed a District in 1920 and from which ethnic group this Chief was and who his assistant chief was;

(b) whether the ethnic group (referred to in "a" above) is now extinct; and,

(c) if the answer to "b" is in the negative, what arrangement the Government has put in place to resettle this community.

The Temporary Deputy Speaker (Mr. Wetangula): Is anyone here from the Office of the President? We will leave that Question until the end then. Let us move on to the next Question.

Question No.633

REFUND OF ACTIVITY FEES

Mr. Obwocha asked the Minister for Education:

(a) if he is aware that parents in Nyamira District paid more than Kshs2 million for activity fees during the year 1997 to the Ministry; and,

(b) arising from the directive of the Government that no activity fees shall be paid during the year 1997, when the Ministry will refund the money to the affected parents.

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

(a) I am not aware that parents in Nyamira District paid to my Ministry more than Kshs2 million for activity fees during the year 1997. However, following a 1996 resolution by the Nyamira District Education Board (DEB) that each child pays Kshs50 towards activity fees, 23,558 out of Nyamira's 78,765 pupils paid a total of Kshs1,177,890 in activity fees. This was before the 1997 Government ban.

(b) All monies collected before the ban will be utilised for the same activity, subject to audit. Therefore, as far as the Ministry is concerned, there is no money to be refunded regarding this Question.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I would have expected the Assistant Minister to be honest in his reply. This money was paid after the directive to ban the payment of activity fees and it was paid to the District Education Board. There has been even a board meeting of the DEB, where I am a member, and it has been resolved that this money be refunded to the parents. I did not have the advantage of seeing the written answer in advance. Could the Assistant Minister tell us the exact date of the ban and when this money was paid to the DEB, if he is honest about that reply?

Mr. Komora: Mr. Temporary Deputy Speaker, Sir, I do not have to doubt my honesty in dealing with Questions in this august House. According to my records, the ban came in force after the collection of the money. In the third term of 1996, the Nyamira DEB resolved to collect this money from the schools. The ban came in January, 1997 when money had been collected and it had been distributed in accordance with the agreed plan of the DEB. Part

of the money has already been used by the various sectors, the district headquarters and the schools. By decision, the DEB, Nyamira, met on the 20th August, 1997, to state clearly that it is not possible for the money to be refunded to the parents.

(Mr. Obwocha stood up in his place)

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Obwocha, you have to wait to be given the opportunity. You do not just stand up and---

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, you were consulting with the Clerk and this is a very important Question for the Nyamira residents

The Temporary Deputy Speaker (Mr. Wetangula): That is okay. Then carry on.

Mr. Obwocha: Thank you, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is talking about the DEB meeting which took place two weeks ago, while this money was collected in 1996. Could he then lay on the Table of this House, the accounts of the DEB and how the money was used? Is he telling us that there is no money outstanding in that account?

Mr. Komora: Mr. Temporary Deputy Speaker, Sir, the hon. Member has already confirmed that the money was collected in 1996 and the ban came into force in 1997. Therefore, my statement remains.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is not getting my question. He is saying that the money has been used. My question is: For what purpose? Could he tell us the purpose for which they utilised this money?

Mr. Komora: Mr. Temporary Deputy Speaker, Sir, it was used for the same purpose that it was raised for, activity fees.

Question No.604

CONSTRUCTION OF MERU-GITHONGO-CHOGORIA ROAD

Mr. Murungi asked the Minister for Public Works and Housing:-

- (a) when the construction work on Meru-Githongo-Chogoria Road is scheduled to start;
- (b) who have been appointed as contractors to tarmac the said road; and,
- (c) when they are scheduled to complete the road works.

The Minister for Public Works and Housing (Prof. Nge'no): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The European Union has agreed to finance the construction of the Meru-Githongo-Chogoria road through Stabex funding. In the meantime, the Ministry, in conjunction with the donors, is in the process of appointing a consultant to undertake the feasibility study and design works for the road. The actual construction cannot commence on the ground before completion of the necessary studies and design.

(b) The contractors to carry out the tarmacking of the road in question have not been identified, but they will be appointed as soon as the design work is completed.

(c) The project's completion date will also be determined during the awarding of the contract to whoever wins during the tender stage.

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir. As a matter of fact, the feasibility study for this road was carried out a long time ago, in 1985, by Sir Alexander Gibb and Partners, and I have seen those designs somewhere. Could the Minister consider using those designs which were prepared by Sir Alexander Gibb and Partners, instead of re-inventing the wheel(?) and spending a lot of time?

Secondly, could he also give a clearer indication on how long the feasibility study and design work is going to take so that we can have a rough idea and be able to explain this to the people?

Prof. Ng'eno: Mr. Temporary Deputy Speaker, Sir, the hon. Member should be very thankful that the road is actually designated for tarmacking. When I say that the design work and feasibility study will be undertaken, I am not ruling out the use of, or reference to the work already done by Alexander Gibb and Partners. But you remember that the design may have been done in 1985, which is a long time ago. The development of new techniques may require a new design. But we are certainly not going to throw overboard what has been done. I cannot give a definite date because we have to wait for the engineers to come up with the design work and so on. We also have to identify the consultant who will work with the design team. But I can assure the hon. Member that this road will be tarmacked within the next two or so years. It will certainly take more than three years to complete the tarmacking of the road,

but we will start as soon as possible.

Mr. J.N. Mungai: Mr. Temporary Deputy Speaker, Sir, in view of the fact that the Minister has agreed that some work is being done by engineers to study the design they did on that road, can he tell this House, if he is really serious, how much money he has set aside for such designs?

Prof. Ng'eno: Mr. Temporary Deputy Speaker, Sir, I cannot give a separate figure for design work, but I can give the amount that Stabex has given to us. This is Kshs7 million for the start of the design and also the construction.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, the Minister is giving very good answers to this Question. Can he answer this last one also? He has said that the construction will start as soon as possible. Can he assure this House that "as soon as possible" means this financial year? Is he certain that the construction is going to start this financial year?

Prof. Ng'eno: Mr. Temporary Deputy Speaker, Sir, I am not certain because I do not know how long we are going to do the feasibility study and the design work. But I know that the design work will definitely start during this financial year. What I have managed to find out from my engineers is that it normally takes about a year to do the design work. So, if it can be done sooner than usual, then definitely we will start tarmacking the road. But if it cannot, then I can guarantee that it will be done without failure in the next financial year.

Mr. Mathenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister aware that this Meru-Githongo-Chogoria Road was discussed by the Provincial Development Board of Embu in 1980, 1981 and 1982 and recommended as a priority? Are you aware of that? I was the Provincial Commissioner there.

Prof. Ng'eno: Mr. Temporary Deputy Speaker, Sir, I was not aware, but I am now aware. I am very thankful to the Provincial Administration for being interested in helping wananchi and also for making that recommendation. As a result of that, we are now ready to move.

Question No.564

NON-COLLECTION OF GARBAGE
BY GARISSA MUNICIPALITY

Mr. Farah asked the Minister for Local Government:-

- (a) if he is aware that Garissa Municipal Council does not collect garbage in the town and neither does it have an education department nor any health facilities; and,
- (b) if the answer to "a" above is in the affirmative, what he is doing to provide these facilities in the municipality.

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

(a) The Municipal Council of Garissa collects garbage and waste in Garissa Town. To perform this function, it has employed a workforce of 32 workers. Out of this number, 28 are regular workers while four are casuals. In addition to this, the Municipal Council has allocated one serviceable tipper lorry for garbage collection. The workers have also been supplied with the necessary working equipment to ensure that they collect and dispose garbage in an effective and efficient way. They work under the supervision of a works officer.

Concerning the education and health departments, the Municipal Council does not operate specific departments. However, the functions that should be performed by the departments fall under the Community Department which is headed by a Social Welfare Officer who liaises with the Education Department in the Ministry of Education on educational matters and the Public Health Department in the Ministry of Health on issues pertaining to public health.

(b) The Municipal Council is performing the said functions either directly or indirectly or also in liaison with other Government departments.

(i) Creation of and operation of various departments in local authorities depends on their financial strength coupled with the revenue as it grows gradually.

(ii) Most local authorities, even old ones and others with healthier financial bases, have not established all the necessary departments as it is expensive to maintain them. However, they have a responsibility to provide the local residents with the basic services.

(iii) This Municipal Council is still growing and developing and once it will have picked up, it will start operating all the necessary departments.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Assistant Minister, the question is too short and I do

not know why you are reading such a long answer.

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, this business of creating municipal councils as a political tool to win votes has got its own disadvantages. When it was a county council we had nursery schools which were being operated in Garissa under the auspices of the county council. Garbage used to be collected at all times. This time we have a municipal council which is telling us that we do not have the resources to do that. Why was it established in the first place if there was no provision for resource allocation and garbage collection?

Mr. Kamuren: Mr. Temporary Deputy Speaker, Sir, there are people in that particular municipality, which is part of the county council, who came up and said that they want the development and, therefore, these are the people who requested for this and they were given the "baby" that they are running now.

Mr. Busolo: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister just name to us some of the health centres or the schools that are run by this so-called Social Welfare Department that is supposed to handle education and health matters? Could you name some of them?

Mr. Kamuren: Mr. Temporary Deputy Speaker, Sir, I said that this is a growing municipality and if we have to name them, we can do so, but let the council get its revenue to be able to run its own municipal facilities and then later on the establishment will be effected.

Mr. Busolo: Mr. Temporary Deputy Speaker, Sir, I do not want funny stories. Just name one or two of them.

Mr. Kamuren: Mr. Temporary Deputy Speaker, Sir, of course health centres and the schools which were within the county council concern are still there within the municipality.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that the Municipal Council was created because the people wanted development.

Can you name a few development projects that have been implemented or undertaken by the Municipal Council which were not there when the services were provided by the county council?

Mr. Kamuren: Mr. Temporary Deputy Speaker, Sir, I had mentioned even a service lorry which carries the garbage which was not there before and that this is part of the development which had to be effected for the benefit of the people in that municipality.

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, if it were not for the very hot climate prevailing in North Eastern Province, then we would be having outbreaks of cholera the way you have them in other parts of the country. Also, because of the low rainfall, we do not have outbreaks of cholera there. But how do you expect a town of 150,000 people to be serviced by one tipper lorry to collect garbage? Could you consider giving grants to the municipal councils and the county councils that cannot self-sustain themselves?

Mr. Kamuren: Mr. Temporary Deputy Speaker, Sir, then as a result of that supplementary question, let me say that my Ministry will study closely the work being done by the present lorry that is carrying the garbage.

If it is necessary that we have to get an additional lorry, then we will request the council concerned to look into the revenue and buy another lorry.

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

The Temporary Deputy Speaker (Mr. Wetangula): I have given you more than enough time on this Question.

Question No.531

ELECTRICITY SUPPLY TO MARKET CENTRES

Mr. Mathenge asked the Minister for Energy:-

(a) whether he is aware that provision of electricity at market centres and other rural-urban areas could stimulate Jua Kali activities and create employment for the increasing number of school leavers;

(b) if he is further aware that the constant power cuts and rationing has a detrimental effect on hotel, restaurant operators and several industries; and,

(c) what plans does the Ministry have to ensure that constant and steady provisions of electricity is made available to all parts of the country, particularly the rural market centres.

The Assistant Minister for Energy (Mr. Nang'ole): Mr. temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Yes, I am also aware.

(c) To ensure that constant and steady provision of electricity, is made in all parts of the country, my Ministry budgets for funds that are utilised to implement rural electrification projects which have been identified as a priority brought forward by local district development committees (DDCs). The Ministry is also increasing the generation

capacity by at least 400 megawatts in the next five years to ensure adequate supply of electricity to the economy including the rural areas.

Mr. Mathenge: Mr. Temporary Deputy Speaker, Sir, if the Assistant Minister is aware that provision of electricity in market centres would help accelerate Jua Kali activities, could he tell us what plans the Ministry has to expand the Nyeri-Sagana electricity generating station so that we can supply more power to centres in Nyeri?

Mr. Nang'ole: Mr. Temporary Deputy Speaker, Sir, we have plans for the market centres mentioned by the hon. Member. For the information of the House, and his own information, I would like to say that in the 1997/98 printed Estimates, there is K£11,565, in the forward Budget for 1998/99, there is K£13,865 and in 1999/2000, K£13,365. This money will do the work the hon. Member has mentioned.

The Temporary Deputy Speaker (Mr. Wetangula): Next Question, Mr. Imana.

Question No.642

DRILLING OF BOREHOLES

Mr. Imana asked the Minister for Land Reclamation, Regional and Water Development:-

(a) if he is aware that in 1996 the Ministry received Kshs275 million from the Egyptian Government for drilling of 100 boreholes; and,

(b) if the answer to "a" above is in affirmative, if he could inform the House which districts benefited from this assistance, and whether Turkana District, which is in an arid area, was considered for this facility.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Mokku): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the Government in 1996 received Kshs275 million from the Egyptian Government for drilling boreholes. What I am aware of is that the Government received a grant aid of Kshs226 million from the Egyptian Government to drill 100 boreholes in a few arid and semi-arid areas of Kenya.

(b) The grant aid is being utilised to drill boreholes in the following 15 districts:-

Tana River, Taita-Taveta, Makeni, Machakos, Kitui, Mwingi, Garissa, Isiolo, Marsabit, Moyale, Koibatek, Marakwet, Samburu, Baringo and Keiyo. Turkana District, among several other semi-arid districts, was not included in the programme. However, my Ministry has already deployed a drilling rig in Turkana to drill boreholes in the entire district.

Mr. Imana: Mr. Temporary Deputy Speaker, Sir, given that the Egyptian Government had given enough money for the 100 boreholes, 100 boreholes were enough to cover all arid districts. Turkana District is one of those that are grouped as drought-prone districts. What criteria did the Ministry use to select those districts and exclude Turkana District?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, there was no discrimination in selecting those districts and there was also a basis on which the selected districts were chosen. Among the many criteria used, one, was the report of the Drought Recovery Programme and also the facilities which actually existed in some of the districts. So, those are among some of the factors that the Ministry considered when they were selecting those districts.

Mr. Arte: Mr. Temporary Deputy Speaker, Sir, among boreholes mentioned by the Assistant Minister, could he say how many boreholes have so far been completed and where?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, among the 100 boreholes I have mentioned, so far, 51 boreholes have been drilled and 12 boreholes have been equipped with generators.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. The question by hon. Arte is very specific. He asked in which districts and areas boreholes have been completed. Could he answer exactly that? He is trying to hide something!

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, there is nothing hidden here. I gave the number of boreholes drilled and which are equipped. These are the areas where we have drilled boreholes: 10 boreholes are in Baringo and 11 boreholes are in Koibatek.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The question was: What criteria was used? If we compare Turkana District and Koibatek District which is producing a lot of milk and maize for us to eat, why did you have to give such places the first priority when Turkana District is a permanently dry area; it is not even semi-arid; it is very dry and permanently under drought and famine?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, in my answer I stated the criteria we have used. I was very specific. For example, in a place like Turkana District which was not considered under this programme, the Ministry has availed a drilling rig which will just drill boreholes similar to the ones drilled by the grant from the

Egyptian Government. There was a drilling rig availed in Turkana District, and a number of boreholes have been drilled.

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, the question of water in these dry areas is very critical. Why has there not been activities in other areas except Baringo and Koibatek Districts? What is the problem? Why have the 100 boreholes not been completed to date?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, the work of the drilling started in October last year. Actually, it must start with a certain district and it started with those districts. I am sure that all the Districts that have been mentioned here will benefit.

Hon. Maundu asked why start with Baringo and Koibatek districts and yet there are 15 districts? Baringo and Koibatek districts are just two among the 15 districts.

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

(Loud consultations)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! I have given the Floor to Mr. Maundu.

Mr. Assistant Minister, you can see the reaction to your answers!

Mr. Maundu: Thank you, Mr. Temporary Deputy Speaker, Sir. Why has this programme been concentrated only in Baringo and Koibatek Districts? Is it because they have no rigs? Why should you start from Koibatek, Isiolo and then come to Makueni in the year 2005? Could the Ministry provide sufficient rigs so that drilling goes on simultaneously in all the districts in the country where the programme is taking place?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, the project is undertaken by a company from Egypt which is a parastatal of the Egyptian Government. The whole project was given to that company as a package. They are actually handling the project because it is a grant from them and they have also provided experts from the country to do the drilling. The Ministry believes that although it will take time, they will do a good job in the end.

With regard to our rigs, which are already with the Ministry, they are busy in various districts. Kenya districts are not only 15 but more.

Mr. Nyagah: Mr. Temporary Deputy Speaker, Sir, you can see the heat generated from those hon. Members who are disadvantaged by the shortage of water. Taking into consideration that there were political favours that were considered in sending the rigs there, can he tell us the amount of money spent on the 22 boreholes that were drilled in Baringo and Koibatek Districts, and also tell us the other districts that his Ministry is going to consider for drilling boreholes?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, the total cost of the 100 boreholes is Kshs226 million, but on average, each borehole costs Kshs2.6 million.

Mr. Ndilinge: Thank you, Mr. Temporary Deputy Speaker, Sir. If the hon. Members can recall very well, we have been bringing Questions here and the answer we get is that: "This and that will done when funds are available". Now, here is a grant of Kshs226 million which is enough. Why is the Ministry now taking this issue very lightly because, there are places, like Makueni, where people travel 30 kilometres looking for water? Here are 22 boreholes which have been drilled---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Ndilinge, you are making a speech instead of asking your supplementary question!

Mr. Ndilinge: Could the Assistant Minister tell us why the other boreholes in the other districts were not started? Why was it in Baringo and Koibatek Districts only?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, unless I repeat myself, I have answered hon. Maundu on that. I said the whole programme is being manned by one company and that it started in Koibatek and Baringo; it could have also started in Makueni or Garissa. So, the question of where it is started is immaterial--- I am responding to a point of order---

Mr. Ojode: Why not in

(inaudible)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Ojode! You are misconducting yourself!

Mr. Shikuku: Bw. Naibu Spika wa Muda, ningependa kumjulisha mhe. Waziri Msaidizi kwamba Swali hili lilipokwenda kwa ofisi yake lililenga Wilaya ya Turkana, na mhe. Mbunge aliyeuliza Swali hili ni wa kutoka Turkana. Hatutaki kuambiwa mambo mengine; tunataka mhe. Waziri Msaidizi atuambie ni kwa nini hawakuchimba visima

katika Wilaya ya Turkana. Pia, tungetaka atueleze ni hatua gani amechukua kuchimba visima vya maji katika Wilaya ya Turkana.

(Applause)

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, I have mentioned the action taken by the Ministry, and I said earlier on that we have availed a drilling rig to Turkana District. As I am talking now, Turkana District has got over 431 boreholes drilled by the Ministry and the various NGOs. If this grant was meant to drill boreholes and there are already 431 drilled boreholes in Turkana District while some other districts have less, it will be unfair. So, it does not follow that because it is an arid district, it should have the largest share. There are also other needy districts.

Mr. Leshore: Mr. Temporary Deputy Speaker, Sir, the hon. Assistant Minister is misleading the House because, if he is talking about the two rigs in the Baringo and Koibatek as the only rigs the Ministry has, that is not true. Could he tell us where the other drilling rigs are because I understand there are so many other rigs which are lying idle in private homes here in Nairobi? Why can he not take those rigs to Isiolo and Samburu Districts which are equally suffering from shortage of water?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, it is not true that there are Government rigs lying in private homes.

Mr. Farah: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member for Samburu East has made a categorical and a very serious statement that there are Government drilling rigs that are lying in the houses of senior Government officers here. Could he substantiate where those drilling rigs are lying and who are those very senior Government officers or Ministers who are holding these rigs?

Mr. Leshore: Mr. Temporary Deputy Speaker, Sir, if the hon. Assistant Minister is honest enough, he should bring the list to show where all those rigs are in Nairobi because he knows where they are. Instead of talking of two rigs in Koibatek and Baringo, there are more than 20 rigs in Kenya. Where are the rest?

Mr. Shidie: Sema ukweli!

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, I emphatically deny that I am aware of those rigs. The hon. Member is the one who alleged that he knows where they are. He has been challenged by hon. Farah to substantiate those allegations. He either substantiates or withdraws and apologises.

Mr. Imana: Mr. Temporary Deputy Speaker, Sir, last time I requested for a drilling rig to be brought to Turkana, we were told that there are 18 rigs in Kenya, and one has now been sent to Turkana. Could the Assistant Minister tell us how much money has been allocated to equip those boreholes that they are going to drill with that one rig that they have sent to Turkana?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, the project is not yet complete, and by the time it will be completed, we shall know how much money it will cost.

The Temporary Deputy Speaker (Mr. Wetangula): Next Question, Prof. Anyang'-Nyong'o.

Question No.601

COMPLIANCE WITH THE KBC ACT

Mr. Kapten, on behalf of **Prof. Anyang'-Nyong'o**, asked the Minister for Information and Broadcasting:-

Given the fact that the Kenya Broadcasting Corporation (KBC) Act (Cap.221) requires the Board to lay down general standards of taste, impartiality and accuracy of programmes, if he could inform the House:-

- (a) whether the Board has done that;
- (b) what the contents of the directives are; and,
- (c) why the KBC continues to advertise cigarettes in full view of minors who are likely to take up smoking and hence ruin their health.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

- (a) The Board of the KBC has done what is requested.
- (b) The objectives that are set out to be achieved by the KBC are very clear. One, the KBC is supposed to inform, educate and entertain Kenyans. These objectives have been achieved since the setting up of the KBC.

On the question of whether the standards and the taste that is requested by Cap.221 which is quoted, those

standards are achieved because the KBC has always insisted that it should be involved, as I said earlier, in the general objectives and specifically in ensuring that the programmes that are produced reflect the values of our society. It is also supposed to awaken Kenyans and mobilize them in social, economic and political development.

(c) The KBC is not the only station in the world that advertises cigarettes. We know that it can have bad effects on the minors, but we warn people when we are advertising that. Thank you.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, Mr. Ndicho! Let us be fair to the Questioner. The Minister has not even finished answering the principal Question. Let him finish before you make any interjections. Have you finished, Mr. Minister?

The Minister for Information and Broadcasting (Mr. Makau): Yes, Mr. Temporary Deputy Speaker, Sir.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir, I am very surprised by that answer from the Minister because three-quarters of the KBC air-time is actually given to KANU. Some of the news we get from the KBC, is not even news. You find a KANU locational chairman or sub-chairman, perhaps, conducting a small Harambee and he is given full air-time. But when Opposition leaders do any Harambee or participate in development issues which will help this country, they are never given any coverage by the KBC. Could the Minister tell this House why the KBC has failed in the impartiality taste? Instead of giving all Kenyans good coverage, they are just concentrating on KANU. For example, on every Sunday, Presidential attendance at church service is given more than 15 minutes coverage. Is that really news?

Mr. Makau: Mr. Temporary Deputy Speaker, Sir, I would like to inform hon. Kapten that KBC has always covered those who are involved in the social and economic development of this country. On Sundays, we will continue to cover the Head of State in the functions that he does. I made that very clear here, that we will continue to give more time to the Head of State because we believe very strongly that the Presidency and the occupier of that seat is very important when it comes to the mobilisation of people in this county.

Mrs. Asiyu: Mr. Temporary Deputy Speaker, Sir, the Minister is down-playing the dangers of cigarette smoking. Many countries in the whole world are warning their people of the dangers of cigarette smoking. There are also countries in the world where people with cancer are suing tobacco companies. Can the Minister tell this House what action he is going to take immediately, to stop tobacco advertisement on our radio and television? Those advertisements are corrupting little minds. They are being corrupted and persuaded into cigarette smoking because of the aggressiveness of tobacco companies in the Third-World. They are now looking for markets in the Third-World. We know that they are investing about Kshs6 billion every year in order for them to advertise their products. Can he now tell us what action he is going to take to stop advertisement of cigarettes on radio and television immediately?

Mr. Makau: Mr. Temporary Deputy Speaker, Sir, I think it is erroneous for the hon. Member to say the whole world. It was only recently in the USA that cigarette advertisement was banned. This was due to the fact that a case which had been going on for many years was decided in favour of those who had sued the tobacco companies. In Britain, currently, they are still struggling to stop cigarette advertisement. But I would like to say that after KBC became a parastatal and with the competition that is being experienced, it has to operate on commercial basis. On the question of health, the Ministry of Health should give a warning on any advertisement of cigarettes that it is dangerous to one's health and we would like to appeal to all parents to offer parental guidance when those advertisements appear on television. We will continue to advertise until such time when it will be felt that---

(Several Members stood in their places)

But I have not finished.

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

Mr. Makau: Mr. Temporary Deputy Speaker, Sir, we have private radio and television stations and they will continue advertising. It is not stated anywhere that they should not advertise and KBC will continue to earn revenue. We have warned people about the dangers of cigarette smoking.

Mr. Sankori: Mr. Temporary Deputy Speaker, Sir, I am shocked to hear that the Minister does not care about the lives of Kenyans. We passed a Motion in this House banning advertisement of cigarettes in the public media. The KBC is funded by the public and we are speaking for the public. Why can we not implement what we said on behalf of the public, that we do not want cigarettes being advertised on KBC and even if possible, beer should not be advertised?

Mr. Makau: Mr. Temporary Deputy Speaker, Sir, this country operates under Acts of Parliament. Which Act can I use to ban cigarette advertisement?

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. If you heard the answer given by

hon. Makau to the question by hon. Sankori, it was not an answer but the Minister was asking hon. Sankori a question. Is he in order to ask an hon. Member a question instead of answering a genuine question? Why can he not answer that question? He is laughing as if he is in Mbooni!

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Mulusya! I did not hear him ask a question, but we know the general rule is that it is the duty of the Minister to answer questions and not to ask them.

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, this Minister has to judge the morality behind this. Members of Parliament here represent 28 million Kenyans and not one of them can stand up and say he is for cigarette advertisement on radio and television. We are the representatives of the people of this country and we are requesting you to consider very seriously, eliminating this. After all, KBC is funded by the people and the people do not want to see cigarettes being advertised on television. You should promise us that you will ask the Attorney-General to bring a Bill into this House to outlaw cigarette advertising, if that is what is inhibiting you; to ban cigarette advertising on television.

Mr. Sankori: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister has asked me to tell him what Act he can use to outlaw cigarette smoking and yet, a Motion was passed in this House. If he is not aware, can he be aware now?

Mr. Makau: Mr. Speaker, Sir, the Motion was a Private Member's Motion. That was an opinion, and according to the Standing Orders, a Motion that is passed is an opinion and it is not a must that it should be implemented immediately.

(Several Members stood up in their places)

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Members! Can I hear the Minister answer Prof. Mzee's question?

Mr. Makau: Mr. Speaker, Sir, I would like to correct the erroneous statement that KBC is funded by the public. The KBC generates its revenue through commercial advertisements. I would like any Member of Parliament to show me where money for the running of KBC is shown in the Budget. It is through commercial advertisements that KBC is financed. We know that it is a public corporation which is set up to operate on commercial basis, to be able to carry out its activities.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ni haki kwa mhe. Mbunge kusema eti kama Hoja imeshapitishwa na Bunge hili, haiwezi kutekelezwa na Serikali? Kama huo ni ukweli, ni kwa nini tuwe na Jumatano katika Standing Orders kama siku ya Wabunge kuleta Hoja zinazohusu wananchi waliowachagua? Ni haki kwa mhe. Mbunge kusema Hoja haziwezi kutekelezwa na Serikali kwa sababu ni private? Inafaa yeye kujua kwamba Sheria za Bunge ziko.

Mr. Makau: Mr. Temporary Deputy Speaker, Sir, I think hon. Shikuku did not get what I was saying. When I was a Back bencher, I did bring so many Motions here, but none was implemented. When a private Member's Motion has been passed in the House, it can be implemented, provided that the finances are available. But this one cannot be implemented because it is going to deny KBC finances that would make it operate.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the Minister say that there is no money voted by this House to the KBC and that the KBC makes profits, when the KBC has borrowed heavily from Japan and other overseas donors, and has been unable to service any of its loans. The loans are serviced by the Treasury. Is he in order to mislead this House that the KBC is making profits and it is able to pay for its operations? It is not able to pay for the loans it has borrowed from Japan and other donors.

Mr. Makau: Mr. Temporary Deputy Speaker, Sir, I am surprised that hon. Mulusya, who is a businessman, does not understand the modalities of business. I did not talk about making profits, but I said that the KBC generates enough revenue to carry out its activities. The question of whether the KBC has borrowed does not arise. In fact, so many other corporations borrow and pay when they can afford.

Prof. Ouma: Mr. Temporary Deputy Speaker, Sir, I believe that hon. Makau is the Minister for "Information" and not "mis-information" or "dis-information", for that matter. I say this because that information is supposed to educate the population of this country on what is right. Advertising cigarettes misinforms children. They are impressionable and they think that cigarette smoking is right. I am asking hon. Makau as the Minister: What else does he need to ensure that the children of this country will not grow up believing that cigarettes are good things? What should he do to ensure that cigarettes are kept away from the children in this country? What can he do to ensure that cigarette advertising is banned? What does he want from us to empower him? Otherwise, he is killing our children in advance.

An hon. Member: He is a killer!

Mr. Makau: Mr. Temporary Deputy Speaker, Sir, I stated that KBC is not the only station that advertises cigarettes.

Prof. Ouma: On a point of order, Mr. Temporary Deputy Speaker, Sir. Let us be sober! I appeal to my friend, hon. Johnstone Makau, to be sober on behalf of Kenyans who sent him to this place! Do not let him tell us about the whole world! We want to know what Kenyans will go through. He should not tell us what other people are doing. He should tell us what he wants us to give him as Parliament, so that he can save the Kenya children from dying from smoke cancer. That is clear English!

Mr. Makau: Mr. Temporary Deputy Speaker, Sir, I stated that we offer guidance through KBC. First of all, any advertiser of cigarettes is required to state clearly that cigarettes are dangerous for one's health. That label has to be there by instructions from the Ministry of Health. Secondly, all Kenyans, like any other people of the world where cigarettes are advertised, are supposed to offer parental guidance to minors, about the effects of cigarettes.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, since the Minister is so fond of comparisons, I would like to draw his attention to the fact that as long ago as 1964, the Surgeon-General in America published a report linking cigarette smoking directly to lung cancer. In the United Kingdom, similar reports have been published. Now, the United States of America has prohibited public advertising of cigarettes. Since he is referring us to other countries, can we now refer him to the United States, where they have banned the advertising of cigarettes on the radio and the television? Why can Kenya not follow that better and healthy example and make sure that our nation remains healthy?

Mr. Makau: Thank you very much, hon. Wamalwa. I am aware and I have been following the developments in the United States, where this was done. In Britain, they are still filing cases of those who had that problem. In the United States, after the people won their cases, action was taken. I stated earlier when hon. Sankori put up a question, that if there was an Act of Parliament that will enable us to ban cigarette advertising, we would do it.

But it is not for us to bring the Bill. What I stated, and this is something that I am aware of, and I personally do not like smoking, I am aware that it can affect the minors who can develop habits of smoking, and it could result to cancer. What I am saying is that it is not possible for us to ban cigarette advertising, since I do not have the powers to do so. We would require an Act from Parliament.

Mr. Wamalwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. It has been pointed out to the Minister that a Private Member's Motion was brought to this House and passed. Now, the question of bringing a Bill to prohibit advertising of cigarettes is incumbent upon the Government. Now, he is asking us to bring the Bill! We, as the Opposition, cannot bring the Bill. We brought a Private Member's Motion which was passed and the next step should have been for the Government to bring a Bill, that engenders the feelings of the Members, and once the Bill is passed, then it becomes law.

Mr. Makau: Mr. Temporary Deputy Speaker, Sir, you are also aware that there are some steps that are being taken to show people that smoking is dangerous to their health.

(Loud consultations)

Listen! I think it is better to listen! There are steps which are being taken, and the Attorney-General has already given instructions that people should not smoke in public places. But what I am stating is that although we say the United States and Britain are moving towards that, this is the beginning. This Question is the beginning for us to move towards that direction. But currently, and this is what has to be accepted, we are not killing the children and I would like to appeal to all of you, and the parents, to offer parental guidance when the advertisements are done. This is because the advertisement will continue until the time we will have a legislation to stop every media from advertising cigarettes.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir, the Minister is behaving like a playboy. This is a very serious matter. We are talking about the health of Kenyans. How much money does KBC generate from cigarette advertisement, which makes the Ministry worried that in the event that Parliament stops the advertisements, the KBC will fall apart? We want him to tell us how much money we are getting from cigarette advertisement, so that we can, perhaps, ask the Minister for Finance to provide the money, in order to put a stop to cigarette advertisement?

Mr. Makau: Mr. Temporary Deputy Speaker, Sir, I do not think that even if I disclose the amount of money generated by KBC through cigarette advertisement, the Minister for Finance will provide money equivalent to the amount. But the advertising of cigarettes is one of the most lucrative aspects of commercial generation of revenue for the KBC. I would like the House and the whole country to know that we, as the Ministry of Information and Broadcasting, know that smoking is dangerous not only to children, but to all Kenyans. That is why I am saying that in the course of development, when, after many years, we arrive at the stage which is currently prevailing in the United

States, we will be able to do so. But currently, we cannot afford to do so.

Question No.641

FIRST AFRICAN CHIEF IN TRANS NZOIA

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

- (a) who the first African Chief was when the Trans-Nzoia District was proclaimed a district in 1920 and from which ethnic group he belonged to and who his assistant chief was;
- (b) whether the ethnic group (referred to in "a" above) is now extinct; and,
- (c) if the answer to "b" above is in the negative, what arrangement the Government has put in place to resettle this community.

The Assistant Minister, Office of the President (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I wish to apologise for not having been here when the Question was first called out. I was consulting with the officers in the Ministry on this Question. As you know, the records relating to this Question date back to the period before our Government came into existence. I have asked the Questioner to allow more time so that I can bring the answer sometimes next week.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Awori, this is the second time this Question is appearing on the Order Paper. How much time do you need?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I reckon that at the end of next week, I should be able to have the information.

Mr. Moiben: Mr. Temporary Deputy Speaker, Sir, I would like to request the Assistant Minister to commit himself to answer the Question next week, on Thursday afternoon.

The Temporary Deputy Speaker (Mr. Wetangula): The Question has been deferred to Thursday, next week.

(Question deferred)

We will now move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

CAUSE OF MR. MAKORI'S DEATH

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I have not received a written answer to this Question and I would like to have some explanation from the Minister on why this is the case.

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

(a) Is the Minister aware that the late John Makori, who was a tractor driver with Gachie Sawmills, was arrested on 6th July, 1996 and died on 18th July, 1996, at Molo District Hospital chained to the bed after severe torture and spinal injuries inflicted in the police cells?

(b) Is he further aware that two police officers involved in the death of the late John Makori were arrested, but released without being charged with the death of the deceased?

(c) Under what circumstances did the deceased die; and why were the policemen involved in the death released without being charged?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, my colleague was supposed to answer this Question.

The Temporary Deputy Speaker (Mr. Wetangula): Which colleague?

The Assistant Minister, Office of the President (Mr. Awori): Hon. Julius Sunkuli.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, this is a matter where a Kenyan has been killed by the Kenyan police. This is a Question by Private Notice and the Assistant Minister responsible for answering it is away without an explanation. Is the Chair satisfied that this is how the Office of the President should conduct itself when Kenyans have lost their lives? Can he tell us when he is going to answer the Question?

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Awori, Questions by Private Notice are very urgent and must be answered within the shortest time possible.

The Assistant Minister, Office of the President (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I beg

your indulgence. As I have said, I expected my colleague to be here with the answer. As the hon. Member knows, this might probably be the only time that this has happened. We have taken Questions very seriously and we have answered them in time.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Anyona, can we have the answer on Tuesday?

Mr. Anyona: It is all right.

The Temporary Deputy Speaker (Mr. Wetangula): We defer that Question.

(Question deferred)

We will move on to Mr. Sifuna's Question.

ALLOCATION OF KANDUYI OPEN AIR MARKET

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

(a) Is the Minister aware that Kanduyi open air market, LR/No.666-Bungoma, has been allocated to a private developer?

(b) Who is the allottee of this open air market and who authorised its allocation?

The Minister for Local Government (Mr. F.P.L. Lotodo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the Commissioner of Lands has allocated LR/No.666, within Bungoma Municipality against the wishes of the Municipal Council of Bungoma, to a private developer.

(b) The allottee is Mr. Mohamed Noor Ahmed of Bungoma Municipality. The allocation was done by the Commissioner of Lands vide Letter Reference 64784/VIII/146 of 29/4/94, without consulting the Council. The Council has objected to the allocation of the said space by the Commissioner of Lands to the private developer and it is still anxiously awaiting the revocation of the allocation, which is interfering with the Council's physical plan. (c) According to the Bungoma Municipal Council physical plan, the area is earmarked for a public market.

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, arising from the Minister's reply, it is well known that a lot of public land in this country has been grabbed by individuals and allocated to private developers. Now, it is over three years since the Bungoma Municipal Council wrote letters to the Commissioner of Lands objecting to this allocation. Even the Peace and Security Committee in Bungoma sat and recommended that the allocation be revoked. Could the Minister tell this House what steps he is taking to make sure that the revocation of this land is done without further delay?

Mr. F.P.L. Lotodo: Mr. Temporary Deputy Speaker, Sir, the chairman of the Allocation Committee, Bungoma Municipality, who happens to be the District Commissioner, wrote to Commissioner of Lands on 21st September, 1994, asking him to revoke the allocation and we are still waiting for his reply. That is the step we have taken.

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, is the Minister aware that the same Mr. Mohamed Noor Ahmed, whom we understand is a member of the Presidential Security Guards, has gone ahead to fence off this area and block entry to the Ministry of Public Works and Housing's workshop used for road inspection? Can he order that, that particular fence be removed since the allocation is in dispute?

Mr. F.P.L. Lotodo: Mr. Temporary Deputy Speaker, Sir, I am aware of that. We have asked the Commissioner of Lands to revoke his decision and give back the land to the Municipal Council of Bungoma. We are waiting for his reply.

Mrs. Asiyu: Mr. Temporary Deputy Speaker, Sir, in view of the fact that the Peace and Security Committee recommended that no more public land will be given to individuals and public land that has been given out be reverted to the Government, can the Minister make use of this new spirit in this House and have the land given back to the Bungoma County Council once and for all?

Mr. F.P.L. Lotodo: We shall do what the Gracious Lady is saying, but she should know that I am dealing with a different "animal" called Mr. Wilson Gachanja, the Commissioner of Lands. He will not listen to anybody in this country!

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has just said that he is dealing with a different "animal" called Mr. Wilson ole Gachanja. Are you satisfied that the Minister is right to say that about a Government appointee? Is he in order to call a man appointed by the President "an animal"?

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Munyasia! Mr. Munyasia, we are all aware

that all human beings belong to the animal species!

(Laughter)

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Here is a Minister of the Government, a very powerful Minister, as far as I know, who is saying that Mr. Wilson Gachanja does not listen to anybody in this country, I imagine, including the highest authority. I happen to know Mr. Wilson Gachanja. He was my classmate in Forms V and VI in Alliance High School. We were also together at Makerere University. Mr. Gachanja is a very humble Kenyan---

Hon. Members: No! No! You are wrong!

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! Proceed, Mr. Anyona.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, given the---

An hon. Member: He has become very arrogant lately!

Mr. Anyona: There must be an authority somewhere which is directing Mr. Gachanja. If it is not the Minister for Lands and Settlement, can we be told whom Mr. Gachanja works under? Whom does he take instructions from?

Mr. Lotodo: Mr. Temporary Deputy Speaker, Sir, this is the second time I am answering this question. The Commissioner of Lands, Mr. Wilson Gachanja used his position to take land belonging to a county council and gave it to somebody else. What else am I expected to say about this character?

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, while thanking the Minister for his sincere reply, in view of the fact that Mr. Gachanja has refused to comply with directives from the Ministry of Local Government, could the people of Bungoma District be allowed to go and remove those stones from there, so that we can see who will come and support that man?

Mr. Lotodo: Mr. Temporary Deputy Speaker, Sir, the people of Bungoma should wait for a few weeks.

POINT OF ORDER

MINISTERIAL STATEMENT SOUGHT: OFFICIAL FEES FOR SECONDARY SCHOOLS

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. The country and Kenyans are in a reforms season and spirit. The spirit of reform requires dialogue and goodwill from everybody. That spirit is being undermined by two things. One, at the moment, the country is threatened - I am leaving the Likoni issue aside for the time being - with a strike by teachers. That undermines the spirit of dialogue and goodwill. We are not being told by this Government what is being done about that and what the cause is.

Mr. Temporary Deputy Speaker, Sir, there is the second aspect which is also undermining the spirit of reforms.

The Temporary Deputy Speaker (Mr. Wetangula): That was dealt with!

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I am making reference to it because these are instances that are undermining the spirit that we want to build up. The second one is the question of public schools across the country expelling students at this point in time, including Form IV students who are preparing for their final examinations on account of fees.

Mr. Temporary Deputy Speaker, Sir, I will give an example of myself. My son who is in Form IV at Alliance High School was expelled on account of fees and yet, I have already paid over Kshs30,000 as fees.

I am seeking a Ministerial Statement from hon. Kamotho, who I am glad is here, to tell us which schools, besides Alliance High School, are expelling students, particularly Form IV students on account of fees. Secondly, could he tell us how much fees these schools are charging and what are the components?

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Anyona under Standing Order No.75, you ought to have declared your interest before hand.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I have no interest to declare. I am a parent of Alliance High School, a Member of Parliament, and I pay fees. What more do you want me to declare?

Mr. Temporary Deputy Speaker, Sir, we would like to know how much fees these schools are charging because, I saw on the fee note, for instance, something called: Rehabilitation Fund. What do you rehabilitate at Alliance High School? Thirdly, could the Minister tell us the official fees for all public schools in the country and what action he is going to take to ensure that our children are not sent away from school when they are preparing for examinations?

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, since that requires a very comprehensive statement, I promise that I will give a statement on Thursday next week.

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

MOTION

ADOPTION OF INTER-PARTIES PARLIAMENTARY GROUP RECOMMENDATIONS

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the recommendations of:

- (a) Peace and Security Committee;
- (b) Constitutional, Legal and Administrative Reforms Committee; and,
- (c) Electoral Code Committee;

as passed by the Inter-Parties Parliamentary Group (IPPG) during their plenary meeting held on Thursday, 11th September, 1997, in the Old Chamber; and as laid on the Table on Tuesday, 16th September, 1997.

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

[Mr. Speaker took the Chair]

Mr. Speaker, Sir, I am moving this Motion in compliance with a resolution which was passed by the Plenary Session of the IPPG which met on 16th September, 1997. The Session had been convened to receive the reports which had been prepared by the said three committee as had been directed earlier by the IPPG.

Mr. Speaker, Sir, I should also say here that the reports of the three committees will be translated into Bills in pursuance of implementing reforms. The Bills should then come to Parliament. It was also agreed, although not put here - but the statements were very clear - that in the preparation of the three Bills, the Attorney-General would work very closely with Members of these three technical committees to ensure that nothing other than what was passed by the Plenary Session would be effected in the Bills.

Mr. Speaker, Sir, we are bringing this Motion here because in a way, the meeting that we had in the Old Chamber could very well be described to have been informal, although it was represented very much by the Members of Parliament. The bringing of this Motion here and the document to be adopted by this House is going to, first of all, formalise and make those documents formal, historical and public, which can always be referred to in this House.

Mr. Speaker, Sir, the passage of this Motion is going to send out signals to the Kenyan people of our own seriousness as Parliamentarians, on the work we deliberated on 16th September, 1997. Secondly, the passage of this Motion will itself also send the signals in the form of confirmation that the Government is committed to the implementation of the reforms as articulated in the three documents. It also goes a long way to show that both sides are not going to renege on what we publicly informed Kenyans.

Mr. Speaker, Sir, before I can go very far, I would like to commend all the Members of the three technical committees. These are hon. Members who decided to offer themselves to work tirelessly for long hours in order to produce the documents which represent the task or the work that we had given them. They produced well-prepared documents which contained the feelings of the majority of the Kenyans. Let us make no mistake because at the time the Inter-Parties Parliamentary Group (IPPG) decided to set up the three committees, there was tension in the country; Kenyans were worried about what was going to happen, and there was no doubt that, Kenyans were wondering what has become of us the Parliamentarians; the people they had elected to Parliament. Kenyans had elected us to Parliament to come and improve their general welfare and also to come and make Kenya a better country than it is. They looked upon us and gave us the mandate, and each of us definitely swore to defend the Constitution and to work for the general welfare of Kenyans. We could not go back.

Mr. Speaker, Sir, I, therefore, want, first and foremost, to extend my congratulations, gratitude and I am sure, the gratitude of many other people, to the Members of Parliament from both sides of the House who decided to stand up to their duties; to perform their duty in accordance with the oath that we took in this House when we were sworn in.

But, as I said, special thanks also go to the Members of those technical committees who worked extremely hard. They worked for long hours for a duration of 11 days and they never complained. They did so because they believe in the

general welfare of this country, in performance of their duties. These are people we should always remember for producing the documents on time. But I do not think that I should also forget because we all know that whatever happens, there is always a beginning.

Mr. Speaker, Sir, there are a few Members that I am going to mention; the list is not exhaustive. For those who may have been very well-involved in the early stages, if I do not mention your name, please, forgive me for that. I said at the time of the Plenary Session that, this dialogue has its beginning in very humble circumstances and that was in the coffee house. It was properly used during this time. There are a few Members and I want to salute them. One of them is hon. Achieng-Oneko.

(Applause)

He brought his wisdom to us who may be younger than him and said:-

"Gentle people, let us first of all think in terms of our nation, let us not embark on some adventurism which could destroy this country."

We were all drinking coffee.

Hon. Martha Karua, whom I do not see now---

(Applause)

She was fairly articulate. She did not speak just only as a Member of Parliament, but she also spoke as a mother. She said clearly that she has got children, she has seen something and there is no reason why we cannot sit down together and formulate a programme which is going to save this country.

Hon. Falana traversed all over in Parliament, wherever it was, to try and send messages and he was there.

Hon. George Anyona---

(Applause)

He stood up to the occasion and we are grateful to him.

Hon. Shikuku, *Omundu khu mundu*, stood up and we drunk a lot of tea together.

Hon. Shikuku: *Omundu khu Mundu!*

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): *Omundu khu mundu!*

(Laughter)

Hon. James Osogo brought in his wealth of experience; it was wonderful.

Mr. Speaker, Sir, I think some of us, especially from the KANU side, have been thinking all along that, hon. Dr. Kituyi is a maverick and a radical, but this time, he stood up and said no, we are Parliamentarians, we have been sent to this Parliament and let us formulate a common position to serve Kenyans.

I think there are many others; hon. G.G. Kariuki and many others. I just merely---

An hon. Member: And also Hon. Kiraitu Murungi!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Hon. Kiraitu, I think, also brought in his legal wealth into this matter.

An hon. Member: And hon. Kibaki!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, like I said, I am unable to give an exhaustive list. But I just wanted to mention the hon. Members who were having tea--- I can even see hon. Njenga Mungai, whom I have left out. All these Members were drinking tea and I was there. Of course, there was scepticism and many of them were asking, "Should we really embark on discussions on the dialogue?" I can remember that hon. Nthenge asked me whether I was serious, and I really had to assure them by saying:- "Look, we are fairly serious and we want the reforms." On that note, there was the IPPG first meeting and the Members, for the first time, met and we decided to put our party differences aside and agreed to discuss the matters in the interest of this country.

Mr. Speaker, Sir, I want to tell the hon. Members that the production of this document and the capping of that one with the resolutions of the plenary session was a clear message to kenyans that this Parliament is ready to ensure that the people will continue to look into the future of this country. This was important. But I think that a much more important thing has been done historically which represents a maturing point in multi-party democracy. We have sat

here for the last four years and the only thing we have done is to hit at the various Motions, if they did not come from our side; with merit or without. We have also taken a lot of time to make statements that are purely negative. But I believe that now that we are coming to the end of this Parliament, we will go out proud that we have laid down a foundation upon which multi-party democracy is going to mature and flourish, and Kenyans will continue to have faith in men and women who come here who will care for their welfare.

Mr. Speaker, Sir, I think it is pertinent here to mention also the fact that after we passed the documents in the Old Chamber, people have expressed various views. Some Members who are among us here, and they are also Members of Parliament, have decided to express their views. They have made some negative comments. They have done so by exercising their constitutional rights. What I want to tell them is that, coming to an agreement was not as simple as it appeared. It required a great deal of goodwill and a spirit of give and take. There are some who would have wanted more than what appeared in the three documents. Perhaps, there are others who may have wanted much less than what was in the document. What happened is that, all those views had to be put together and had to be juggled up and get mixed, discussed and probably digested. What we, therefore, have in the three documents is a distillation of various diverse views; all put together as what one may call "a common denominator." We do not want to say that we have done everything 100 per cent. There can never be a 100 per cent achievement. There is always a mathematical, or statistical, error. But that error never affects the general, or fundamental, principle.

Therefore, I want to ask hon. Members who may not be happy with what we have produced here to understand that the majority of hon. Members spent a lot of time formulating the document we have here. I am sure that they can find certain things in this document which they agree with. It is true that there are certain things they wanted that may not be in the document. But, at least, they should also accept the views of other people. Today, we are in a democratic country. We are not in a country where you want to dictate things. If you say: "This must be done, and if it is not done, I will do this" you will be using a dictatorial language. We do not want that language. We want to practise the spirit of give and take. I can see a number of our friends here and they can tell us what they want.

However, I must say that name calling is, in itself, an atrocious act, which I do not think we can accept. It is totally discourteous for some hon. Members to go out there and start denouncing their hon. colleagues and calling them "sell-outs". I think that language is totally unbecoming today. Every hon. Member of this House who contributed to the ideas in this document did so because he or she believed in them. He or she did not do so because he or she was under duress at all.

Finally, I hope that we will restrain ourselves from talking for a long time. Each one of us should confine his contribution to about 10 minutes, so as to allow as many hon. Members as possible to contribute to this debate.

I want to say that - and I believe I am right - those who are saying that they will boycott the coming election and will urge Kenyans to burn their voting cards should know that every Kenyan went to register as a voter out of his own free will. The voter's card belongs to each Kenyan. I want to say that no Kenyan should be cheated to burn his voting card. It is his constitutional right and he should have it.

Above all, it should be known that Kenyans are tired of being subjected to unnecessary anxiety. Kenyans are not interested in having their lives threatened. What Kenyans really want is the reassurance of their future. I believe that there is no doubt at all that what is contained in the three packages here is an affirmation of the assurance of the future of Kenyans. That is the most we can do for Kenyans today. We should re-assure Kenyans and their children that they do have a bright future. I hope that other speakers will take into account the fact that every hon. Member here would like to contribute to this debate. Please, let us try to limit our contributions to only 10 minutes so as to allow as many hon. Members as possible to contribute.

With those words, I beg to move.

Mr. Wamalwa: Thank you, Mr. Speaker, Sir, for giving me an opportunity to second this historic Motion. Like the Mover of this Motion, I would also like to start by paying tribute to all hon. Members of Parliament who took part in the deliberations that led to this historic agreement. I would like to congratulate all the hon. Members who attended the IPPG meeting. Secondly, I would like to congratulate hon. Members who attended the meetings of the Co-ordinating Committee and worked many long hours to make sure that work was progressing satisfactorily. Last, but by no means the least, my gratitude goes to Members of the three technical committees who sat down, looked at the catalogue of all the reforms that were required and the laws behind all those reforms and compiled reports that met the satisfaction the Third Plenary of the IPPG when we met last Thursday in the Old Chamber.

Mr. Speaker, Sir, I think, as hon. Members, we all realise that we do bear a grievous responsibility to the whole country, particularly to those people who elected us. On the question of reforms, the country had ground to halt. We were beginning to wonder as to what was going to happen next. Hon. Members then came to the rescue of Kenya by shunning party differences, sitting down together as Kenyans and talking about our country and the future of all Kenyans. This is a very noble deed and I congratulate all the hon. Members for it.

The need for reforms has sometimes, in misguided quarters, been referred to as something that has been incited upon Kenyans by foreigners. I would like to disabuse anybody of that idea. From the moment Section 2A was repealed from our Constitution Kenyans have yearned for more and more democracy. It became a question of "the more you have the more you want". So, I do believe that all the reforms that Kenyans have asked for have been the genuine reforms they held to be dear to themselves, and they did not ask for them because somebody from outside Kenya came and induced them to demand those reforms.

When I look at the action that Parliament took sometimes I am at a loss: Was it really up to hon. Members to take that action or should it have been taken by the Government? The talk for reforms has been in the air for at least three or four years now. In fact, even the Government has had occasion to promise that there would be reforms and even that foreign experts would be brought in to help with the reforms. These promises were not kept and the Opposition kept on pushing for reforms to be undertaken. Perhaps, if the Government had heeded earlier pressure for reforms and instituted them by itself we would not have come to the stage where hon. Members were forced to sit down and make these suggestions.

There are two regrettable features about changes by way of reforms in this country. When one looks at the background that led up to the repeal of Section 2A which was, perhaps, the biggest reform to date, one sees that there had been a lot of clamour for multi-party politics in this country, but nothing seemed to be happening. Just around that time the donors, who have always helped the Kenyan economy, started putting pressure upon the Kenyan Government to institute multi-party democracy. At the same time there were clashes that were unleashed upon the country in various parts and a few lives were lost. When we look at this second round of reforms, we see that unfortunately similar features seem to recur. Again, foreigners have begun putting pressure upon the Government of Kenya to undertake reforms. Again, there have been clashes and people have died: Fourteen people died during the "Nane Nane" strike.

Mr. Speaker, Sir, all these features are, in my opinion, regrettable. I think any self-respecting government that is in charge of a country should read the mood of the country, know what the people want and respond positively. It should never be necessary for foreign powers or donors to have to put pressure on the Kenyan Government or for Kenyans to go to the streets and lose a few lives before the Government responds to demands for reforms. This is not taking away any credit due to the Government for responding positively on this occasion. I am simply observing that in future, it would stand Kenya in very good stead if we ourselves were able to read the political barometer and know that the people who elected us to lead them want this done, and do it before any foreigner or donor puts pressure upon us to do it.

The demand for reforms on the part of the citizens of any country is the kind of war that the citizens can never lose. They can never lose that war because they are the owners of the land. It is a war which, at the very worst, they can win in instalments. I would like to impress upon all hon. Members of the National Assembly and Kenyans as a whole that this country is our country and the Constitution is our Constitution. When the need arises for us to reform it, we should reform it. But whatever we have not managed to reform at any stage - like for now, we have only settled for minimum reforms. People should not walk away and say we have done nothing. What we have not done this time, we can do next time.

Mr. Speaker, Sir, the Limuru Agenda, which we, on this side of the House followed very keenly simply urged for minimum reforms to make the playing field level before the next general elections. Those minimum reforms included legal administrative and constitutional reforms. I am glad to tell the House that The Inter-Parties Parliamentary Group (IPPG), in fact, went beyond the Limuru Agenda.

(Applause)

I find it difficult to share the opinion of those who maintain that the IPPG talks have come to naught, and will not be honoured. I think this is unnecessary scepticism and cynicism. I think there is genuine goodwill on both sides of the House and any effort made in good will should be given a chance to succeed. I find it reckless for any Kenyan to talk about making the county ungovernable, and I think this is mere gibberish and it should be ignored. I think those who want to indulge in this sort of day-dreaming are dancing around totem poles

(Applause)

In the IPPG Agenda, one can quickly see many interesting things that Kenyans are going to like. For example, the allusion to the grabbing of public land; that all public land grabbed illegally should be restored to the nation. I think this is a wonderful reform, and that was not even in the NCEC agenda. One can now, perhaps, see a lot of Government land, for example, the Research Farm in Kitale which is the commonwealth of all Kenyans, which

had been given to a few people, perhaps now restored to the nation, so that agricultural research can carry on in this country. As regards the notorious Chief's Act - now the chiefs are left with very little to compel anybody to do apart from stopping wananchi from felling trees along the rivers. I think that is a good thing.

Mr. Speaker, Sir, another point that I find extremely interesting is the agreement by the IPPG that the registration of voters should be an on-going process. I think this is very important because by making the registration of voters an on-going process, it means a mechanism is provided where any Kenyan who turns 18 years registers straightaway and can vote in any by-election at any time or any general elections when it falls due. I hope that as soon as this Bill is brought, particularly on these legal reforms and passed by this House and becomes law, the voters' registers will be opened so that the millions of first-time applicants for identity cards who missed to register as voters will get a chance now to register as voters before the next general elections.

(Applause)

It is not sheer rhetoric to say that to disenfranchise the youth is to deny the majority of Kenyans a chance to express their opinion on how their country should be governed. The youth have played a very pivotal role in all major social revolutions in the world. It was the youth who struggled against the Vietnam war in the 1960s. They are the people who demonstrated in the streets, were shot down and so forth. But they awakened the conscience of the world until the Vietnam war was eventually stopped. It is the youth who struggled for the granting of the vote to the women.

They were young women, but they are still youths and they are also the ones who fought for the right of women to vote. It is the youth who fought for the abolition of child labour. I dare even say that it is the youth who fought in the *Mau Mau*. General Kimathi and General Mathenge were all young people. It is also the youth who fought and demonstrated in the streets of the United States cities to abolish racial segregation and restore civil rights to Black Americans. I believe that voting is the final assertion of the youth for all the things they have fought for and everything should be made possible for them to register and take part.

Mr. Speaker, Sir, I would like to take this opportunity to give credit to President Moi for accepting and coming along with us on this question of reforms.

(Applause)

I think the President made the right decision according to the demands of the times. In my opinion, the President may be a servant of today, but his constituency is really of the future. President Moi will have to decide now, in very clear terms, what kind of future and legacy he wants to bequeath to this country. I think President Moi is a very lucky human being because there are no more records for him to break. He has broken them all. He has been a Member of Parliament for over 44 years; no one else will ever reach that, certainly not in this century. He was a Vice-President for over 12 years; no one else will ever achieve that. He has been President for almost 20 years; no one else will ever achieve that. I think all that is left for President Moi now is to keep an eye on history. What will history say about him when he is gone? Will history say that President Moi was a humane leader, who listened to the demands of his people and responded positively? He can make it possible for those of us who intend to write the history of our times to be able to write such kind things about him. He can do so by making sure that these reforms are implemented and when the time comes for more comprehensive reforms, that they are also granted in accordance with the people's wish.

With those few words, I beg to second.

(Applause)

Mr. Speaker: Order! Order! Order, Mr. Mak'Onyango!

(Question proposed)

An hon. Member: No reforms yet!

Mr. Speaker: Hon. Members, I would like to get an indication from the House because I think a lot of Members would like to participate in discussing this Motion and if it is the wish of the House to restrict the time, say, to either five or ten minutes---

Hon. Members: Let it be five minutes!

Mr. Speaker: Well, from what I get, it is five minutes so that as many hon. Members as possible may participate. If you can condense your ideas properly, you can say a lot in five minutes. So, we will now move on.

Prof. Mzee: On a point of order, Mr. Speaker, Sir. Some of us have very strong feelings and we feel that we

cannot say what we want to say in five minutes. I propose that we at least, have ten minutes. Please, award us ten minutes because this is an important issue.

Mr. Speaker: Order! As you know, it is the House to decide. It appears to the Chair that five minutes is what the House wants. If you think ten minutes should be the right thing, I will ask you to convince your colleagues. We will not waste further time on this issue of time and we will now go straight to the Motion.

Mr. Farah: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order, Mr. Farah! Mr. Farah, to the best of my knowledge, unless you are challenging the decision of the House on the question of five minutes, after I proposed the question, there has not been any breach of order and you cannot stand there just to say your point of order. There must be an apparent breach, unless there is---

Mr. Farah: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: What is it? May I warn you, Mr. Farah, that it has to be a valid point of order that relates to the business before the House.

Mr. Farah: Normally before we decide on anything on such a Motion, we have to move a Procedural Motion to enable us to debate on how much time should be taken on a given Motion. It is apparent that was not done.

Mr. Speaker: Mr. Farah, I think you have been here for a long time. The Chair, being the servant of the House, gauges the mood of the House. It sounds the House on a particular issue, and if the House is in agreement, it is a resolution of the House and the Chair has already got that resolution of the House. So, can we proceed?

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

Mr. Speaker: Order! Mr. Raila Odinga and Mr. Orenge, it does look like that you do not want this Motion to take place.

Proceed, Mr. Shikuku.

Mr. Shikuku: Bw. Spika---

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

Mr. Speaker: Order! May I caution hon. Members that we are transacting the business of this House and when we are doing so, may the hon. Members respect the rules of the House. Can we proceed?

Mr. Orenge: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: What is your point of order?

Mr. Orenge: Mr. Speaker, Sir, I just wanted to get your guidance on this because this is really a weighty issue. If you can bear with me, it is an important matter of precedence and I have been in this House before when important Motions like this came up. The history of this House is really regrettable when matters of this nature come before it. I really remember that when we were amending the Constitution to make this country a one party state, the issue arose as to whether or not there should be debate or not and there were only two people who spoke on that Motion. We have lived to regret that decision. So, I would urge since this matter is now formally before the House to use your discretion so that these weighty issues can be addressed fully. In fact, some of us are not really in disagreement with what the Government wants to achieve, but we want our views to be fully ventilated.

Mr. Speaker: Then why do you not---

Mr. Orenge: Mr. Speaker, Sir, just give me one more minute.

Mr. Speaker: Order! Order, Mr. Orenge! If, indeed, you want me to give Members time, that is exactly what I asked the House to do by not allowing---

(Mr. Orenge stood up)

Order, Mr. Orenge! I think you suffer from acute impatience. Can we have only one speaker by the way. What I have already asked the House is to enable as many Members as possible to speak. Let us allow five minutes to be given to every Member. We know for sure that there are Members here who are capable of talking for three days or even for a week irrelevantly. But I want to allow the House to continue. There is no fear and I am prepared to take into account all the views available. As you remember, when I took the seat for the first time, I also swore to give a hearing to the views of the minority. So, if those who did not participate in these deliberations are of the view that they may not be heard, can you be rest assured that the Chair will hear all your views. Proceed, Mr. Shikuku!

Prof. Mzee: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: I am sorry your point of order is overruled. Next time you interfere, Prof. Mzee, you will go out.

Mr. Shikuku: Asante sana, Bw. Spika. Kwanza ni ningependa kuwashukuru Wabunge wote ambao waliwahi kukaa katika kamati hizi na kueleza, kuzungumza na kuleta amani katika nchi hii. Wale ambao hawataki amani---

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

Mr. Speaker: Order, Hon. Members! It does appear that for some unknown reason, there are some Members who want to disrupt this Motion. Now, can I assure those Members that if it will become necessary for this House to proceed in an orderly fashion without them, then I will proceed to discharge my duties.

Proceed, Mr. Shikuku.

Mr. Shikuku: Bw. Spika, dakika zangu mbili zimeisha na---

Mr. Mak'Onyango: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order! This is a timed debate. There is no point in you taking away unnecessarily the time of another hon. Member. I will add Mr. Shikuku an additional three minutes. Will you please participate.

Mr. Mak'Onyango: But I have to make my point of order!

Mr. Speaker: Order, Mr. Mak'Onyango! You are becoming disorderly. If that is what you are asking for, then you will get it very soon. Proceed.

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir! I have to say as the Member for Kasipul-Kabondo even though I see that your mood is to intimidate those who do not agree with your views---

Mr. Speaker: Order! Order, Dr. Kopiyo! Your point of order lacks the merit with which to take a gibe at the Chair. Will you put your point of order?

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, as a matter of procedure, the Motion before the House is a Government Motion. If you wanted to limit time, then there is a procedure in the Standing Orders that would have been followed. Why is this departure and what about the hurry? Why is such a rush about it, if all hon. Members of IPPG are honest about what they have presented to Kenyans? Why are they afraid of hearing of alternative views in full?

Mr. Speaker: Order, Dr. Otieno-Kopiyo! In fact, you are frivolous! I have already dealt with that issue. If you want to insult your friends, go ahead, you do not have to take cover under the Chair.

Proceed, Mr. Shikuku!

Mr. Mak'Onyango: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Overruled!

Mr. Shikuku: Bw. Spika, ukweli utasemwa! Kama kuna mhe. Mbunge yeyote anayefikiria kwamba yeye ni mhe. Mbunge kushinda wengine, basi asahau!

(Applause)

Sisi ni waheshimiwa Wabunge ijapokuwa---

Mr. Mak'Onyango: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Mr. Mak'Onyango, you will now leave.

Mr. Mak'Onyango: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Mr. Mak'Onyango, you are a stranger. You will not be heard; you will leave the Chamber now!

(Mr. Mak'Onyango remained seated)

Mr. Speaker: Order! If you do not leave, I will use force to get you out! Will you now leave? Well, will you get him out by force?

Order! Order! Hon. Members, the rules of the House are such that when an hon. Member has been asked to leave and he does not want to leave, the attention of the House is brought to the fact that force is going to be used. I have already brought the attention of the House to that fact. I also wish to bring to the attention of the House the consequences of an Member being sent out by force. It means:-

- (a) He will never get into these premises for the balance of the Session;
- (b) He will have no use of any facilities of Parliament for the balance of the Session; and,
- (c) It means during that type of suspension a lot of his other rights will also be suspended.

I now give the hon. Member the very last chance to leave.

*(Mr. Mak'Onyango withdrew
from the Chamber escorted by
Messrs. Nyanja, Gatabaki and Orengo)*

Mr. Speaker: Continue, Mr. Shikuku.

Mr. Shikuku: Bw. Spika, historia itaandikwa. Ni matumaini yangu kuwa wakati utafika ambao wale wanaotaka amani watapiga kura na majina yao yataandikwa na pia ya wale ambao hawataki amani.

Bw. Spika, wengine wetu tumetoka mbali na hatuwezi kuiacha nchi hii kukaliwa na nyang'au na hali tuko!

(Applause)

Bw. Spika, tangu waheshimiwa Wabunge wa KANU na wa Upinzani wakutane, si uwongo, kila mahali popote uendapo, wafanyabiashara, wazee kwa vijana, wote wamefurahi. Wanasema wanaona nuru sasa! Lakini, Bw. Spika, kuna wengine ambao hawataki haya. Hata wanawatukana waheshimiwa Wabunge wenzao kwa kuwaita majina kana kwamba wao ni waheshimiwa Wabunge sana kushinda wengine. Mhe. Kibaki na mimi, pengine sisi ni waheshimiwa Wabunge kuliko wao. Hawa waheshimiwa Wabunge walikuja juzi. Kwa nini wanawatusi waheshimiwa Wabunge wazee ambao wanaweza kuwa baba zao? Wataangamia!

(Applause)

Bw. Spika, wananchi hawataki matusi, wanataka amani. Waliwaeleza wananchi kwamba haya yote tuliyoyafanya hayawezekani kufanyika ila ni uwongo mtupu. Leo, ikiwa Hoja hii itapita, basi haya makaratasi ya kamati tatu za waheshimiwa Wabunge, yatakuwa ni Mswada! Na hebu wadhubutu kucheza nazo! Tukipitisha Hoja hii, Mkuu wa Sheria atakaa chini na kuona kwamba yale yote tumekubaliana hapa yataandikwa katika Mswada, na kisha kurudishwa hapa ili tuangalie kama mapendekezo ya kila kamati yamewekwa katika Mswada huu. Mswada huu ukiletwa hapa tutaupitisha na kama hawa ni wanaume au wanawake waje hapa tuonane. Wao wanapiga kelele wakisema "ooh! ooh"! Ngoja, waje hapa tuwanyoroshe, kwa maneno na wala si kwa ngumi!

Jambo la tatu, Bw. Spika, hawa waheshimiwa Wabunge wanasema kwamba wana wafuasi. Kwa nini, kama wana wafuasi, siku ile walikwenda kanisani hawakuweza kupata watu?

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect to your ruling that we do not interrupt our colleagues, I do not think the hon. Member should use the occasion to attack his colleagues because that is not the substance of the Motion.

Mr. Shikuku: Bw. Spika, nina haki ya kujibu matusi yote yanayofanywa nje kama mhe. Mbunge. Kama wao walikuwa na wafuasi, ni kwa nini wale waliowaita kanisani hawakudhuria?

Bw. Spika, wewe unajua kuku huwa na vifaranga na wakati mwingine huwaweka mabawani. Kifaranga kimoja hutoka na kusimama mgongoni mwa mama na kuona dunia ni kubwa namna ilivyo. Lakini mama anaposimama, kinateleza na kuanguka. Sasa ile picha inapotea!

(Laughter)

Bw. Spika, tumewabeba hawa vijana na tuliposimama wakateleza; walipoita mkutano hakuna mtu aliyehudhuria! Ikiwa hawa ni wanaume, waite mkutano na sisi tuite wetu, na tuone ni wangapi watakaohudhuria mkutano wao au wetu! Ikiwa hawa ni wanaume, wasinunue watoto wa watu na kuwapa *bhangi* na madawa mengine ili wafanye fujo, lakini walete watoto na bibi zao wawe mbele! Waongo hawa! Hawa ni watu wanaoitwa kwa Kiingereza "bloody thirsty---"

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. You have said here that you are here to protect even the rights of the minority. Is the hon. Shikuku in order to ask whether we are---

An hon. Member: Yes!

Mr. Speaker: Order! Order! I will not have mob justice, but I will have orderly proceedings. To answer, Mr. Ndicho, I believe what Mr. Shikuku is doing--- I understand you are objecting to Mr. Shikuku's---

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Whereas hon. Shikuku has a right to express his views on the minority, is he in order to cast aspersions that "kama wao ni wanaume"? We are not "wanawake", we are also "wanaume".

Mr. Speaker: Order! Order, Mr. Ndicho! Mr. Shikuku has not mentioned any particular person, but he is expressing his opinion on other utterances made against himself and others by other hon. Members. He is entitled to that view.

(Applause)

Mr. Shikuku: Asante sana, Bw. Spika. Kama kuna mhe. Mbunge ambaye ana jambo lolote kunihusu,

alizungumze hapa Bungeni, si kupitia vyombo vya habari. Pia, nimekataa kuwajibu kupitia vyombo vya habari kwa sababu ninajua ni waheshimiwa Wabunge na nitawapata hapa. Hii ndiyo sababu ninawatandika sasa!

(Laughter)

Waingereza wanasema kuna watu ambao ni "blood thirsty", na hawa ambao hawataki kuungana nasi kutafuta amani kwa maendeleo ya watu na mali yao, ninaweza kuwaita "blood thirsty". Lakini kwanza, wawalete watoto wao washiriki katika migomo hii, sio kuwatumia watoto wa watu wengine.

Waheshimiwa Wabunge wa KANU walikuwa na wasiwasi juu ya mwavuli ule NCEC, lakini niliwaambia kwamba nitauvunja na tulishirikiana. Ikiwa wana nguvu, basi, wajaribu kuinua mwavuli huo tena. Hawawezi! Wengine wao hawatarudi tena katika Bunge hili na hii ndiyo sababu wanafanya fujo.

Kwa hayo machache, Bw. Spika, ninaunga mkono.

The Minister for Land Reclamation, Regional and Water Development (Mr. Nyachae): Thank you very much, Mr. Speaker, Sir. I know my time is very limited. I would like to take this opportunity to join the leaders who have spoken before me, to thank those leaders of this House, particularly the Back-benchers from both sides of the House because it is them who actually lobbied quietly to avert a crisis in this country.

Let us not pretend that we were not faced with a crisis in this country. We feel very sad and, I am sure every Kenyan who watched the television last night, and heard the kind of language which was used against respected leaders in this country, was pained. We interact freely with hon. Kibaki and hon. Shikuku and others whom I have known for so many years, and they that have worked tirelessly for this country. For example, at Independence, hon. Kibaki sacrificed his big position, teaching at the university, to come here and serve without a salary. This is what people forget. He served this country without a salary until we secured our Independence and he continued serving this country. He would be a very senior person now somewhere in the international quarters. Hon. Shikuku and I, have differences, but we respect one another because, he has served this country very well. Let us accept that the leaders in this House who sat down in County Hall are the ones who are concerned with the wellbeing of Kenyans; it is not the leaders who want trouble---

An hon. Member: Are there leaders who want trouble in this country?

The Minister for Land Reclamation, Regional and Water Development (Mr. Nyachae): Oh! Yes, there are leaders who want trouble because when one insults me--- Some of the leaders here are very young people and when you attack hon. Wamalwa as if he is not an educated person, those people making those utterances could never have succeeded to go to Oxford University. They have been educated locally here and they have gone on strikes and so on. I want to assure you that to get admission to some of those universities where people like Mr. Wamalwa and Mr. Kibaki went, is not easy. It is an international competition. It is not like the University of Nairobi here where you are admitted anytime because some people have gone to the University of Nairobi and they think that they are more educated than Mr. Wamalwa.

Mr. Speaker, Sir, we have very intelligent leaders in this country both in the Government and in the Opposition who are concerned with the wellbeing of this country. Hon. Kibaki, hon. Shikuku, hon. Achieng-Onoko and many others, we do not only have sons and daughters, but have grandchildren as well. We are concerned about their future. They must not think that we are going to play around.

Mr. Gatabaki: On a point of information---

The Minister for Land Reclamation, Regional and Water Development (Mr. Nyachae): I am not going to give you my time, my friend. We have people in this country who have lived reckless lives for so many years and they think that all hon. Members in this House are reckless. We are not going to accept that. What the three committees have recommended in those drafts should be turned into Bills---

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. The hon. Minister talked about the University of Nairobi like any other "bushy university". We have several graduates from the University of Nairobi here, like the Minister for Education and the hon. Vice-President and Minister for Planning and National Development, Prof. Saitoti.

I am also a graduate of the University of Nairobi. Is it in order for the hon. Minister to talk about the University of Nairobi as a "bushy university"---?

Mr. Speaker: Order, Mr. Gatabaki! There is really nothing to be emotional about having been to the University of Nairobi. You are not the only one; we too have been there!

(Laughter)

The Minister for Land Reclamation, Regional and Water Development (Mr. Nyachae): Mr. Speaker, Sir, hon. Gatabaki knows very well that when I was the PC for Central Province, he was busy causing strikes at the

University of Nairobi than anything else. This House is not going to be used for strikes.

Mr. Speaker, Sir, I support this Motion and let us have the Bills brought here for debate and we shall pass them.

(Laughter)

Mr. Speaker: Time up, Mr. Minister.

Mr. Kibaki: Mr. Speaker, Sir, first and foremost, I want to thank the Members who---

Mr. Raila: On a point of order, Mr. Speaker, Sir. From the outset, you said that you are going to balance the House by giving those who were not at County Hall an opportunity to express themselves, but what is going on here is that you are giving the very same people who prepared the document which is before debate---

An hon. Member: You are also in here!

Mr. Speaker: Order! Order! The mere fact that I had said I will give those Members who have never attended the IPPG an opportunity does not mean that they will have priority to the exclusion of others. We still have enough time, and in any case, no Member is entitled to "commandeer" my eye!

Proceed, Mr. Kibaki.

Mr. Kibaki: Mr. Speaker, Sir, first and foremost, I want to thank the initiators of the discussions which led to these particular resolutions. I want to thank them sincerely, because I remember very well when two of them approached me and asked whether we would be willing to meet as--- I was keen from the very beginning that if we can forget our parties and other pre-occupations for a moment and bring our minds together, there would be something fruitful; and truly, it has been very fruitful. I want to plead with the House and the country as a whole that we cannot possibly, whatever we do, satisfy everybody and above all, there are those who have other agenda and always have had other agenda and they will always have other agenda. There are also those people who are unwilling to accept the obvious fact that brilliant and useful ideas can originate from other people.

Mr. Speaker, Sir, those of us who did not actually participate actively in this matter but supported it from outside know that a good job has been done. All that we are saying is that we should give this matter a chance to be applied. So, personally, although I have been abused by some people--- I can assure you that people who decide to abuse you personally are bankrupt of any ideas. They are finished and totally bankrupt! A man who has any sense and self respect cannot go abusing everybody else; he will have to say his opinion and hope to convince somebody but if he has despaired and therefore, has no soul left, that could be the reason why he has to abuse somebody. All I am asking for is that we, as good christians and muslims should forgive them and pray to God to show them the light.

Mr. Speaker, Sir, I plead that when these laws are passed, there should be a campaign to explain to Kenyans on radio and other media and also in public meetings what has changed. I say this because, to reap the benefits of these changes, it has to be known to Kenyans and those who exercise authority in the villages for example, chiefs, DOs, DC and others. They need to know these things for them to be aware that, we have abolished all those legislations which used to give them powers to do very awkward things. That would make them behave like civilised people and keep quiet and let us operate political systems. We are going to achieve greater freedom. We want to have the opportunity to utilise that greater freedom everywhere. So, I am pleading that the Government makes it available on radio programmes, for propagating what has been agreed and what will be passed as laws.

Mr. Speaker, Sir, it is important for us Kenyans to make sure that, the laws which will be passed here will be applied. For example, in the registration of parties, we are saying that action should be taken within a given time. I hope this action will be taken within that given time. These are the matters which are going to show goodwill. I say this because all Kenyans know that we have come a long way to reach this step. The way we shall show that, that goodwill lives and we shall build on it, is to show it in action. So, I am pleading that even before we have those laws, we begin to prepare how to implement them, so that Kenyans may benefit fully on these matters. After all, when we think of the period between now and the next elections, it is a very short period of time and there is need to get these matters to be operational as speedily as possible.

Mr. Speaker, Sir, I know equally that when we were discussing these matters, some persons had begun to spread mis-information. There is for instance, mis-information about coalition Government. There are no constitutions in the world providing for coalitions. All constitutions are silent on that matter. Even ours does not provide for any coalition. It only opens the field. But some people are misrepresenting this fact that, it is going to open the field and that it will be used to silence some people, rob others and so on. The fellows who are spreading these matters should stop.

With those few remarks, I beg to support.

Mr. Farah: Mr. Speaker, Sir, it is a cardinal of honour to respect the rules of democracy. The rules of democracy are the wishes of the majority and the right of the minority to be heard. I will confess right from the

beginning that I am in the minority in this place and I will want you to hear me and I will also hear you.

Mr. Speaker, Sir, we have had an element of history in this country which, unfortunately, seems to be forgotten time and again. When we got Independence in this country, we had a multiparty democracy in this Parliament which was killed for political expediency at that time by the late Jaramogi Oginga Odinga who was a Vice-President in this House, among other people. As a result of that, when the entire KADU side went to KANU, two years later, Jaramogi wanted to form an Opposition party but he could not do it because he had problems and we all know the tribulations which KPU went through. I am seeing something similar to that situation now, when the whole House feel that one way is the only way and people are excited and passionate about it; they are ready to die for it, even if it means fighting.

Mr. Speaker, Sir, let us be very careful. We also saw on the Floor of this House a Member of Parliament who is now a very senior leader of an Opposition party saying that the repeal of Section 2A or the process of multipartyism in this country was like trying to bring down a *Mugumo* tree with a razor blade. It was the same person whom I have a lot of respect for, hon. Kibaki, who formed his own party, the DP and cried foul play. I do see a situation in which by rushing these things through this House, because of political expediency and since this is an election year, the ones on the Government side feel that they are going to win the elections and the ones on this side of the House feel that to the exclusion of some prominent Presidential candidates from the Opposition, they will have the opportunity to garner all those votes and become President. On the overall, we are going to have a very bitter situation. We would rather have a near-explosive situation now and try to deal with these things to the best of our ability on a very bare marginal majority. When the divide on an ideological issue is very close, that is when it is good. But when it is unanimous, you have to be worried about it.

Mr. Speaker, Sir, we are seeking constitutional and legal reforms in this country. I say these things because I am trying to visualize and set a vision for the future of this country. The primary objective is to have a Constitution that is going to serve us right to posterity and the way to do that is to remove the possibility of a situation where a lot of powers are concentrated in only one office. You never know when those discretionary powers are going to be used against us. How can we say that we have got an independent democracy in this country when we do not have the primary and fundamental provision in our Constitution to allow for independent candidates? That is the very basic thing. What is going to happen after this is that KANU is going to conduct its nominations. I bet and swear that many of my friends on this side will be shouting and looking for an independent candidate because they do not have any ideological affinity with us here but they want to come back to Parliament. We are going through a process of trying to slaughter ourselves with our own hands and all of us here will be the sufferers. The same will also happen to those who are in the Opposition. Let us have freedom for all Kenyans. Let us get rid of those discretionary powers which are there right now, vested on certain offices by the Constitution. This Motion has fallen short of that.

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

Mr. Arte: Ahsante sana, Bw. Spika. Nawarudishia shukrani Wabunge wenzangu ambao walifanya kazi hii nzuri. Naunga mkono yale yaliosemwa na mhe. Shikuku. Hii ni kwa sababu hawa vijana ambao wanajiona kwamba ndio wengi, wako vile mhe. Shikuku alisema. Wengine wanasema eti wamesoma mpaka vyuo vikuu na hali hawajawahi kuona milango ya vyuo hivyo. Ikiwa mtu anaweza kusema alienda chuo kikuu bila kuona mlango wa chuo kikuu, atasema uongo gani mwingine?

An hon. Member: Nani huyo!

Mr. Arte: Tunajua Wabunge wengine hapa ni kama wakimbizi. Waliwatuma watoto wao katika nchi zingine kitambo, na hawako hapa na sisi. Hawajali ni nani atakufa hapa. Kama wao ni mashujaa, tutafanya msafara wa wale wanaotaka watu wapigane, na wale wanaotaka amani, ili watuambie wako upande gani. Wanajua hata wao wenyewe ni wakora. Wanapatia watoto wadogo wadogo pombe---

(Mr. Leshore and Mrs. Asiyi conferred with Mr. Mutitu)

Mr. Speaker: Order! There is disruption of business between hon. Members and strangers; that is very unfavourable.

Proceed!

Mr. Arte: Bw. Spika, mtu yeyote---

Mr. Ndicho: Jambo la nidhamu, Bw. Spika. Mbunge anayeongea sasa amesema kuna Wabunge hapa ambao ni wakora. Kuna Mbunge anayeweza kuwa mkora? Neno "mkora" linaweza kutumika hapa Bungeni?

Mr. Arte: Bw. Spika, sijasema hivyo. Hayo ni maneno ya mhe. Ndicho. Pengine yeye hajui Kiswahili.

(Laughter)

Anajua Kiingereza tu na Kikikuyu.

Tunasema kwamba leo, tumetengeneza historia kwa sababu nchi yetu ilikuwa katika taabu kubwa. Nchi nyingi za Kiafrika zilikuwa na taabu kama hiyo. Kwa vile hazikupata vijana mashujaa wa kufanya kazi, ziliharibika. Leo, ni siku ambayo tungejirudishia shukrani sisi wenyewe, kwa sababu tumeiokoa nchi hii. Kuna watu ambao hatujui wametoka wapi, na wanafikiria watapata pesa kwa ajili ya kusema uongo, au wakisema nchi yetu inachomeka. Watu kama hao wanatukana baba na mama zao. Watu kama hao ni watu wa aina gani, jamani? Watu wazima ambao wamechaguliwa kuwa wawakilishi wa watu, waliletwa hapa kuzungumza. Wabunge wengi waliletwa hapa kuzungumza, lakini wanatoka nje. Wakitembea nje na waliletwa hapa kuzungumzia watu wao, si wanauza nchi yao? Watu wa magazeti wako hapa na wataandika mambo hayo. Tunasema kwamba wakati wa kupiga kura ukifika, watu kama hao wasirudishwe hapa Bungeni, kwa sababu wanataka kuharibu nchi yetu. Tunawaambia wananchi kwamba wale watu waliowachagua wamewaacha na kuwatoroka. Kama wana kitu chochote, ni kwa nini hawasimami hapa watuambie? Si waseme kuna kitu fulani ambacho hakijaongezwa ili kiongezwe? Wanawatafutia wananchi wao kifo na taabu.

Bw. Spika, hili jambo tunalolizungumzia leo ni la maana sana. Mimi nauliza Mkuu wa Sheria aharakishe kazi yake na alete Mswada hapa Bungeni. Na kama vile mhe. Kibaki alivyosema, tunatakiwa tufanye haraka ili tuwaridhishe watu wetu, kwa kupitisha sheria hiyo haraka iwezekanavyo, ili tuweze kuendesha nchi yetu. Kila mtu---

Mr. Speaker: Your time is up! I recognise the hon. Dr. Ombaka.

(Applause)

Dr. Ombaka: Thank you very much, Mr. Speaker, Sir.

That Kenyans have overwhelmingly decided to build a multi-party democracy is not in question. This demand of our people is within a historical context in which the region, and international relations have increasingly isolated us, because of our failure to embrace the tenets of democracy. It is also not in question, that there is a Government in power in this country. It is a Government that is in power through some constitutional dispensation, and there are those who argue that it is illegitimate. But it is in *de facto* control of this country. That is a fact that has to be recognised and acknowledged.

(Applause)

Mr. Speaker, Sir, given this context, the demand for democracy on one hand, and a Government that is in power with its roots arising from a single-party dictatorship, the real question facing Kenyans today is not whether there is going to be a new constitutional dispensation, but how that is going to come about. The choice is between a principled negotiated transition or a change forced by confrontation and civil strife. It is clear in my mind that I speak for many Kenyans when I say that we should opt for a principled negotiated transition. This is the reason I support the IPPG package because it gives a window of opportunity for managed change in this country.

(Applause)

One must recognise that because of the past actions of the Government in power, most Kenyans have been pushed to a situation where they do not believe the Government has the capacity, or the will for a negotiated transition. But I think the package before the House rekindles hope because it is a bipartisan package and it is in fact, one last measure for the Government to show its commitment to a negotiated change. This package has been criticised for being flawed. This "charge of treason" is, in my view, purely a technical criticism. I think any student of comparative constitutional law will readily agree that there is no historical situation anywhere in the world, where there has been a perfect constitutional transition. This is because by its very nature, this is a negotiated process and it is a "give and take". The art of politics is the art of the possible. I think that this is the best possible package for all stakeholders in Kenya at present. For the first time in our recent history, this package promises a timetable for comprehensive reforms. Therefore, we see the package as simply a first but very significant step towards a more comprehensive review process. Attacking the package misses the point and its political significance. The fact that most political actors have accepted it by consensus, stands the possibility of saving us a major constitutional crisis and civil strife in the country.

Mr. Speaker, Sir, by word of caution, there are two areas of concern in this process. The first one, in my view, is that the success of this package is not going to depend on the technical draughtsmanship of the Attorney-General's Chambers, but on the good will of the Government to ensure that it is implemented in full. Secondly, this goodwill may demand that sufficient time be allowed for the process of implementation to take root. If, for example, new political

parties are to come up in a matter of two or three months before the General Election, it is not sufficient. We should, therefore, be flexible to give it sufficient time even if it means a little extension of the life of Parliament.

With those few remarks, I beg to move.

The Minister of State, Office of the President (Mr. Biwott): Thank you, Mr. Speaker, Sir, for giving me this opportunity.

It is a fact that Kenya is a lucky nation and God's miracle worked in Kenya and that miracle seems to have happened at the Limuru Conference. The conference acted as a catalyst for separating the genuine reformists from those who had other agendas. If that had not happened, it would have provided a breeding ground for mischief and chaos. It is a fact that Kenya believes in changes. Therefore, reform is a matter of course. It is not something which people think they can work on overnight. Our people are conscious of it. Our nation should be conscious to the demands that are needed by the society.

At any given time, there is the common ground which everybody turns to and I think it is that common ground that people of goodwill in this House have gravitated on. It was only natural that the Members of Parliament, who represent the entire nation, be the ones who would identify that common ground and solve the problems before they are taken over by people with other motives.

It was the willingness of the Members of Parliament on both sides that enabled them to sit down as Members of Parliament in one of their own buildings; the County Hall. They sat there and looked at what they had on both sides. And after looking at different points of view, they came to an agreement that there was very little that was separating them, hence, the production of the resolutions that we have already got.

What were we looking for? We were looking for what is good for this nation, what would enhance the welfare of this nation and the people who live there. What have we achieved? We have achieved something which Kenyans can be proud of because it is their own and it is something which they have produced without the help of outsiders and without soliciting funds from somebody else.

We now have a package of reform measures that we have agreed on. Those measures go beyond what the hon. Members in the opposite side and those outside, whom hon. Shikuku was telling us were sitting on their backs here, expected us to get. Unfortunately, I think these people have lost ground. It is those reforms that the Government has endorsed in this House that we ought to dwell on. I hope that the Attorney-General will bring the recommended measures in form of Bills so that we can pass them and implement them. It is commonly said that the taste of the pudding is in the eating thereof, and I am quite sure that it will be implemented in full in order to ashame those who have been sceptical about it.

What have we learnt? We have learnt that we can solve our own problems amicably. We have learnt that we do not need to run around in the streets creating chaos. I hope what we have learnt today will help us in future to come together as Members of Parliament and solve our problems amicably. I think it is a formula that can repeat itself for the good of this country.

What have we achieved? We have achieved more than the minimum that was being asked for ensuring a free and fair election in this country; for ensuring that there is peace, stability and security in this country and, more so, for ensuring that we can now prepare a ground for a commission so that all those who are interested can come in. I hope that at that particular time, the Members who have been out and who should have come to the committees, will have a chance to air their views.

With these few remarks, I beg to support.

Mr. Gatabaki: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute on this Motion.

In every person's history, there comes a time to consider certain events. I have studied this Motion. I have studied what the IPPG has recommended. I have also studied what NCEC has proposed. I have also studied what is free, fair and peaceful elections. I have never seen a House in this mood, boisterous and very happy as if it was prearranged. Right now, as we are talking, people are dying in Likoni. I am bothered that none of you has mentioned that.

Two weeks ago, I went to address a meeting in Kisumu together with Members of NCEC and some Members of Parliament. I was marooned at the airport for ten hours when IPPG was going on---

Mr. Leshore: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to say that nobody has talked about the Likoni issue when in our recommendations we said that the Government must ensure that peace prevails in Likoni?

Mr. Speaker: Order! Maybe, this morning, the hon. Gatabaki was not present, but he can be properly updated by hon. Prof. Mzee that the issue of Likoni was properly raised before this House. In fact, it is against the rules of the House to repeat yourself.

Proceed.

Mr. Gatabaki: Mr. Speaker, Sir, I have seen warmongers here pretending to be peacemakers. I have seen

men who cannot sit down and qualify to be peacemakers. Some of the loudest voices are those of men who have a lot to answer to Kenyans. They call themselves reformists! We possibly have to go back to school and re-invent education.

Mr. Speaker, Sir, we are talking about constitutional amendments and more particularly, administrative reforms. In this country, for the last two years I have been charged with various sedition cases. It was only last week when I attended a mention of another case. If the Government of the Republic of Kenya is committed to a shred of reforms, some laws like those ones on sedition and incitement should be out of our statute books and the Attorney-General should advise the Government accordingly. What we are seeing today is performance *par excellence* by the Kanu Government. This is the achievement of President Moi at the best. Let us commend, President Moi for being able to bring some members of the Opposition and of course the KANU Members of Parliament to accept his agenda. I cannot, and I will not be part of this superficial treatment of our Constitution. My conscience is very clear about this and when history will be written, I am not going to be part of this blackmail and betrayal of what we stand for. Majority of Kenyans today are talking about free, fair and peaceful elections, and what are those free and fair elections? I represent a constituency of about 60,000 registered voters. There are people here who represent constituencies of 5,000 registered voters. My constituency alone has more voters than the entire Baringo, Keiyo and Marakwet districts, and we are told that there will be free and fair elections.

Mr. Biwott: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead the House, and yet he knows that the formula for deciding on constituencies does not depend entirely on the population alone? Githunguri Constituency is like a village compared to some of those places he is talking about.

Mr. Speaker: Order! Order! I do not want personalising of this thing now. Mr. Gatabaki, you are entitled to your views however wrong, but you are also restrained by honour, not to deliberately mislead. You cannot be right that Baringo District, Elgeyo Marakwet and the others have less voters than your constituency.

Mr. Gatabaki: Mr. Speaker, you refused an amendment by hon. Orengo. Having refused the amendment, I cannot sit in this House---

Mr. Otieno: Mr. Speaker, Sir, I am particularly a very happy person for what has gone on, and the direction in which the reform process has taken. You will remember that I did say in this House when we had the debate after *Saba Saba*, that it is not right for elders in this House to take to the streets what they should bring here. I am, therefore, so happy that the reform agenda is rightfully before us. What is shocking is that twelve or so of our colleagues, actually had a hidden agenda. When they shouted the words "No reforms, No elections", some of us who are serious thinkers thought they meant what they were saying. Now it has turned out that after the reforms are given in full plus more, they are still talking, "no elections". We can only read that it is only those who know they cannot win elections who were hiding under reforms and now they are exposed.

It is an interesting experience in this House that colleagues whom we have always known to speak points, are willing to drag this agenda to a point where they have nothing to say, and still would rather invite chaos in this country. I can only sympathise, you may say you don't need my sympathies, but please get back to your senses and let us move forward with what is in the interest of this country.

Mr. Temporary Deputy Speaker, Sir, we are witnessing an experience where there is a question of Parliament versus some *ad hoc* assemblies outside this House. We are witnessing a situation where some people would rather, a collection of Kenyans whom they can manipulate as opposed to Kenyans elected by 210 constituencies brought here. Somebody can still go ahead and say constitutions are bigger than Parliament, so they should be debated outside there; yet, Parliament has told them: We will allow you to give all your views, we will listen to them, after which Parliament will do its duty.

Mr. Temporary Deputy Speaker, Sir, why are they doing so? We have got a good experience today: Why should 2,000 people hold the whole of Nairobi at ransom, shouting in the streets? Twelve Members of this House have attempted to block these proceedings, using mass action principles where a small minority can hold a thousand times peaceful members of the Republic. I plead with them that they will be accommodated if there are any brains left, to convey any ideas and they will be reflected in what is reasonable for this country. These few members, 12 or so, know very well that coalitions are not written in constitutions, and once the members of the parties are freed to make their own coalition arrangement or agreement with whoever has won or whoever is leading, then what is the difference between coalition of parties, individual leaders or understanding between political leaders. We have freed you to do so, but apparently, you were aware that it was not going to be possible for you to agree with anybody except when you are a winner. That is why you feel that you are making no progress. It is clear that you cannot win by going to the streets. You will only win by sitting with your colleagues and listening to each other and agreeing on what is of national interest to this country.

Mr. Speaker, Sir, I would like to go further---

[Mr. Speaker left the Chair]

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

Mr. Ndicho: On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Otieno: Hon. Ndicho, you know very well that I do not need your information because at this point in time, a friend of mine as you are, your information is distorted. I do not know by what! I want to go back and say that we even fell short of doing a very important thing in our recommendations. We should have recommended that other than Parliament being protected from ridicule and contempt, the Electoral Commission should be equally protected from ridicule and contempt.

With those few remarks, I beg to support.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, for the first time in my short history in this Parliament, I have been baffled by the behaviour of my friends. At one time they tell me that hon. Wamalwa is a very bad man, do not be near him; the next moment they tell me that hon. Raila is a very bad man, do not be near him; another moment they are telling me that Kibaki is the worst person and I should not be near him. Now, they are telling me that Moi is the most sophisticated thief, shortly after trying to convince me that Matiba is not only a bad man, but also sick in the head.

Mr. Temporary Deputy Speaker, Sir, the people who are trying to lure me to their side, are at the same time telling Matiba to read a statement on their behalf, announcing their intention to hold this country to ransom. May I tell them that I am from now on, in support of reasonable activities. I am not going to be "imported" and "exported" at the will of some people.

An hon. Member: You are now born again! You are principled!

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I have refused to be compromised to join KANU by being given money. Why would somebody, just because I have disagreed with him--- When I say that this is the right path for Kenyans, he says, "hon. Mulusya, you have now been bribed." Let me tell them again that, I have never gone to a Mhindi's shop and come out with a pair of socks. There are leaders in this House who, when they go shopping, either go home with an extra shirt or a pair of socks.

Mr. Temporary Deputy Speaker, Sir, if somebody has ill feelings about some people and good feelings about others--- When we say that this Government is bad, it is condoning theft in the Government, it is not just stealing by this Government which is bad. It is bad for any Government which will come today, tomorrow, or even 20 years after we are dead.

Mr. Temporary Deputy Speaker, Sir, what I want to urge the Government of President Moi to do now is that, now that we have reached where we have reached, the next step should be to tell Kenyans how he is going to stamp out corruption in the Civil Service. He should tell us how he is going to stamp out corruption and punish those who have grabbed land and stolen from the Government coffers. He should do this before the General Elections. These are the people who have made the Government poor. They are the ones who have made hospitals go without medicine. Even now, we are saying that it is good.

Mr. Temporary Deputy Speaker, Sir, when it comes to coalition, I would not mind, when the party on whose ticket I am going to vie for election, wins in Kangundo during the 1997 General Elections--- If Mrs. Ngilu wins, I do not mind her inviting Moi for a coalition. I do mind her inviting Raila or Kibaki or anybody else. The issue is that, we must look forward and we must reject those people who are out to cause chaos in this country, whether they are my friends or not. I had better be denied the tea we drink together here. I had better be ostracised rather than knowing that my children--- I have a very young friend of mine; my last born, called Sammy. I do not want to leave him in poverty. I want to see him grow up with the other children. I want to see him go through the formal education I underwent. I do not want to see any disruption in this country.

Those few of us who are calling me their friend because they want me to help them to cause chaos in this country should forget it! I want to tell everybody here that, in very good faith, I am not going to KANU. KANU must also reform itself first. They refused to hold elections yesterday and nobody is going to tell me to join KANU. I will remain in the Opposition, but I can join up with KANU in a coalition government, now that this is going to be facilitated. Now, we can only talk on that basis. I will stand firm and I will say that, if you are corrupt, you are corrupt.

The Minister for Culture and Social Services (Mrs. Mwendwa): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I stand here to support this Motion.

First and foremost, I want to congratulate the initiators of the meetings which have been taking place. I believe very strongly that, in our Parliament, we should have started talking straightaway when we were elected in 1993.

An hon. Member: What happened?

The Minister for Culture and Social Services (Mrs. Mwendwa): Mr. Temporary Deputy Speaker, Sir, we should have been able to sit down and agree, or even differ, instead of shying from one another. I am very grateful to God that, at this time, before the end of our Session, we have been able to talk because we have got the interests of our country at heart. As for the spirit which was started, we pray for it to continue to the next Parliament because even if we make the changes, there are a lot more changes we want in our country and it is better for us to sit down and discuss issues as Members of Parliament. In any case, we are elected to discuss the issues of this country and it is us who qualify to discuss the most important issues of the country. Therefore, it is my prayer that we will continue in the same spirit when we come back to this Parliament.

Mr. Temporary Deputy Speaker, Sir, a lot of changes have been introduced. It is our prayer that the short-term reforms will be effected and applied because we would also like to live to our commitments. Since we have told the people of Kenya that we are going to carry out reforms, let us implement them. Let us not be preachers by word of mouth and then act on contrary. Therefore, let us effect those changes because they are good for this country. When it comes to long-term reforms, let us also, when we come back, sit down, argue and talk, agree or disagree. We can agree to differ. After all, we are the elected Members of Parliament in this country and Kenyans are looking up to us, so that we can show them the way.

Mr. Temporary Deputy Speaker, Sir, it beats some of us--- Allow me to talk as a mother because I am one. When we see people craving for war, blood, killings and disorder, I think we have had enough of this. Enough blood was shed during the Emergency. We have seen our neighbours strive and kill and when that happens, it does not heal. When your relatives are killed, you cannot forget them. Therefore, the way we have agreed to sit, talk and follow peaceful means is the right way. I am sure if anybody is looking for death, nobody is going to elect him. Nobody is going to listen to anybody who organises strikes; who wants people to go to the streets to kill one another and yet their children have got body-guards. They do not even drive, they have got a body guard to look after them and the same people are giving other people's children bhang and very hard drugs and telling them to go and do bad things.

Mr. Temporary Deputy Speaker, Sir, in the same vein, we are not happy at all. We do not want anybody to die in Mombasa or anywhere else. Let people die from natural causes. Why kill them? Their death is coming and they will die. Therefore, I speak here emotionally because I know that the women of Kenya are very happy people today because they know that they are not going to lose their husbands, sons and grandchildren; they want to see them grow up. They want to leave them behind when they die.

Therefore, Mr. Temporary Deputy Speaker, Sir, I support this Motion wholeheartedly because it is the right way for Kenyans to go. From now henceforth, let us live in peace and have dialogue with one another.

With those remarks, I support the Motion.

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir, from the very outset I rise to support this Motion. I hasten to urge both sides of the House to pass it today unanimously. The secondary part of this process will be the bringing in the House of the three important Bills on peace and security, constitutional and legal reforms and the electoral code. Therefore, more information will come into the House after the Attorney-General has actually prepared the Bills. For now there is no need for us to be jittery and emotional and insult each other. We are going through a process of political maturity. This is the time for each one of us to prove whether he is mature. You know that we went through very bad years from 1993 to 1997. But now we are just about to take off into maturity. This is the time when both sides of the House must be able to relate to each other as mature leaders. We must map out the future of our children through peace, because without it we cannot proceed.

I feel confused when four Opposition hon. Members meet and say that they are the "Chosen Four" who will lead this nation into success. Let me assure this House that Dagoretti Constituency, which I represent, does not want bloodshed. Let me also assure you that the people of Dagoretti Constituency will not burn voting cards. The process of being issued with the voting cards was laborious and we cannot burn them. To say the least doing this is myopic and almost idiotic.

We meet here as a Parliament to negotiate in a game of give and take. If the Opposition can take home 70 per cent of what they want that is a good deal. If KANU can take home even 60 per cent of what they want that is also a good package. But each of the two sides cannot demand to take home 100 per cent. We are in negotiations and we must give in order to also receive. We cannot have a winner-takes all situation.

We would also want our colleagues on the other side of the House to make greater efforts about sorting out the Likoni issue. In this way the Government will become more credible. I read in the newspapers that the Government would like to deploy the military in Likoni. Why not do so if it will solve the problem within a week? We want this done so that when we go to the electorate we do not have to talk to them about this problem. I was in the Peace and Security Committee and I want to be able to tell Dagoretti people: "We have negotiated and the Likoni situation has come under control".

We also want to hear Kenya Broadcasting Corporation covering hon. Members from both sides of the House. If we do not do anything upfront, then we are actually doing nothing.

I have no doubt in my mind at all that the general election is coming up this year. So, those who think that voter registration will be re-opened are dreaming. Those who think that the whole process, which cost this nation over Ksh2 billion, will be repeated are also dreaming. We must be practical, because we are going forward and not backwards. It is about time we realised this. We must be patriotic leaders. If we are not patriotic then we do not love this country. We should not be interested only in pleasing our own egos. This nation is waiting for the implementation of what we are discussing.

The Assistant Minister for Finance (Mr. Keah): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion, which I wholeheartedly support. We have, in the last almost five years, been sometimes abusing or cajoling one another or hauling insults at one another. It is really good that we conclude this Seventh Parliament in a sense of togetherness as members of one nation. Indeed, as Parliamentarians, we can differ but differences should not make us enemies.

Mr. Temporary Deputy Speaker, Sir, I join my colleagues in thanking the initiators of this dialogue and also the committee members who worked tirelessly over a weekend in order to bring out these very excellent reports. I would even go further and say that these people, who worked so tirelessly, should be paid. Some funds should be found to compensate them for working over the weekend.

Let me say here that we have a package to take us to the next stage. There is a lot that we need to introduce into the reform process. For example, one of the issues that could have been taken care of was that of making "Assistant Ministers" "Deputy Ministers". That is a constitutional matter which we will bring up when the Constitutional Review Commission will be in process. As we said, this is a package and we want to assure the country that there is commitment to it on both sides of the House. In fact, implementation of these reforms is imperative. Let us not backtrack on them because we have an excellent package for the way forward.

As for those who are advocating civil disobedience or making the country ungovernable, it is high time the Attorney-General looked for appropriate laws to bring these people to book because this is incitement. If such laws do not exist, then we need to look for ways and means of making incitement punishable in a court of law. Why should somebody stand in public and say: "We will make this country ungovernable?" He should explain to the nation why this country should be made ungovernable when we have a properly elected Government.

I would even urge that in the next Parliament debate should be covered live on both radio and television. In this way, the country will hear those who do not like peace and see those who misbehave during their contributions. The nation should be able to judge those who want this country to be ungovernable.

We were in danger of going into anarchy and, indeed, not holding the general election. However, we do not have the mandate to postpone the general election because constitutionally it must be held every five years. Unless we change the Constitution, we have no mandate to postpone the general election. Therefore, those who are talking about postponing the general election are, indeed, day dreaming.

I want to concur with hon. Kamuyu about his comment on re-opening of the electors's register. Opening up the electoral register is, in my view, one way of delaying the general elections beyond 1997.

Mr. Temporary Deputy Speaker, Sir, I support.

Mrs. Asiyu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the Floor. I rise to support this Motion very heartily and know that it will be adopted.

Mr. Karan: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise on a point of order to seek your guidance. This is a very funny debate, where hon. Members of Parliament from both sides had agreed outside the House. The way we talk in this House is by catching the Speaker's eye. Is it not in order for the Chair to give direction that hon. Members of Parliament who support that view on this side move to the KANU side so that when you look this side, we can catch your eye?

An hon. Member: It is a good suggestion.

Mrs. Asiyu: Mr. Temporary Deputy Speaker, Sir, I want to say that the people of Karachuonyo support me in my view to support the IPPG resolutions and that the hon. Members from both sides who got together to draft these recommendations did not only do this historically, but also as a noble process to avert what would have plunged this country into chaos, and even bloodshed.

Our recommendations might not be exhaustive enough, but it is a good starting point. I only want to appeal to the Government to make sure that all our recommendations are fully adopted so that nobody says we were taken for a ride. It would be disastrous if the Government failed to implement all the short-term recommendations as prescribed by the three Committees.

Mr. Temporary Deputy Speaker, Sir, for the first time political parties which are represented here will be in a position to nominate ten good men and women to join the Electoral Commission, something that we have not had

before. For the first time, Parliamentary political parties will be able to suggest the nomination of the 12 people, including six women, who will be nominated to this Parliament. I want to appeal to all the Parliamentary political parties to give Kenya the best men and women, who will be nominated to serve in this august House.

The women of Kenya have really gained by the recommendations of the three Committees.

(Applause)

One, we have asked for a review of Sections 82, 90 and 91 of the Constitution, which somehow discriminate against women. It has been accepted that these will be reviewed or repealed altogether. Mr. Temporary Deputy Speaker, Sir, the Television programme last night was most unfortunate because those hon. Members stooped too low and resorted to mentioning names and talking about personalities, some of whom are very dignified members of our society. For example, a man like hon. Mwai Kibaki has given credibility to the Opposition because he was once the Vice-President of this country. Mr. Wamalwa is the Leader of the Official Opposition in this country, and has led the Opposition very well. We should give credit where it is due, but we must not fall to such a low level that we even attack them personally.

One hon. Member of Parliament suggested here that Members of the three Committees were being paid Kshs30,000 each per day in order to do this work. I think he should be ashamed of himself because all the work that we did was in very good faith and now he knows that nobody was paid.

Mr. Temporary Deputy Speaker, Sir, it is a pity that at this stage and day some people are telling people to burn their voters' cards. Surely, we achieved our Independence in 1963 and there is no way that you can tell people to start burning their voters cards now. What we need to do is to, maybe, give Kenyans more time to register as voters so that as many Kenyans as possible can exercise their democratic right in electing the very best of our representatives. I think KANU should not suspect their MPs who from time-to-time communicate with Opposition Members. This is because this is really a new spirit and there should be no room for suspicion or for even getting some "bribes" for having communicated with some of us on this side.

Mr. Temporary Deputy Speaker, Sir, I hope that atrocities such as those in Likoni will stop immediately so that Kenyans can once and for all enjoy peace before, during and after the General Elections which should come by the end of this year and not earlier. This is because we will not be ready and we will not have finished all these discussions and put them in place before the General Elections if it is done earlier than the end of December, as was the case in 1992.

Mr. Temporary Deputy Speaker, Sir, with these remarks, I support this Motion very highly.

Mr. Karan: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity "finally". The main reason why I want to use this time is to register my position as far as the debate is concerned. Mr. Temporary Deputy Speaker, Sir, it would be logical for you to give Members who have different views the opportunity to air their views and a number of them are here, instead of doubling the people who share the same views with KANU.

I have witnessed in this august House today a typical example of the way to Heaven and the way to hell whereby the majority take the route to hell. This is what I have witnessed here. As the Member of Parliament for Nyando Constituency, I want to register my position that I oppose what is being referred to as reforms by IPPG because, before we went for those reform talks, KANU had already consented to what is referred to as legal and administrative reforms.

The main point which was at stake was constitutional reforms and the issues in such reforms are the basic points which bring free and fair elections and nothing has been achieved. In areas where an attempt has been made, they have merely strengthened the hands of the President. The reforms were about reducing that power so that power can be shared and so that the institution of Parliament can oversee important issues, like the appointment of people into public positions. But what has come out is that, with regard to the issue of having a coalition Government, the power of the President has been enhanced.

Mr. Temporary Deputy Speaker, Sir, I know why KANU is happy and why the Vice-President and Minister for Planning and National Development is happy. There is cause for it. I want to tell you one thing: The Kenyan public is aware about flawed institutions. If you see any particular point being overstressed by the KANU radio, then you must know that KANU has had things their own way and that is why this happiness is there.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir, Did you hear hon. Otieno Karan talk of "collusion" in the documents that we have from the IPPG? Is he in order to refer to sections that are non-existent because we do not have any "collusion"?

Mr. Karan: Mr. Temporary Deputy Speaker, Sir, that normally happens when one has gone through transformation because the people speaking here are now KANU and that is why I am asking them to stick to one side. So, I am not surprised by that type of comment because we can see where they get their share. It is KANU which

applauds when they speak. That is how we know that they are supporting KANU in all their endeavours to get what they want or not. Actually, the reforms which they purport to have been passed by IPPG are a KANU package and it is meant to ensure that KANU stays in power and they have enhanced powers of President Moi. History will judge you harshly. I want it to be recorded that I do not support this Motion and I strongly oppose it and that is the position of my people back at home whom I represent.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Sankori: Mr. Temporary Deputy Speaker, Sir, this is a Motion that all Kenyans should be happy about and especially the Members of the Opposition. If there is ever anything that the Opposition has achieved in multiparty politics, it is this debate and what we did in the IPPG.

An hon. Member: It is their initiative!

Mr. Sankori: Mr. Temporary Deputy Speaker, Sir, it is just unfortunate that we have a few of us who are not with us. But that is the language of democracy, and that is how it should be.

Mr. Temporary Deputy Speaker, Sir, the first committee was dealing with peace and security. Surely, who does not want peace in this country? If at all, we, as leaders, will go out of our way to see that peace is achieved. It is just unfortunate that a man calling himself a leader can address the whole nation and say that they will make sure that this country is ungovernable. Sincerely speaking, we will make sure that even this House they will not make it. Leave alone the Government, even this House, will continue debating these issues. The best thing to do is that, if you cannot beat them join them. Because you cannot beat us, join us!

(Applause)

Mr. Temporary Deputy Speaker, Sir, I said one day and I will say it again, that it is high time that some of our friends who happened to have learned properly should use their knowledge for the benefit of Kenyans. Gone are the days when some of them were at the university. If you have not been faithful when you were at the university or during Kenyatta's Government or Moi's Government, then even in your own Government, you will not be faithful to yourself.

Mr. Temporary Deputy Speaker, Sir, we have done a lot as far as the reforms are concerned. Do not "cheat" yourself that the reforms are for a particular people or party, they are for the entire nation. It is high time that people should not take opportunity to cause chaos just to attract attention. If at all, you are causing chaos so that your financiers can give you more--- "Mchimba kaburi huingia mwenyewe". So, my friends, join us. We said all clash victims should be settled. Here, I am shocked to find out that some of the people who know that their relatives are victims of clashes do not want them to be settled. Why? I do not know.

Mr. Temporary Deputy Speaker, Sir, when we talk of an election code, all us are going to participate in elections. The elections affect us all. Why do you not want us to rectify a few things here and there? Simply because Prof. Saitoti and hon. Biwott are there and you do not want them. Can you see beyond those people?

An hon. Member: Tell them!

Mr. Sankori: Mr. Temporary Deputy Speaker, Sir, may I tell these people that Kenya is made up of so many tribes. There is one tribe which has vowed never to be in the Government. If you have vowed not to be in the Government, please, let those who want to be in the Government be in it and let them work for the good governance of this country.

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

Mr. Kiliku: Asante sana, Bw. Naibu Spika wa Muda---

Mr. Farah: On a point of order, Mr. Temporary Deputy Speaker, Sir. At the outset, The Speaker, Mr. Francis ole Kaparo, promised us that those who are on both sides of the issue will be heard. We know that at the end of the day, the Motion will be passed---

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, Mr. Farah! If you are an honest man, you know that hon. Karan has just spoken a few minutes ago in opposition to the Motion. What other alternative views are you looking for?

Mr. Kiliku: Bw. Naibu Spika wa Muda, ninawashukuru waheshimiwa Wabunge ambao walifikiria hatua hii na kuzungumzia mambo haya katika vikao mbali mbali, hasa mhe. Falana. Nilikuwa katika kamati ya vita. Tuliona vile mambo yalitokea kule Molo sawa na vile inavyotokea kule Likoni. Waheshimiwa Wabunge ambao wamewahi kutembelea maeneo hayo, hawawezi kuzungumza mambo mengine. Waswahili wamenambia kule Mombasa kwamba, "Hii ni ndoana tulikuwa tumeweka katika bahari, tumevua samaki. Tunawakaribisha tule pamoja!" Itakuwa vibaya sana kwa viongozi kusema kwamba hawataki amani katika nchi hii. Hata kama ni nani anayetawala, ni lazima tuelekane na janga hili la vita katika nchi hii. Tumeona vile nchi jirani zimeathiriwa na vita

vya wenyewe kwa wenyewe kama Somalia, Rwanda, Burundi, Uganda na Zaire. Kenya tu ndio imebaki na utulivu wa kadiri.

Tafadhali, tuwakilishe Wakenya wala si watu wengine kutoka nje. Ikiwa mtu hajachukua kura na wewe umechukua na anakuambia hivi na vile, huyo si mwenzako. Kwa nini hakuchukua kura kama wewe? Wakati watu wengine wanataka kufanya uchaguzi wa Rais na Wabunge, yeye anasema anataka uchaguzi. Mtu huyo si mwenzako, pengine matarajio yake ni tofauti na yako. Ikiwa mtu hajajandikisha kuwa mpiga kura, ana ajenda tofauti kutoka kwa Wakenya wengine. Ikiwa atakushauri uhome kura yako ambayo itakuwezesha kuchaguliwa kama Rais au Mbunge katika uchaguzi ujao wa mwaka 1997, na anakuhimiza uhome kura yako, huyo si rafiki yako.

Hon. Members: Eti wachome kura!

Mr. Kiliku: Hatuwezi kuchoma kura zetu. Ninataka kuwajulisha waheshimiwa Wabunge kwamba si lazima kiti cha Urais kiende mahali fulani. Kiti cha Urais kitaenda mahali ambao Wakenya wataamua.

(Applause)

Ikiwa kuna watu ambao wamekula kiapo kwamba ni lazima watawale wengine, ni heri wajisafishe kwa sababu tunataka nchi ya kidemokrasia. Tunataka mahali ambapo ikiwa leo mtu ambaye atashinda na hawamtaki, lakini ameshinda kwa uchaguzi huru, ameteuliwa na Wakenya kuwaongoza. Kwa muda wa wiki moja iliyopita, Serikali imechukua hatua kule Likoni na ninawahimiza waendeleo kufanya hivyo ili wakomeshe uhalifu huo na wale wanaohusika, lazima washtakiwe katika mahakama. Ninawaomba waheshimiwa Wabunge kutoka Mkoa wa Pwani na kwingineko wajue kwamba ndugu zao waliathiriwa na janga lile la Likoni. Ikiwa wanapinga Hoja hii, wajue kwamba wanapinga watu wao wasisaidiwe. Pia tumependekeza kwa Serikali kwamba takriban watu 100,000 ambao walipoteza mashamba yao katika vita vya Molo, warudishwe mashambani mwao. Ikiwa wanapinga, pia wanapinga wale walioathiriwa kule Pwani wasirudishwe.

Silaha ambazo zimeletwa hapa na watu ambao wanajiita "wakimbizi wa kisiasa", kumbe ni wakora, silaha hizo zimetwaliwa na Serikali. Tunaunga Serikali mkono kwa kuchukua hatua hiyo na kuwahimiza wazitue silaha ambazo zimetumiwa vibaya. Ikiwa kuna watu ambao wana silaha kinyume cha sheria, silaha hizo pia zitwaliwe na Serikali ili tuwe na amani katika nchi hii. Si lazima wewe uwe kiongozi, itategemea mipango ya Mungu kabla hujazaliwa. Ikiwa ameamua hutakuwa kiongozi, huwezi! Tunataka nchi nzuri.

Tumeitwa majina mengi, Bw. Naibu Spika wa Muda, kama vile, "Wewe ni KANU mole" na kadhalika. Tumezoea kuitwa majina hayo. Ikiwa kuna mambo ambayo waheshimiwa Wabunge wenzako wanataka nami siyataki, nitakuja hapa Bungeni na kukataa mambo hayo. Siwezi kukubali kujadili mambo kama hayo kupitia vyombo vya habari na watu ambao hawajachaguliwa na hawataki kusimama kwa sababu wanajua hawawezi kushinda kiti cha Ubunge. Pia sitakubali kushawishiwa nikiwa kule nje ili niwaunge mkono. Ningependa kuwaambia waheshimiwa Wabunge wawasilishe mambo yao hapa Bungeni kwa sababu tuko hapa kama kundi moja. Tunataka waheshimiwa Wabunge watoe maoni yao hapa Bungeni ili tufanye maamuzi yetu pamoja. Tabia hii ya waheshimiwa Wabunge kutumia vyombo vya habari kuwatukana waheshimiwa Wabunge wengine si nzuri.

Kwa hayo machache, Bw. Naibu Spika wa Muda, ninaunga mkono.

Mr. Chebelyon: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili niunge mkono Hoja hii.

Bw. Naibu Spika wa Muda, leo ni siku kuu kwa sababu mambo haya yanazungumzwa na pande zote za Bunge hili kwa kauli moja, ingawa kuna wale wachache ambao hawataki amani katika nchi hii. Historia inatuonyesha ya kwamba, wakati kina hayati Mzee Kenyatta na wanasiasa wenzake walienda uko Uingereza kuandika Katiba ya nchi hii, hayati Mzee Kenyatta aliulizwa maswali mawili: "Je, umekujaje hapa Uingereza?" Ninanakili vile alivyosema kwa Kiingereza: "We have come here for reconciliation and not for rigidity." Hivyo ndivyo hayati Kenyatta alisema. Na wakati mwingine alitupia mayai ambayo yalikuwa yameoza na nyanya zilizoza, na akaulizwa: "Je, unafikiriaje juu ya mambo haya?"; na aliwajibu: "Hakuna pahali popote duniani pasipokuwa na wendawazimu." Kwa hivyo, ningependa kusema ya kwamba kutofautiana kwa maoni ni lazima, lakini tofauti hizo zisitumbukize nchi kwenye shida na matata mengi ambayo wengine wetu tumewahi kuyaona.

Bw. Naibu Spika wa Muda, katika enzi za Mau Mau, wengi wa wale wanazungumza leo walikuwa watoto wadogo lakini wale waliona hiyo vita hawangekubali jambo kama hilo lirudiwe tena katika nchi hii. Wale walioshuhudia shida iliyotokea huko Molo na wanazidi kufunika masikio yao, si viongozi wala tu ni watu ambao wameajiriwa na mabwana wao nje ya nchi hii. Wanataka kutumbukiza nchi hii kwenye shida. Ninajua ya kwamba maoni yao ni maoni ya mabwana wao ambao wametumia Waafrika katika sehemu nyingine za Afrika kutumbukiza nchi zao kwa shida, kwa sababu ya tumbo zao. Mimi sijali maslahi yangu binafsi na yale ya watoto wangu, lakini najali yale ya wajukuu wangu. Mimi na watoto wangu tumekula ya kutosha kwa sababu ya amani tulio nayo. Hao nimewapatia viazi, Maziwa na kila kitu. Mimi nimekula siagi na nitaendelea kuila. Hata watoto wangu pia

wamekula siagi na wataendelea kunywa maziwa ya nchi hii. Our problem is not where we are, but where we are heading. Ni lazima tuone ni nini kiko mbele. Tunataka kunywa maziwa, chai na kila kitu katika nchi hii. Kwa hivyo, yafaa tunywe kwa amani. Tumejaribu mpaka penye tumefika. Sisi tumezaa, watoto wetu wamezaa na pia wajukuu wetu wamezaa. Kwa hivyo, tunaangalia ni nini watakula kwa siku sijazo. Kwa hivyo tukizungumza, tufanye hivyo tukijua nchi hii ni ya maana kuliko vile tulivyo sisi wenyenwe. Wazazi wetu wametuleta mpaka mahali tumefika na tuwabebe watoto wetu mpaka mahali fulani, ili maisha yao yawe bora kuliko vile tulivyofanyiwa na ndugu zetu.

Bw. Naibu Spika wa Muda, Hoja ya leo ni ya maana sana kwa sababu pande zote za Bunge hili zimepoteza wakati mwingi kwa kujadiliana kwa mambo yale ambayo hayastahili kujadiliwa na viongozi. Kwa hivyo tuwe viongozi wa kuongoza wale walioko sasa na vizazi vijavyo. Tukifanya hivyo kutakuwa na umoja katika nchi hii, hata katika vizazi vijavyo. Kuna watu ambao wanafikiria wako na ujuzi kuliko wengine. Mungu amewapa watu akili, na watu wote ni sawa. Watu wengine wasifikirie wako na akili kuliko wenzao. Sisi zote ni sawa. Ninazungumza kwa niaba ya watu 120,000 wa constituency yangu na wanaunga mkono mazungumzo haya.

Kwa hayo machache, naunga mkono.

Mr. Nyagah: Mr. Temporary Deputy Speaker, Sir, let me begin by saying; *vox populi vox Dei*; "the voice of the people is the voice of God". The people have said! For the first time, we seem---

Prof. Mzee: On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is directed to the Chair. The Chair is deliberately preventing some people with strong views on this Motion---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Prof. Mzee! Order, hon. Members. I will make it abundantly clear to you, Prof. Mzee, that first, I have no capacity to know what is on your mind and, secondly, you have no better right than hon. Nyagah to speak on this Motion.

Carry on, hon. Nyagah!

(Loud consultations)

Order, hon. Members! Each and every hon. Member in this House is equal to the other. You shall all be treated equally. The tradition is that you must catch the Speaker's eye. If you do not catch it, too bad!

(Mr. Farah stood up in his place)

Mr. Nyagah: Hon. Farah, you have had a chance to speak on this Motion!

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Farah, you have spoken on this Motion. When you spoke, you were listened to in silence. Can you listen to hon. Nyagah in silence?

Mr. Nyagah: Mr. Temporary Deputy Speaker, Sir, never mind that I have lost three extra minutes, but I will try and put forward what I have to say. Kenyans can count on us.

When we first went to negotiate amongst our Members, we did so, and we had no doubts in our minds, that the Government was committed to what we were going to discuss and agree on. We did so, not because we were lured into so doing, but I would like to urge the Government on one thing. The Attorney-General can come up with a beautiful Bill, and we can agree on what we have agreed to achieve through this Bill, but the onus is still on the Government to implement what is contained in the reform package. Having said so, I was driven to the negotiating table because of four things. The first one is our common destiny. The second one was trust. The third one was tolerance and patience. The fourth one was the national identity of this country. Having said so, let me say "thank you" to the NCEC, for the role that they played, but they have overstepped their mandate. That is what I would want to say. I say so in a position of being a hardliner in the Opposition, and in my beliefs. We also know that there are certain governments represented in Kenya, that want to create mayhem by funding the NCEC, to run a parallel Government. They intend to spend up to Kshs385 million and I need a challenge on this one!

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker Sir. Hon. Nyagah has made a very serious allegation that there are foreign Governments that are funding certain Members of Parliament to cause chaos here. Could he be asked to substantiate that allegation?

Mr. Nyagah: Mr. Temporary Deputy Speaker, Sir, the truth will prevail. What I have said is the truth. A number of people who have been left in NCEC are people who have one foot here and the other one there. They have no party to go to. We do not want bloodshed in this country. This is what we are saying.

(Applause)

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Toboa! Toboa!

Mr. Ndicho: On a point order, Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, Mr. Mutiso! If you appreciate what your colleague is saying, you thump your feet. You do not heckle and say "toboa".

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, one, hon. Munyasia challenged hon. Nyagah to name the seven foreign Governments that have been funding some Members of the NCEC. Two, hon. Nyagah has cast aspersions at those of us who have been left in the NCEC by saying that we have one leg here and the other one there. Is he in order not to substantiate what he has been asked by hon. Munyasia and also withdraw the statement he has made that some of us have our feet in different parties?

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Ndicho!
Proceed, Mr. Nyagah.

Mr. Nyagah: Hon. Ndicho has been dining and wining with President Moi all through. Now, those are the people I am talking about.

Lastly, I also want to urge the Government to find out about a project called "Project Gideon" which concerns the creation of militia in this country---

With those few remarks, I beg to support.

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

The Temporary Deputy Speaker (Mr. Wetangula): I have given the Floor to Mr. Moiben.

Mr. Moiben: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support the Motion---

(Hon. Members consulted loudly)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! I know this may be an exciting Motion, but can you suppress your excitement?

Mr. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that this Motion has been discussed fully and people outside would want to see action being taken by the Government, would I be in order to ask that the Mover be called upon to reply?

(Messrs. Ndicho, Orengo and Nyanja remained standing)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order Messrs. Ndicho, Orengo and Nyanja. You know that we cannot all be on our feet at the same time. Order, Messrs. Nyanja, Orengo and Nyanja!

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! If you want to show disrespect to the Chair, I will not hesitate to apply the rules.

(Mr. Nyanja interjected)

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Nyanja, be warned that Members do not speak on account of lists supplied to the Chair; they speak on account of the discretion of the Chair.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I would like to be extremely brief here, and what I want to say---

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. When hon. Nyagah was contributing, he said that I dined with President Moi. Hon. Nyagah knows State House whereas I do not know it. It is so unfortunate that he is not here.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, Ndicho!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I have not finished my point of order.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Ndicho! Will you sit down?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, why should you discriminate against others?

The Temporary Deputy Speaker (Mr. Wetangula): Proceed, Prof. Saitoti.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I would like to say only one sentence; to those who are opposed to this Motion that is in the interest of wananchi, when the time comes, the electorate will hand over the proper judgement.

I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, 18th September, 1997, at 2.30 p.m.

The House rose at 6.30 p.m.