

KENYA NATIONAL ASSEMBLY

PARLIAMENTARY DEBATES

4TH SESSION . 7TH PARLIAMENT . VOLUME 7 . NUMBER 1

HANSARD
(OFFICIAL REPORT)

Tuesday, 21st March, 1995

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NATIONAL ASSEMBLY

OFFICIAL REPORT

Seventh Parliament - Fourth Session - First Day (Seventh Parliament established by Proclamation - Legal Notice No.57 of 3rd March, 1993)

Tuesday, 21st March, 1995

STATE OPENING OF NEW SESSION

The National Assembly met at Thirty Minutes past Two O'clock at Parliament Buildings on Tuesday, 21st March, 1995, it being the first day of the New Fourth Session.

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

[His Excellency the President (Mr. Daniel arap Moi) escorted by the Speaker and accompanied by the Mace of the National Assembly, entered the Chamber at Fifty Minutes past Two O'clock]

[His Excellency the President (Mr. Daniel arap Moi) took the Chair]

(The Mace of the National Assembly was placed on the Table)

PRAYERS

Mr. Speaker: Your excellency, hon. Members, may I call upon the Spiritual Leaders to offer prayers for the New Session.

Prayers were then said by the following:

The Rt. Rev. Bishop David Gitari, Bishop Urbanus Kioko, Sheikh N. M. Nahdy, Councillor Sechura ole Nchoe and Rt. Rev. Bernard Muindi.

COMMUNICATION FROM THE CHAIR

WELCOME TO HIS EXCELLENCY THE PRESIDENT

Mr. Speaker: Your Excellency, once again, it is my great pleasure to welcome Your Excellency to Parliament Buildings. We welcome you most heartily - not as a stranger but in your capacity as the longest serving parliamentarian and above all as the Head of State - to officially inaugurate the Fourth Session of the Seventh Parliament.

Your Excellency, we do recall that two years ago, during the Official Opening of this Seventh Parliament, you remarked "Each of the political parties have its own unique political stand. This is as it should be, since political parties are in the first place an expression of diversity in political persuasions.

Notwithstanding the parties we belong to, we are representatives of our people.... We are therefore duty bound to promote and safeguard the welfare and interests of the Kenyan people". This calling Sir, is, indeed, a living testimony to our own motto of service engraved in the entrance to this Parliament Building "For the Welfare of Society and the Just Government of Men".

While noting that major political reforms which have taken place in the recent past have in one way or the other posed great challenges to Parliament, it is gratifying to witness how Hon. Members have grappled with the effects of the wind of change; and, are gradually settling down assimilating the parliamentary politics of tolerance in the spirit of give and take. However, as I alluded to last year, these periods of fundamental changes are always accompanied by political risks and opportunities. As in the case of most human affairs, a parliamentarians's career begins with great visions and hopes, but as time goes on, some of these visions are shattered by realities, and success or failure depending on how one reacts to these realities. But, it is vital to bear in mind all the time that Kenya is one nation and hence all our deliberations should be for the good of all. This Parliament represents the Republic. Hon. Members

[Mr. Speaker]

are therefore expected to set examples of hard work and integrity through constructive debates in pursuit of what is good and fruitful to all Kenyans.

May I take this opportunity to remind Hon. Members that regardless of their party affiliations, they are entitled to, and will always be accorded the same rights and privileges. They also have more or less the same responsibilities. It therefore behoves everyone of them to take the functions of Parliament, as an august institution, more importantly and above party interests and loyalties.

I, on my part, do reaffirm what I pledged two years ago in my Acceptance Speech that I will do all in my power to preserve the Speakership and its traditions... and ensure the voice of the minority is always accorded a fair hearing. It is with this realisation that I do undertake, at all times, to uphold and protect Member's individual rights and privileges and above all to enforce the rules and regulations in strict compliance with the Standing Orders and other Parliamentary practices and conventions.

Your Excellency, it is not my wish to tire you with the nitty gritty of parliamentary etiquettes but to underscore our resolve and total commitment to support parliamentary democracy and all its inherent values.

Sir, we are anxiously awaiting to hear your address which undoubtedly will outline the programme of business for the current Session. It is now my greatest privilege and honour to invite Your Excellency to address the august House.

Thank you.

PRESIDENTIAL ADDRESS

His Excellency the President (Mr. Daniel arap Moi): Mr. Speaker, Sir, my first and very pleasant duty this afternoon is to welcome all hon. Members to the Fourth Session of our Seventh Parliament. I trust that hon. Members have had enough time to consult their constituents and are now even better prepared to represent the wishes of the electorate for the benefit of the country. Our happiness is, however, incomplete on this occasion due to the recent departure of our colleague, the late hon. John Musembi Kyalo, Member of Parliament for Machakos Town. May I now request this House to rise up and observe a minute's silence in honour of that faithful son of Kenya and a knowledgeable debater.

(The House observed a minute's silence in honour of the late hon. Kyalo)

During the Third Session of the Seventh Parliament I appealed to hon. Members to be at the forefront in adopting a patriotic stand to national issues. I deliberately emphasise this need for a united, self-less

and patriotic approach to national issues for two reasons. Firstly, it is my genuine conviction that Kenyan deserve the best from all their leaders. Secondly, there is a duty of Parliament to set a good example and offer guidance to other institutions, especially the local authorities. I will never get tired of reiterating that the over-riding concern of every Kenyan, and particularly leaders like the hon. Members in this august House, irrespective of party affiliation, should be to preserve unity and the essential character of our nation.

As we go about our business of formulating laws and debating policies in this august House we are duty-bound to speak and conduct ourselves in a disciplined manner. Indeed, a manner befitting hon. Members. All of us should carefully examine the statements we make both in this House and elsewhere and ensure that they are beneficial to the nation. Irresponsible utterances can mislead our people and undermine the unity we have worked so hard to achieve. In discussing Bills sponsored by either the Opposition or the Government I hope hon. Members will draw a clear distinction between party interests and broader national goals. In this regard, as I have said on a previous occasion, I do not expect Members of the ruling party to oppose a Bill merely because it is sponsored by the Opposition. Similarly, I do not expect the Opposition to block legislation simply to frustrate the Government. We must all work towards the realisation of the national interest. That is what our people expect from us.

As I have said on many occasions, the welfare of wananchi and our national sovereignty must remain the focus of all our national development efforts. There is need, therefore, to rededicate ourselves to the ideals of patriotism. As law makers we are duty-bound to promote and safeguard the interests of the people and the country at large. This can only come about through the harnessing of our efforts and resources in all our development goals and strategies. Meaningful development must, therefore, bring with it tangible benefits which will enhance the quality and standard of life for our people. It is, therefore, imperative for all of us to endeavour to always promote peace and stability. I need not over-emphasise the importance of maintenance of law and order in our nation. We should not take our hard-won peace and development achievements for granted. More than ever before we should strive to maintain peace and tranquillity, without which there can be no development. The painful lessons of the breakdown of law and order, leading to total chaos and national disintegration in some countries of the region are all too clear examples for us to take note of. It is, therefore, imperative for all Kenyans to be vigilant

[His Excellency the President]

against those designs and forms of threat to our security, national stability and sovereignty as a country. My Government will never compromise in discharging its duty to protect all Kenyans and their property. Hon. Members must play their part in the consolidation of national unity. Divisive and parochial political interests, which encourage destructive politics, which can undermine the very basis of our nationhood, must not be allowed to take root.

Mr. Speaker, Sir, as you are aware, my Government supported the structural adjustment programme with a hope to putting the economy back on high positive and broad path. Indications so far are that these reforms have begun to yield gain. However, the reforms have had a severely negative impact on the lives of the vulnerable members of our population. It is in recognition of this and the need to cushion the poor from the effects of liberalisation that I convened and chaired a national convention on social dimension of development on 12.10.94. My Government, with the assistance of donors, is already funding some social dimension projects, which are part of the public investment programme. Some of these were presented at the national conference on social dimension of development mentioned earlier and also at the consultative group meeting in Paris in December, 1994. My Government's participation in the recently-concluded world summit on social development in Copenhagen in Denmark, where alleviation of poverty was discussed at length, forms part of the efforts aimed at identifying more projects and seeking additional support in this enterprise.

During the working of the Fourth Session of the Seventh Parliament hon. Members will be called upon to deliberate on a number of Bills which will be laid before the House by my Government. The Bills cover a wide range of issues which affect our people and their welfare. I would like to reiterate my earlier statement on the need for joint and realistic approach amongst hon. Members towards the improvement of our people's welfare.

In conclusion, let me emphasise the sanctity of our Parliament and the immense expectation our people have from this institution. There should be seriousness and commitment by hon. Members regarding

Parliamentary business. I expect a great deal of decorum during debates, respect for the Standing Orders, attendance and smooth transaction of Parliamentary business throughout the Session. This is the least that the electorate expect from their representatives. Let us all join together to make the welfare of our people even better and our country the best place to live now and in future.

With those remarks, Mr. Speaker, Sir, I wish you and the hon. Members a fruitful Session.

Thank you.

NOTICE OF MOTION**THANKS FOR THE PRESIDENTIAL ADDRESS**

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

THAT the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 21st March, 1995.

DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

Mr. Speaker: Hon. Members, it is now His Excellency's pleasure to take his leave.

(His Excellency the President, in procession, left the Chamber)

ADJOURNMENT

Mr. Speaker: Hon. Members, the House is now adjourned until tomorrow, Wednesday 22nd March, 1995, at 9.00 a.m.

The House rose at 3.35 p.m.

KENYA NATIONAL ASSEMBLY

PARLIAMENTARY DEBATES

4TH SESSION . 7TH PARLIAMENT . VOLUME 7 . NUMBER 1

HANSARD (OFFICIAL REPORT)

Wednesday, 22nd March, 1995

Morning Sitting

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NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 22nd March, 1995

The House met at 9.00 a.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

APPOINTMENT OF SESSIONAL COMMITTEE MEMBERS

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

THAT, this House orders that the business appearing in....

Mr. Shikuku: Mr. Speaker, Sir, did I hear the Leader of Government Business say that he begged to give notice? This notice was given yesterday!

An. hon. Member: He is still learning!

(Laughter)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Indeed, Mr. Speaker, Sir, I do wish to give the notice of the following Motion that the following Members be appointed as members of the Sessional Committee and those Members' names do appear in the Order Paper.

Mr. Speaker: Order now! I appreciate we have had a rather lengthy stay in the recess, but that does not mean that we shall have short-cuts. We have to read the Motion exactly the way it is, word for word.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Thank you very much. Mr. Speaker, Sir, I had only taken the advantage of the literacy of all the Members of this august House, and I was trying not to take too long on it. However, Sir, I beg to give notice of the following Motion:-

THAT, the following Members be appointed as Members of the Sessional Committee:-

Prof. The Hon. G. Saitoti, M.P. - (Chairman)

Dr. The Hon. Z.T. Anyonka, M.P.

The Hon. P.J.W. Masinde, M.P.

The Hon. J.J. Kamotho, M.P.

The Hon. D.A. Otieno, M.P.

The Hon. Hon. K. Kones, M.P.

The Hon. W.R. ole Ntimama, M.P.

The Hon. Kamwithi Munyi, M.P.

The Hon. A.M. Khalif, M.P.

The Hon. Boy Juma Boy, M.P.

The Hon. K.N.K. Biwott, M.P.

The Hon. G.M. Ndotto, M.P.

The Hon. M.C. Wamalwa, M.P.

Prof. The Hon. Rashid Mzee, M.P.

Dr. The Hon. Mukhisa Kituyi, M.P.

The Hon. G.G.W. Nthenge, M.P.

The Hon. J.M. Shikuku, M.P.

The Hon. Stephen Ndichu, M.P.

The Hon. Mwai Kibaki, M.P.

The Hon. Martha Karua, M.P.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS UNDER STANDING ORDER NO. 33

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

THAT, this House orders that the Business appearing on today's Order Paper be exempted from the provisions of Standing Order No.33, being a Wednesday Morning, a day allocated for Private Member's Motions.

Mr. Speaker: Sir, I am prompted to bring this Procedure Motion because, this being a new Session, the Sessional Committee has not yet been appointed, and therefore, the Motion is to enable the House to deliberate on the next Motion, namely, the appointment of the Members of the Sessional Committee, who will then draw up the Business of the House.

So, Mr. Speaker, Sir, I beg to move.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I stand to second the Motion. It is important that the Motion is supported by Members to give the

[The Minister for Labour and Manpower Development]

Sessional Committees the opportunity to sort out whatever we have to discuss in this House. I beg to support.

(Question proposed)

Mr. Kamuyu: Thank you, Mr. Speaker, Sir. I concur with the mover that, this provision of Standing Order No.33 be put aside so that the Sessional Committee can indeed be formalised so that it can give us the business of the House. I observe that 12 KANU Members and eight opposition Members is indeed a great imbalance in this Sessional Committee, and I do---

Mr. Speaker: Order! You are anticipating a Motion whose notice has been given? You must wait for that Motion. Can you concentrate on the Motion before the House?

Mr. Kamuyu: Mr. Speaker, Sir, yes, I will indeed. I was just touching on my way---

Mr. Speaker: Order, Mr. Kamuyu! There are no short cuts to the Standing Orders. You must strictly adhere to them.

(Applause)

Mr. Kamuyu: Mr. Speaker, Sir, I do urge that when the Sessional Committee meets, to concentrate on urgent, national issues so that we can be able to debate matters that have been hanging in the air for a long time, such as the fate of "Brig. Odongo", and so on. I do support.

(Applause)

Mr. Nthenge: Mr. Speaker, Sir, I rise to support this Motion. This is a procedural Motion and we really require to be formal. We need to pass this Motion to pave the way for the appointment of the Sessional Committee and give it time to do its work.

I do not have to take much time of this House and with those remarks, I fully support the Motion.

Mr. Shikuku: Mr. Speaker, Sir, I thought that the Leader of Government Business should have tried to explain why this Motion is before the House this Morning. This Motion is here because of two reasons. One, today is a Private Members' Day but there are no Private Members' Motions. So, there are no Motions to be exempted from the provisions of Standing Order No.33. Secondly, those who have not renewed their Motions should not expect them to appear on the Order Paper. They were supposed to do that yesterday or some days before yesterday. Therefore the Members of the Sessional Committee will have to sit and look at the Business and after that we can fix the sittings. So, it is

just important that we have to adopt this Motion because there is no way out.

Mr. Ndicho: Mr. Speaker, Sir, I also rise to support this Procedural Motion. I would also like to say that at this time there are very many crucial issues that this House should deliberate upon and which Kenyans expect us to deal with, especially the issue of KCPE last year; the issue of the guerrilla movement and the issue of the security of this country. So, I hope that Government Ministers will be very serious this year in answering our Questions appropriately and adequately.

Mr. Speaker, Sir, we are also looking forward to debating the issue which His Excellency the President mentioned yesterday during the State Opening of this Parliament. This is the issue of constitutional reforms and---

Mr. Speaker: Order, Mr. Ndicho! What has that got to do with this Motion? Why can you not wait until the time is ripe? Could you address yourself as to whether or not the provisions of Standing Order No.33 should be accepted?

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, I would I be in order to move that the Mover be now called upon to reply?

(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. Speaker, Sir, I beg to move.

(Question put and agreed to)

MOTION

APPOINTMENT OF SESSIONAL COMMITTEE MEMBERS

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

THAT, the following Members be appointed as Members of the Sessional Committee:-
 Prof. The Hon. G. Saitoti - Chairman
 Dr. The Hon. Z.T. Onyonka, M.P.
 The Hon. P.J.W. Masinde, M.P.
 The Hon. J.J. Kamotho, M.P.
 The Hon. D.A. Otieno, M.P.
 The Hon. K. Kones, M.P.
 The Hon. W.R. ole Ntimama, M.P.
 The Hon. Kamwithi Munyi, M.P.
 The Hon. A.M. Khalif, M.P.
 The Hon. Boy Juma Boy, M.P.

[The Vice-President and Minister for Planning and National Development]

The Hon. K.N.K. Biwott, M.P.
 The Hon. G.M. Ndotto, M.P.
 The Hon. M.C. Wamalwa, M.P.
 Prof. The Hon. Rashid Mzee, M.P.
 Dr. The Hon. Mukhisa Kituyi, M.P.
 The Hon. G.G.W. Nthenge, M.P.
 The Hon. J.M. Shikuku, M.P.
 The Hon. Stephen Ndicho, M.P.
 The Hon. Mwai Kibaki, M.P.
 The Hon. Martha Karua, M.P.

Mr. Speaker, Sir, I am sure that the hon. Members are fully aware of the important Business which is usually performed by the Sessional Committee. I do not wish to take the time of this House by restating once again the role of the Sessional Committee except to say that it is the Sessional Committee that usually sits down at various times to draw up the Business of the House when the House comes from recess. So, we should be able to arrange all items in order of priority and there should be a Committee of the whole House which should sit down to work out this composition. That is the work of this very, very important Sessional Committee.

A perusal of this list of names here will reveal that it contains names of Members from all shades of political affiliations who are represented in this House. I want to commend this proposal to the Members. Undoubtedly there may be Members who would like to talk about the proportions namely, the Government vis-a-vis that of the Opposition. But there are very well laid out reasons why that is the case. Just as much as in the case of the PAC and PIC membership, it is always in favour of the Opposition. This has been the tradition and it is in keeping with Parliamentary procedures throughout the world; that the majority of the Members actually come from the Government side.

With those remarks, I beg to commend this Motion to the Members of the House.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I rise to second this Motion. The Members of this Committee are well balanced according to the parties to which they belong. I am sure this has been done after thorough and proper consultations and I therefore appeal to the Members to support the Motion so that it can permit the Committee to get into serious Business.

I beg to second.

(Question proposed)

Mr. Orenge: Mr. Speaker, Sir, I wish to support this Motion and make the following observation:

First, there seems to be a high proportion of Nominated Members in this Committee. I know that

this is a matter which the party opposite has discretion on, but it would be important that in---

Mr. Speaker: Order, Mr. Orenge! As the Speaker, I have sworn to protect the rights of the minority including that of hon. Nominated Members. They have equal rights in this House like every other hon. Member including you.

Mr. Orenge: I was supporting the Motion Mr. Speaker. I am not--

Mr. Speaker: Order! Whether you support the Motion or not, you have absolutely no rights to cast any aspersions on other hon. Members.

Mr. Orenge: But Mr. Speaker--

Mr. Speaker: Order, Mr. Orenge! If you interfere or interject again when I am making a communication. I will deal with you in the usual manner that I deal with any other hon. Member. I make no exemption whether one is an elected or Nominated Member. You are all hon. Members of this House and as I said yesterday, you enjoy the same rights and are subjected to the same obligations. So, please do not put any aspersions on any hon. Members of the House.

Mr. Orenge: Mr. Speaker, Sir, I was just stating a matter of fact. I was talking about proportions. The Leader of Government Business has said that this Committee reflects all shades of political representation in this House, and my comments are to do with a matter of fact that the proportion of Nominated Members is high in the Membership of Sessional Committee and this does not augur well for the purpose of discussing urgent issues which should be decided on a democratic basis. Be that as it may, I would wish to make a recommendation to the Sessional Committee when it sits to discuss the business for this Session, that it should think seriously about proceedings which take place before the PAC and the PIC. These proceedings should be open to the public. They should not be done in camera because for a whole year, the whole nation does not know what is happening in the PAC and the PIC.

Mr. Speaker, Sir, if you look at the principal basis upon which we are elected, from the old principal of no taxation without representation. The most important Committees in this House are PIC and the PAC, and yet civil servants appear before these Committees giving evidence and the nation does not have any idea on how they defend themselves before these Committees. It is their right to know whether those Committees are doing their work properly or those who are appearing before those Committees are answering questions adequately and satisfactorily. It is a long time to wait for a whole year for the Reports of those Committees.

Mr. Orengo

Secondly, Mr. Speaker, Sir, I also wish to appeal to the Leader of the Government Business since in many ways, in matters to do with this House, and this is exemplified by the fact that he is the one who chairs the Sessional Committee, to try and find the basis upon which the dignity of this House can be protected. When a Member of this House is arrested for whatever reason that has a direct influence and effect on the dignity of this House. The manner in which the hon. Members of Parliament are being arrested and accosted all over the country for one reason or another is not something that the Leader of Government Business should keep quiet about.

(Applause)

The Sessional Committee should look into this matter so that the dignity of this House is protected. In a similar fashion, if anyone of us loses his life, we all pay respect. When the late Hon. Kyalo was being laid to rest, I was impressed by the fact that many opposition Members appeared for the service and the burial. In a similar fashion, if any hon. Member of this House is arrested and prosecuted, and has not been convicted, he is still innocent before the law, and hon. Prof. Saitoti should go to Nakuru and find out why hon. Mungai is still in custody.

In any case, maybe he is hon. Mungai's brother. We never know really. So, Mr. Speaker, these are things which we should not take for granted. Indeed, the Standing Orders are based on the Westminster model. The arrest of hon. Members of Parliament while the House is in session is not something to be proud of. Since hon. Members continue to be arrested for one reason or another, and most of the times those charges are withdrawn anyway, the Sessional Committee should take up and find out why people are constantly being arrested for no good reason. In fact, I had the occasion to appear in a court in Nakuru when I told the Magistrate "I can assure you these cases are going to be withdrawn: they are just acts of harassment." He finally saw that the cases were withdrawn. So the Sessional Committee should ensure that the dignity of the House is protected safeguarded.

Mr. Speaker, Sir, the other thing which I would like to put before the House which the Sessional Committee should consider is that we do not have an Opposition Day in this House. That means that because of the majority held by KANU or the Government in the Sessional Committee, all the matters which come before this House, are decided upon by KANU and that is wrong. The Westminster model requires that you have a day when the Opposition can decide for themselves what business they want to put before the House. If it is Odongo issue or whatever issue, they are the ones to

decide. It is just like the Government decides which Government business takes priority. It is not a matter for the Sessional Committee to decide. It is the Government itself which decides. So, we want a situation where the opposition can decide what they want to discuss on Wednesday morning. This is because from the experience of last year, there were some very important Motions which we wanted to be debated before this House, like the conduct of hon. ole Ntimama, but due to their majority in the Sessional Committee, that Motion never came before the House.

(Applause)

It is not surprising that the man never changed thereafter because he knew we cannot discuss him, because he has protection.

Mr. Speaker, Sir, you and the Clerk go to Westminster every year. For instance, yesterday when you were coming in I thought you are the Speaker of the House of Commons because you were wearing exactly the same robe as the Speaker of the House of Commons wears. So, I urge you and the Clerk to prevail upon the other side. Sometimes they do not hear to find the necessity of having an Opposition day in Parliament. We want to discuss serious issues. We do not want to discuss hon. ole Ntimama this time. We want to discuss about the Constitution, corruption and sound economic management. These are crucial issues which we want to bring before the House. If you want to discuss Odongo you can do so and then we will show you that it is a figment of your imagination.

(Applause)

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir, Hon. Jimmy Orengo, in his usual cynical manner, made a very categorical statement that I held a meeting with the man his Party supposes to be Brigadier Odongo. Could he substantiate that statement or withdraw it?

Mr. Orengo: Mr. Speaker, Sir, if hon. Sunkuli held a meeting with Odongo, it would be much easier for him or Odongo to tell us so and we would be prepared to take his word or hon. Odongo's word. However, if--

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir, Are you really satisfied that hon. Orengo has substantiated his allegation? He is, in fact, aggravating the situation by making a statement of fact but refusing to--

Mr. Orenge: On a point of order, Mr. Speaker, Sir. Is the hon. Assistant Minister really in order---

Mr. Speaker: Order! I have been listening carefully to what hon. Orenge has been saying, but this being the first day of a new Session, I have been a little bit more patient than usual.

However, I would like to caution hon. Orenge to be mindful of the Standing Orders of the House because I am not going to allow him anymore, to have any broadside on any hon. Member. So, hon. Orenge, could you please stick to the Motion before the House?

Mr. Orenge: Mr. Speaker, Sir, I will comply with your ruling and I think on that note, I beg to support.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I beg to support this important Motion regarding the appointment of the Sessional Committee which will be responsible for setting up the agenda of this House during this Session. In doing so, Mr. Speaker, Sir, I would like to make one very brief point, that you have sworn to ensure that all Members of this House are treated equally. However, my own observation during the previous Session was that hon. Members of the Opposition tended to treat Wednesday morning sitting as an opposition day which does not exist in our Standing Orders. The Back-benchers in the ruling Party should be treated similarly to the Members of the Opposition. I am saying this because during the last Session, we witnessed a situation where Motions brought by the Opposition were passed by the Sessional Committee and prioritised higher than Motions from Members of the ruling Party.

Hon. Members: No! No! No!

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is it really in order for the Assistant Minister to deliberately mislead this House? We know that Motions are never prioritised by the Sessional Committee, but are actually balloted. I am sure the Chief Whip will bear me out when I say this because we do not prioritise any Motion in the Sessional Committee. Motions are normally balloted and if in the last Session, there were more Motions brought to this House by the Opposition Members than by the Members of the ruling Party, the reason would be because the KANU Members themselves are satisfied.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I do not think that was a point of order. I am saying this because although Mr. Speaker can approve any Motion to be placed before the Sessional Committee, that does not, in fact, tell about the quality of a particular Motion. This is because you get Opposition Members bringing Motions which do not have any relevance to the development or the welfare of the citizens of this country.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Assistant Minister to continue misleading this House? I have clearly indicated that the Sessional Committee does not prioritise Motions, but actually ballots the Motions and therefore, there is no way Motions from the Members of the Opposition can be prioritised. So, what he is trying to tell the House is not true.

Mr. Speaker: Order! Indeed the Motions that come before the Sessional Committee balloted by the Sessional Committee and we should not make this an issue. However, I think I must now steer the House back to the Motion under Order No.7 which is now before the House, and which says:-

"THAT, the following
Members be appointed as Members
of the Sessional
Committee....."

I would like to ask every hon. Member who will stand to contribute to this Motion, to be strictly relevant to the Motion. So, any irrelevance to the Motion will force the Chair to invoke the relevant Standing Order to declare the hon. Member involved, irrelevant and if necessary, to discontinue the speech of that hon. Member. So, from now on any hon. Member wishing to contribute to debate on this Motion, will only be heard if he is relevant to the Motion.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, it is expected that on the first day of a new Session, we have a lot to say, but since I do not want to be ruled out on the basis of being irrelevant, I beg to support the Motion.

Mr. Murungi: Mr. Speaker, Sir, I stand to support this Motion. I would first of all like to say, that all the hon. Members who have been proposed to be appointed Members of the Sessional Committee are hon. Members and that they are going to plan the business of this House in an efficient manner.

Mr. Speaker, Sir, having said that, I would like to say that the Sessional Committee has an important duty of restoring the dignity of this House by the quality of business it recommends to the House. I am saying this because this Parliament is now in danger of becoming a ridiculous and irrelevant institution due to the kind of issues that we tend to discuss here. For this reason, we would like the Sessional Committee to sort out the burning issues in this country and bring them for debate before the House. We have been talking about constitutional reforms since we were elected into this House in December, 1992. However, up to now, we have not had any bill or Motion concerning

[Mr. Murungi]

constitutional reform brought before this House for debate. So, I would urge the new Sessional Committee to consider this issue as a matter of urgency and bring it to the House for debate.

Secondly, Mr. Speaker, Sir, I would like the Sessional Committee to consider increasing the sitting hours of the House. We would, for example, like the House to be able to sit on Tuesday and Thursday morning so that we have more time for debating serious issues that face this country. Most hon. Members come from upcountry on Mondays and have absolutely nothing to do on Tuesday and Thursday morning.

Thirdly, Mr. Speaker, Sir, we demand transparency and accountability from the Sessional Committee this time.

Mr. Speaker, Sir, last time I attended all the meetings of the Sessional Committee as an observer and I wish to state that the hon. Leader of the Government Business ordered me out of the meeting saying that there was no provision for observers to sit in the Sessional Committee. However, the wananchi also want to know what is happening in the Sessional Committee and if we are demanding transparency and accountability, it should also be there in the Sessional Committee. So, Sir, this time, the Sessional Committee should consider whether other hon. Members who have not been elected to the Committee can also attend the meetings and see what is happening. This is because sometimes as hon. Orenge said, we think important Motions have been passed to the Sessional Committee and we do not know what happened to them; we only hear rumours. So, we would like to be there to know what happened especially to the hon. ole Ntimama's Motion.

(Applause)

Mr. Rotino: On a point of order, Mr. Speaker, Sir, in spite of the fact that some hon. Members of this Committee have been in this here for a long time, I wish to move that the Mover be now called upon to reply.

Mr. Speaker: Order! I think I am inclined to accede to the request because, of course, we have to have business this afternoon to transact and it is this Committee that will give the House the business to transact this afternoon. Therefore, I will put the question.

(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. Speaker, Sir, I beg to reply and I want to be very brief. I think the first thing that I want to assure the hon. Members is that the "arithmetical composition" is very

much in keeping with the ratio of both the Opposition and the Government. Therefore, it is not skewed.

The second point, Mr. Speaker, is to assure this House that because this is the third year that the Sessional Committee will have been appointed with me, as the Chairman, I will endeavour as much as possible to ensure that the deliberations of this Committee are conducted in a civilized and indeed friendly manner, and that the decisions which are arrived at will have been arrived at through consensus. I will not use my position as Chairman to bulldoze things. But I also say that in full recognition of the fact that now this being the third year, I think all of us who are seated here, have matured politically and I also believe - and I hope I am not wrong in that - that our own approach not only in this Committee but also through our own debates in this House will in itself be conducted in a mature manner looking for the facts, making sure that we are indeed guided by the service of the Kenyan people. We will do that and I believe I am not wrong in that.

Mr. Speaker, Sir, once this Committee is sanctioned by the House, I want to announce that the hon. Members so-named will be expected to meet immediately after this so that we can be able to sit down to draft the programme of the business of this House. But let me say one thing. There is one issue that has been talked about and I do not want to go into details because later on there will be ample time when we shall be able to air general matters of public policy. It is the issue of the dignity of this House. I want to ask a rhetorical question: Who is responsible for upholding the dignity of this House? I want to reply and say that it is the duty of each and every one of the hon. Members of this House to uphold the dignity of this House. If each one of us will not take seriously that important duty of upholding the dignity of this House, then no one should go out and say that the dignity is coming down. I think we should agree right from the very outset that it is the duty of every one of us and if an hon. Member goes out of the way to try and abuse the dignity of the House, it should be collective responsibility of all of us, as hon. Members of this House, to ensure that that hon. Member is brought back on track for the interest of this House. I am sure there are such instances and I hope that we will be able to address them when the time comes.

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

ADJOURNMENT

Mr. Speaker: Hon. Members, that concludes the House until this afternoon at 2.30 p.m.
the business on the Order Paper. We will now adjourn

The House rose at 10.50 a.m.