

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th November, 1999

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report of the Departmental Committee on Health, Housing, Labour and Social Welfare on the Medical Laboratory Technicians and Technologists Bill, 1999.

*(By the Chairman of the Departmental Committee
on Health, Housing Labour and Social Welfare)*

ORAL ANSWERS TO QUESTIONS

Question No.584

RETIREMENT OF CHIEF OF
CHANGWITHYA LOCATION

Mr. Deputy Speaker: I believe that hon. Ngilu is out of the country and so, her Question is deferred.

(Question deferred)

Question No.618

ACQUITTAL OF POLICE
OFFICERS BY HIGH COURT

Mr. Muchiri: Thank you, Mr. Deputy Speaker, Sir. I have agreed with the Minister that Question No.618 be deferred until next week.

Mr. Deputy Speaker: Why?

Mr. Muchiri: Mr. Deputy Speaker, Sir, the reason is that I have an answer which is not complete and we need to consult each other further.

Mr. Deputy Speaker: That Question is deferred.

(Question deferred)

Question No.617

IMPOSITION OF DUTY
ON MAIZE IMPORTS

Mr. Mwakiringo asked the Minister for Finance:-

(a) whether he is aware that the 25 per cent duty imposed on maize imports especially during this period of famine has drastically increased the price of maize flour, thereby adversely affecting the common mwananchi;

(b) whether he is further aware that this duty is only applicable to a few importers; and,

(c) whether he could explain why he found it necessary to impose the duty.

The Assistant Minister for Finance and Planning (Mr. Marrirmoi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that 25 per cent duty on imported maize has drastically increased the price of maize flour. Indeed, the policy of the Government has always been to protect both domestic farmers and consumers through tariff measures. As a result, high tariffs have been imposed during the harvesting season to shield farmers from unfair competition arising from increased imports and thus enable them sell their produce at reasonable prices. However, during the period of shortage the law enables the Minister to lower or remove the import duties to enable consumers to access maize at competitive prices.

It is in this regard that the Government recently reduced duty on imported maize from 32.5 per cent to 25 per cent. This was meant to reduce the price of maize to consumers. Hon. Members should, however, note that we cannot open our economy fully to food imports, especially when in some areas of the country, maize is ready for harvesting. While I do acknowledge that certain areas are experiencing famine, at the same time some parts of Western Kenya are expecting a good harvest. What we are working towards is a balanced approach to maize imports.

(b) I am not aware that import duty is applicable to a few importers since the Customs and Excise Act does not provide for selective implementation of the law and besides, such treatment would be contrary to Monopolies, Prices and Restrictive Trade Practices Act.

(c) In view of the reply to parts "a" and "b" above, part "c" does not arise. In any case, there has been no ban on maize imports.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, it is common sense that there is food shortage in this country at the moment. This tax or duty can only imply when we are protecting farmers in this country, with regard to what we are growing locally and what we have. What is the 25 per cent duty for, and who are we protecting because there is nothing we are producing locally?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, we do so in liaison with the Ministry of Agriculture and Rural Development. We get the right percentage from this Ministry at that particular period or season.

Mr. Kathangu: Bw. Naibu Spika, ningependa kujua kutoka kwa Waziri Msaidizi kama anafahamu kwamba Idara ya Utabiri wa Hali ya Anga imeonya kwamba nchi hii haitakuwa na mvua ya kutosha hadi mwisho wa mwezi wa tatu mwaka ujao? Kama anafahamu jambo hili, je ni jambo la busara kwake kusema kwamba Wizara yake haitaagiza chakula kutoka ng'ambo kwa sababu tuna chakula cha kutosha, ilhali tunafahamu kwamba hakuna chakula cha kutosha nchini?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, the Ministry of Finance and Planning is there to ensure that duty is paid, but that question should be answered by the Minister for Agriculture and Rural Development.

Mr. Anyona: Mr. Deputy Speaker, Sir, in the first place, I thought that there was a mutual contradiction in the Assistant Minister's answer when he said that the imposition of duty was meant to protect both the farmers and the consumers. It is possible that the consumer would get maize from elsewhere more cheaply than locally, but be that as it may, I think the Government should not apply duty haphazardly. Duty is intended to protect the local farmers and generate revenue. In this situation there is famine in the country and so, there is no question of protecting farmers. Therefore, there cannot even be a question of revenue generation because one cannot collect it when people are dying. Could this Ministry apply duty rationally so that we do not affect our people who are suffering from famine at the moment?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, I agree with the hon. Member that tariffs are applied according to the prevailing situation of food in the country.

Mr. Nderitu: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to tell this House what the Ministry is doing to buy maize from farmers in Rift Valley, to feed people who are starving in other parts of the country?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, the NCPB is buying maize from farmers in Rift Valley.

Mr. Ndilinge: Mr. Deputy Speaker, Sir, the Assistant Minister should take this Question seriously because most of us in this House have taken heavy lunch while the common mwananchi has taken nothing. So, there is need for him to make sure that, the duty on maize is waived immediately, so that people can import enough food to feed our people?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, while I agree with the hon. Member that some people are starving in this country, the Government will look into the possibility of waiving tariff on maize.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, right now, there is imminent famine in this country, although farmers in Rift Valley are harvesting maize. Could the Ministry of Finance provide enough funds to the NCPB, to purchase all the maize in Rift Valley? We will not have adequate maize in this country even, if the Government buys all maize in Rift Valley. Therefore, could this Government declare a state of national disaster, so that we get food from well wishers?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, I think that is not possible because there is plenty of food in Rift Valley.

Mr. Ndwiga: On a point of order, Mr. Deputy Speaker, Sir. It is true that maize is now being harvested in Rift Valley and the Government should buy it. However, that maize will not be enough and Kenyans will starve. Could the Government buy maize from Rift Valley and waive duty, so that we import maize cheaply? Could the Government declare a state of national disaster? How many Kenyans must die before the Government realises we have a disaster in this country?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, the tariffs will apply, when it comes to the importation of maize.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, these tariffs are purely artificial. Last year, the politically-correct companies, which do the milling imported wheat, maize and rice. When they were in the high seas, the duty was waived to allow them to off-load their consignments. Other importers had their maize in the high seas at the same time, but they were not allowed to off-load it because the duty was reintroduced immediately those politically-correct companies off-loaded their consignments. Is the Assistant Minister in order, to mislead this House by telling us these tariffs will apply on the importation of food? What are we protecting? As we are saying that, we want to eradicate poverty and attract export market, the Government is still imposing duty on food. Could the Assistant Minister tell us whether these tariffs are only applicable to the politically-correct millers in this country?

Mr. Marrirmoi: Mr. Deputy Speaker, Sir, I am not aware of those politically-correct millers. But let me assure the House that nobody would be allowed to import maize.

Mr. Deputy Speaker: Next Question, Mr. Donde.

Question No.571

RECRUITMENT OF WORKERS
BY STRABURG LIMITED

Mr. Donde asked the Minister for Rural Development:-

- (a) if he could inform the House how many people are employed by Messrs Straburg Limited, which is involved in the rehabilitation of the Yala Swamp; and,
- (b) of this number, how many of the workers are from Siaya and Bondo districts.

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

(a) There are 172 workers employed by Messrs Straburg Limited, a private company involved in the rehabilitation of Yala Swamp.

(b) Out of the 172, 43 workers are from Siaya and Bondo districts.

Mr. Donde: Mr. Deputy Speaker, Sir, that is a very unfortunate answer from the Minister. As he has indicated, there are 172 workers employed by this private company, which is rehabilitating Yala Swamp. Out of 172 workers, only 43 come from Siaya and Bondo districts, where the rehabilitation is being carried out. Could the Minister tell this House why the people of Bondo, Siaya and Budalangi should not be the majority workers within that project?

Mr. Mohamed: Mr. Deputy Speaker, Sir, the company has a total of 172 workers. Out of this, 43 workers are from Bondo and Siaya districts. This is a private company and it has been doing other projects elsewhere. So, it

has its permanent staff which they take from one place to another. During the time of the inauguration of this project, the issue of employment was raised and I gave specific instructions to this company and the Lake Basin Development Authority, to make sure that all the semi-skilled labourers must be employed from those districts. I think, they did that because I have the list which shows that, most of the semi-skilled and unskilled workers are from Bondo and Siaya districts.

Mr. Wanjala: Mr. Deputy Speaker, Sir, I remember very well that, it was hon. Oloo-Aringo, the Minister and I, who went to launch that project. We did request that, the people from that area be employed by the company as casual labourers. I wrote a letter to Messrs. Straburg Limited, to have only two people from Budalangi employed, but nobody from the area is working on that project and yet, Yala Swamp affects them most. Could the Minister confirm that, I gave him a list of 20 people to be employed by that company but none was employed?

Mr. Mohamed: Mr. Deputy Speaker, Sir, it is not possible for me to employ new workers because the company has already employed workers for that project and it is almost complete.

Mr. Wanjala: Mr. Deputy Speaker, Sir, is this House allowing residents of Siaya, Bondo and Budalangi to go and beat up those people and chase them away, because the job opportunities are ours?

Dr. Ochuodho: Mr. Deputy Speaker, Sir, much as we appreciate that this is a foreign company, the Government has got a policy on the employment of local manpower. In the Sondu-Mirui Project, the same is happening. Very few of the local people are employed in that project, despite the fact that there are no special skills required. Given the answer that the Minister has given, could he confirm that the majority, apart from 49 workers from Siaya and Bondo, are foreigners? If so, what special skills do they have that make them work in Kenya that Kenyans do not have?

Mr. Mohamed: Mr. Deputy Speaker, Sir, I do not have the exact number of foreigners, who are working there, but what I know is that there are 113 people who are permanently employed by the company. Those are professionals. In a construction company, you need carpenters, masons and engineers. Out of that, seven people are from Siaya and Bondo districts.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, you have heard the Minister saying that carpenters, masons and engineers work there. Is he implying that there are no specialists who we can get within the country? Myself, I was trained as a mason, by the way.

Mr. Mohammed: Mr. Deputy Speaker, Sir, I did not say that those professionals were brought into Kenya from another country. This company was doing other projects elsewhere in the country and has employed permanent Kenyan staff, but it has moved with its staff to this project.

Mr. Anyona: Mr. Deputy Speaker, Sir, while we, as Parliament, should be careful not to infringe the provisions of the Constitution as far as the right of Kenyans to get jobs and doing other things elsewhere in the country is concerned, whereas we must not violate that principle and also run the risk of introducing an element of tribalism, it is important for the benefit of the various local areas, particularly, where you do not have a lot of these type of projects, to have a general policy of Government which would guide foreign companies so that they can balance the interest of the local area as well as protect the national interest of equality of all Kenyans.

Mr. Mohamed: Mr. Deputy Speaker, Sir, that has been taken into consideration, because this company was instructed to employ all the unskilled people from that area, and they did so. It is the policy of the Government to make sure that whoever is doing contracts employs people from that locality.

Mr. Donde: Mr. Deputy Speaker, Sir, I would like the Minister to let me know one thing: He is claiming that most of those people came with the company to Siaya. May I know how many people in Siaya were working in the former projects of the company?

Mr. Mohamed: Mr. Deputy Speaker, Sir, I do not have the names of the people who were transferred from other projects to the Siaya Project and I cannot confirm whether there were some people from Siaya District or any other districts.

Mr. Kariuki: Mr. Deputy Speaker, Sir, you may have heard of the Question that was asked by hon. Dr. Ochuodho regarding the balance of the 129 people. He asked specifically whether they were foreigners. I guess that he meant whether they are non-residents of Siaya and Bondo districts. But if they happen to be foreigners, could the Minister specify how many foreigners are they?

Mr. Mohammed: Mr. Deputy Speaker, Sir, I said that 113 employees are permanent staff of the company. I do not think that they are foreigners; they are Kenyans. Maybe, they came from other districts, because the company was doing projects in Kisii and Ndakaini. The Company had moved with the people who worked for it in their other projects, and foreigners are not many; they are just about three engineers.

REHABILITATION OF DAMS IN MBOONI

Bw. Kalulu aliuliza Waziri wa Ustawi wa Maji:-

- (a) kama ana mipango kuhusu mabwawa yaliyotengenezwa na Wakoloni mwaka wa 1954 katika Tarafa za Mbooni, Kisau na Tulimani, na ambayo sasa yamefunikwa na udongo;
- (b) kama kuna mipango kuyarekebisha mabwawa hayo;
- (c) kama anaweza kulifahamisha Bunge hili ni kiasi gani cha pesa ambacho kimetengwa kwa kazi hiyo.

The Assistant Minister for Environment and Natural Resources (Mr. Kofa): Bw. Naibu Spika, naomba kujibu.

(a) Tunafahamu kwamba mabwawa ya zamani yaliyotengenezwa na wakoloni yamefunikwa na udongo na Wizara yangu imetengeneza mipango ya kudumu ya kutoa maji katika Tarafa zinazoadhiriwa na ukame kupitia kurekebisha kwa mabwawa haya.

(b) Mpango wa urekebishaji wa mabwawa hayo ulianza katika kipindi cha Matumizi ya Pesa ya Serikali cha 1997/1998 na bwawa la Maua katika tarafa ya Kalawa lilitolewa udongo kwa gharama ya Kshs750,000, katika kazi ya urekebishaji wa bwawa hilo. Mradi wa kilimo wa Wilaya ya Makuani ulichangia gharama hiyo kwa Kshs200,000. Ningependa pia kuchukua fursa hii kuomba mhe. Kalulu awafahamishe wananchi kutoka sehemu hiyo kwamba Wizara yangu imeanza kuwapatia wananchi miradi ya maji inayowahudumia ili waisimamie na pia kuwatarisha kugharimia marekebisho kwa siku za usoni.

(c) Ningependa kufahamisha Bunge hili kwamba Kamati ya Maendeleo Wilayani Makuani haikupendekeza umuhimu wa kurekebisha mabwawa hayo chini wa mradi wa *El Nino* Emergency Project na kwa hivyo, hakuna pesa zilizotengwa kwa kazi hiyo.

Mr. Kalulu: Bw. Naibu Spika, nafikiri Waziri Msaidizi anahadaa Bunge hili kwa kusema kwamba mradi huo umechangiwa pesa. Vile vile amesema kwamba Kamati ya Maendeleo Wilayani Makuani haikupitiza mabwawa ya kufulia. Kulingana na HANSARD ya mwaka wa 1979, tulileta jambo hili katika Bunge hili na Waziri yule ambaye alijibu Swali hilo hayuko hapa. Alisema kwamba Serikali itatafuta pesa wakati huo.

(Loud consultations)

Mr. Deputy Speaker: Order! There seems to be a lot of excitement in the House. But we want to hear what questions are being asked and what answers are being given. So, consult in rather low tones.

Hon. Members: We are not hearing properly!

Mr. Deputy Speaker: You are not hearing properly, or there is a barb!

Proceed, Mr. Kalulu.

Mr. Kalulu: Bw. Naibu Spika, Waziri Msaidizi alijibu Swali hilo lakini hakuelewa Swali hilo, kwa sababu kulingana na HANSARD tulileta jambo hilo katika Bunge hili na jibu lilikuwa kwamba Serikali kwa mwaka huo itarekebisha mabwawa yale ambayo yamefunikwa. Inaonekana kwamba Wakoloni na Waisraeli walikuwa wanaangalia maslahi ya wananchi wa Kalawa, Mbooni na Tulimani kuliko Serikali ambayo tuko nayo sasa.

Mr. Ndilinge: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki kwa Bw. Waziri kusema kwamba mhe. Kalulu hajauliza swali lolote, ilhali hilo ndilo Swali lake la kwanza kuuliza Bungeni? Amesema kwamba, inafaa Serikali ifanye mipango kabambe ya kuwawezesha watu wa Makuani kupata maji. Hii haiwezekani ikiwa kuna bwawa moja tu ambalo limerekebisha na Wizara ya Ustawi wa Maji.

Mr. Deputy Speaker: Order, hon. Ndilinge! That is not a point of order. If you want to ask a supplementary question, just do so. But now, I will not allow you to ask the question because you have flouted the standing orders.

Mr. Nderitu: Bw. Naibu Spika, kuna mabwawa mengi nchini Kenya, kama vile Kindaruma, Gitaru na Kiambere. Ningependa kumweleza Waziri kwamba, mabwawa haya yote yako karibu kufunika na mchanga. Ningependa kumuuliza Waziri mipango gani anayo kuyarekebisha kwa sababu ndio tegemeo la Kenya kupata nguvu za umeme. They are very important dams in this country, whereas, Gitaru and Kindaruma are being flooded by silt.

The Assistant Minister for Local Government (Mr. Salim): Jambo la nidhamu, Bw. Naibu Spika. Ninaona mhe. Mbunge amekiuka nidhamu ya Bunge, kwa kuchanganya lugha ya Kiswahili na Kiingereza.

Mr. Deputy Speaker: Bw. Waziri, unaweza kumjibu Bw. Kalulu?

Mr. Kofa: Bw. Naibu Spika, nitajibu swali lililoulizwa na mhe. Nderitu, kwamba, ingefaa aulize Swali jipwa ambalo linahusu mabwawa aliyoyazungumzia. Kwa sasa, Swali la mhe. Kalulu linahusu mabwawa ya Mbooni.

Mr. Wamae: Bw. Waziri anaweza kutuambia ni kwa nini hawarekebishi hayo mabwawa yaliyoko

Ukambani, huku wanaendelea kuwapatia chakula? Hayo mabwawa yangewasaidia Wakamba kuliko kuwapatia chakula.

Mr. Kofa: Bw. Naibu Spika, ninafikiri nimelijibu hilo swali. Nilisema kwamba, Wizara imetenga Kshs750,000 na pia, Chama cha Ukulima cha Makueni pia kilitoa mchango wake kwa mradi huu. Kwa hivyo, Serikali ina nia ya kuwasaidia watu wa Makueni kupata maji.

Mr. Kihoro: Bw. Naibu Spika, ningependa kumuuliza Waziri aeleze Bunge hili kama Kshs200,000 itatosha kurekebisha hayo mabwawa manne hadi yakafanya kazi. Pia, kwa sababu tunajua kwamba, kuna njaa kule Ukambani, ingefaa aongeze pesa hizo ili kuwe na maji ya kutosha na watu waweze kujilisha wenyewe, badala ya kutegemea kupewa chakula na Serikali.

Mr. Kofa: Bw. Naibu Spika, kama mhe. Mbunge angelinisikiliza vizuri, nilisema kwamba, Kshs200,000 ulikuwa mchango wa Chama cha Ukulima cha Makueni. Lakini, Wizara yenyewe ilitoa Kshs750,000.

Mr. Maitha: Bw. Naibu Spika, kama unavyosikia, kuna shida ya kuzungumza kwa Kiswahili katika Bunge hili. Ningependekeza tutengewe siku moja ya kufundishwa Kiswahili. Hata hivyo, katika jibu la Waziri, kipengee cha "c", ameeleza kwamba, watu wa Ukambani hawakufikiriwa kupewa pesa za *El Nino*. Tunavyojua, pesa hizi zilikuja hivi karibuni, lakini tatizo hili limekuweco kutoka zamani, ilhali Serikali haikuwa inajali. Waziri alikuwa maana gani kutaja pesa za *El Nino*, kama Serikali ni ya wananchi wote Kenya hii?

Mr. Kofa: Bw. Naibu Spika, Baraza la Maendeleo la Wilaya ya Makueni halikutilia mkazo marekebisho ya bwawa hili. Wangefanya hivyo lingekuwa jambo la dharura.

Mr. Deputy Speaker: Let us move on to Questions by Private Notice!

QUESTIONS BY PRIVATE NOTICE

EXPENDITURE ON WAJIR- KUTULO ROAD PROJECT

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

(a) Which company was given the tender to murram the 120kms Wajir-Kutulo Road under the *El Nino* project?

(b) What was the cost of the project?

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, through you, we had agreed with the hon. Member

[The Minister of State, Office of the President]

that the Question be deferred.

Mr. Kajwang: Mr. Deputy Speaker, Sir, he had requested that it be deferred for two weeks.

Mr. Deputy Speaker: Then how is it a Question by Private Notice? It is deferred to Tuesday next week!

Next Question!

REJECTION OF MR. OKOTH'S VISA APPLICATION

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Foreign Affairs and International Co-operation, the following Question by Private Notice:-

(a) Is the Minister aware that the Embassy of Switzerland has rejected the visa application for Mr. Isaac Okoth of the *East African Standard* newspaper, who has been admitted to the University of Central Europe where he is supposed to report by mid November, 1999?

(b) Why was the application rejected and yet Mr. Okoth had paid tuition fees as demanded by the Embassy as a condition for issuance of the visa?

(c) Could the Minister undertake to have the money refunded to Mr. Okoth in the event that the Embassy does not issue the said visa?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Morogo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Isaac Omolo Okoth of the *East African Standard* newspaper has been denied a visa by the Embassy of Switzerland. Under normal circumstances, the Ministry does not get in any way involved in visa application procedures with foreign Embassies, nor does it influence an Embassy's decision to grant or not to grant a

visa.

(b) On learning of this matter, the Ministry contacted the Embassy of Switzerland. The Embassy informed us, that the decision was taken with due consideration with the Swiss alien law which stipulates that only a limited number of foreign students are allowed in Switzerland, and that priority is given to the younger students who have not yet completed their education and are not practising professionals.

(c) The Ministry cannot undertake to refund the money, since the fees was paid to the university directly. We would advise Mr. Okoth to take up the matter of the refund with the university, should he fail to obtain a visa.

Mr. Maore: Mr. Deputy Speaker, Sir, we are talking about the Ministry of Foreign Affairs and International Co-operation, and the Kenyan nationals who are being subjected to unnecessary mistreatment by the foreign embassies. The same thing is happening in the United Kingdom whereby, Kenyans are supposed to pay university fees in advance for them to present their application forms. At the end of the day, the embassy refuses to grant the visa. Then, what happens to the money paid? Where does the Ministry of Foreign Affairs and International Co-operation come in? Can the Assistant Minister clarify?

Mr. W. Morogo: Mr. Deputy Speaker, Sir, students do apply on their own to various universities abroad, and normally, the students are granted visas once they have been admitted in various universities. Unfortunately, some of the foreign countries have their laws which stipulate that it is not automatic that once a student pays university fees, he has to be granted a visa. These are some of the anomalies which we are still tackling in the Ministry with the various embassies that we recognise as having this problem.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, this is a clear example where a humble Kenyan is being swindled by a foreign mission or country. The reason advanced by this foreign country is that the Kenyan, who is 38 years old, is too old or educated to learn in that country. Yet, when we was applying for the visa, he was advised by the mission to pay the money. Can the Assistant Minister tell us whether this Kenyan should go to his office and seek assistance to get his money refunded? These foreign missions cannot be allowed to have their cake and eat it.

Mr. W. Morogo: Mr. Deputy, Speaker, Sir, as I said, every nation has its sovereignty. It has its right to accept or not accept any person to go into that country. It would be better for students to seek advice before paying university fees because the Ministry is not aware of when and who is doing what. In this particular case, if the student paid the university fees in advance, we are not aware of it in the Ministry. All we are saying is that, if before they pay they seek advice from us, we will advise them accordingly.

Mr. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Assistant Minister in order to mislead us? He has told us that students should first of all apply for visas before paying the tuition fees whereas, this is a requirement of the universities that one must pay tuition fees first before he is given the visa or Form I20 in the case of the United States of America. It is the requirement of the universities and so, a student should not be told to follow instructions by the Ministry which are misleading and which will not facilitate him to get a visa.

Mr. W. Morogo: Mr. Deputy Speaker, Sir, as I said before, these are some of the anomalies which are coming up and I have said that they are

[Mr. Morogo]

issues which we are tackling as a Ministry. We find it abnormal that students are required to pay tuition fees in advance and later fall into a situation like this where they are being refused visas. It would be important for our own students to seek guidance from us so that we can clear some of these issues even before they fall into them.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, since time immemorial, it has been the right of students all over the world to travel abroad, either to study at a famous institution or under a famous professor. Of late, Kenyan students are experiencing a lot of difficulties getting visas to exercise this right as students. What is our Government planning to do to make sure that Kenyans seeking education abroad are facilitated to attain that education, and are not turned down for petty reasons that sometimes are not even understandable to the student? Is the Ministry going to take up this matter with the various embassies seriously, to make sure that Kenyan students can study abroad?

Mr. W. Morogo: Mr. Deputy Speaker, Sir, I have already stated that we are holding discussions with the various foreign embassies to iron out some of these problems.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the Assistant Minister is avoiding a very important issue here. There are procedures that embassies should follow when it comes to matters relating to the students. If embassies have certain requirements that are needed for students to get visas, those requirements should be known to the Ministry because in the final analysis, the Ministry is responsible for our citizens abroad. Paying for a visa should be the last step a student should take, after the embassy has ascertained that he has satisfied the conditions for getting the visa. There are embassies in Nairobi where you will go and the first thing they will ask for is the visa fee, then later they refuse to give the student the visa. I have been a sufferer under the Australian Embassy where I paid Kshs10,000 and

then they did not give me the visa. The embassies are trading with our students. Can the Assistant Minister assure this House that they will make public the procedures to be followed by our students - it does not matter what embassy they are going to - prior to making a decision on the issuance of visas before money is paid to these embassies?

Mr. W. Morogo: Mr. Deputy Speaker, Sir, it is difficult for my Ministry to give in advance the conditions because these conditions vary from country to country. It is not a standard requirement in all the embassies. So, it is kind of difficult for us. As I said, this issue which the Ministry also finds to be a problem, is being dealt with by us. We are having discussions with the various embassies and the purpose of our discussion is to create a situation where our students can have the opportunity to further their studies there. We understand that education is a requirement for development and knowledge is what we need in Kenya.

Mr. Kapten: Mr. Deputy Speaker, Sir, this matter is very important to Kenyans, and especially Kenyan students. The Assistant Minister has said that they are holding discussions with various embassies. Can he undertake to bring back an answer to this House, so that we will all know whatever decision they will have reached with the various embassies?

Mr. W. Morogo: Mr. Deputy Speaker, Sir, that is not a problem. Once we will have agreed on something with the various embassies, we will advise the House accordingly.

Mr. Nguni: Mr. Deputy Speaker, Sir, in the light of this Question and what the Assistant Minister is trying to avoid, we know that for every action, there should be an equal and opposite reaction. Kenyans are being humiliated in these embassies when they require visas, either to travel on tours or to go for education. Will the Assistant Minister consider that this Government should also take an appropriate action and ask anybody coming to this country, particularly from these countries whose embassies are humiliating our students, so show us their bank accounts, tell us the names of their grandmothers and show us whether they will ever go back to their countries? This will enable us to show that we are also a sovereign state.

Mr. W. Morogo: Mr. Deputy Speaker, Sir, I share the concerns of the hon. Member, but I think he also understands that as a Ministry, we also articulate policies and laws that have been passed by this House. In any case, we are very careful in how we handle our friends while protecting our citizens.

Mr. Murathe: Mr. Deputy Speaker, Sir, I want to refer to this specific case. Is the Assistant Minister satisfied with the reasons put forward by the embassy for denying Mr. Okoth a visa? What avenues are there for people to appeal? Is it a *de-facto* thing that, that is the end, and this man can never go to study in Switzerland?

Mr. W.C. Morogo: Mr. Deputy Speaker, Sir, unfortunately, I do not have control over the laws of certain countries. So, whether I am satisfied or not, there is very little that I can do in this particular matter. It has to do with the laws of Switzerland.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, this particular student got in touch with the University in Switzerland. The University told him unequivocally that it will not refund the tuition fees

[Mr. Ochilo-Ayacko]

that he paid, unless he went there and utilised it in his studies. The student cannot travel to Switzerland without a visa. Could the Assistant Minister tell the House how the Government of the day could assist this particular student, so that he is not tossed from left to right?

(Loud Consultations)

Mr. W.C. Morogo: Mr. Deputy Speaker, Sir, owing to loud consultations, I did not get the question put by the hon. Member.

Mr. Deputy Speaker: Next Question by Mr. Leshore!

Mr. Ochilo-Ayacko: On a point of order, Mr. Deputy Speaker, Sir. My question has not been answered!

Dr. Ochuodho: There is a question which has not been answered!

Mr. Deputy Speaker: Order! I acknowledge there is a problem with the communication system. I am also having a problem of not only hearing Ministers answering Questions, but also, hon. Members asking them. So, I would like to consult with the Clerk and see what can be done. Sometimes, I do not hear you genuinely. It is not that I am ignoring you! There is something wrong with the communication system.

REHABILITATION OF BOREHOLES
IN SAMBURU EAST

Mr. Leshore: Mr. Speaker, Sir, I beg to ask the Minister for Water Development the following Question by

Private Notice.

(a) Is the Minister aware that there is a prevailing dry weather in Samburu East, which is causing severe shortage of water in most parts of the Constituency?

(b) What is the state of the following boreholes: Barsilinga; Nairimirimo; Leratia and Lodungokue?

(c) What is the present position of funds which were allocated to Barsilinga and Nairimirimo?

The Minister for Water Development (Mr. arap Ng'eny): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the prevailing dry weather in Samburu East has caused some surface water sources, such as pads and dams to dry up. However, the boreholes in the area are still maintaining their production capacity.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. You gave hon. Ochilo-Ayacko a chance to ask his last question, and he did so. But the Assistant Minister said he did not hear the question, and requested the hon. Member to repeat it. In all fairness, why do you not allow the hon. Member to repeat his question to the Assistant Minister?

Mr. Deputy Speaker: Order! Dr. Ochuodho, I have already ruled that, we proceed to the next Question. I did not refuse the question to be answered. I also have a problem of hearing through this system. That is why I have called the Clerk so that something can be done about it; so that all of us may hear one another properly. I am prepared to apologise to hon. Ochilo-Ayacko, but we have now moved to the next Question; which has been asked. I cannot revert back to it! Proceed, hon. arap Ng'eny!

The Minister for Water Development (Mr. arap Ng'eny): Mr. Deputy Speaker, Sir, the answer to part (b) of the Question is:-

The state of the boreholes is as follows: (i) Barsilinga borehole---

(Several hon. Members interjected)

Mr. Deputy Speaker: Order! We will continue with the Business of the House. The Clerk has just gone to check what is wrong with the system. If we cannot hear one another, we cannot proceed at all. So, for the time being, let him proceed!

The Minister for Water Development (Mr. arap Ng'eny): Mr. Deputy Speaker, Sir, let me repeat my answer to part (b) of the Question.

(b) The state of the boreholes is as follows:

(i) Barsilinga borehole is awaiting construction of a pump-house at a cost of Kshs250,000, to be operational.

(ii) Nairimirimo area does not have a borehole. It is served by two pads of which, one supplies water for livestock consumption; and the other for domestic consumption.

(iii) Leratia borehole is operational.

(iv) Lodungokue borehole is in-operational. The project management committee is being awaited to raise funds to rehabilitate the high rift pumps.

(c) The Barsilinga-Nairimirimo Water Project received a total of Kshs550,000. The money was spent to complete some pads of the project, including drilling of boreholes and the purchase of pumping units.

Mr. Leshore: Mr. Deputy Speaker, Sir, the Ministry of Water Development promised that by the year 2000 every Kenyan will get piped water. It is unfortunate that, we are approaching that year and, yet, the people of Samburu East do not even have water from those dry pads. Could the Minister tell this House why the money for Samburu District was returned to the Treasury, before putting up a pump-house at Barsilinga?

Mr. arap Ng'eny: Mr. Deputy Speaker, Sir, my answer was that the money will be made available and construction of a pump-house will be completed soon.

Mr. M.A. Galgalo: Mr. Deputy Speaker, Sir, the fact is that water problems have become phenomenal in the entire Northern Kenya. I remember one time in 1978, when the Ministry told us that it will supply fresh water by the year 2000.

Could the Minister give an undertaking that his Ministry will avail boreholes and surface dams in the entire Northern Kenya, so that the looming famine can be averted?

Mr. arap Ng'eny: Mr. Deputy Speaker, Sir, I entirely agree with the hon. Member; that the entire North and North-Eastern part of Kenya has water problems; both for domestic and livestock use. I would also like to tell this House that the objective of providing water to every Kenyan by the year 2000 was a statement of objective. The implementation is now being done. As you know, the objective and implementation are two different things. But, I am happy to say that a large part of this, particularly in areas where water is endowed, is largely being fulfilled. But in dry areas, the Government is pursuing the objective with a lot of vigour. I am optimistic that, in the very near future, those areas will have sufficient water supply.

Mrs. Mugo: Mr. Deputy Speaker, Sir, is the Minister not misleading this House? We know that people who had water before have their taps dry today. Even the community managed water projects have collapsed because the money which was meant for delivering water to the people has been corruptly misused. Can the Minister tell this House what plans his Ministry has to correct that anomaly? The women of this country are suffering today, more than they did before!

Mr. Ng'eny: Mr. Deputy Speaker, Sir, I entirely agree with hon. Mrs. Mugo. We have some shortcomings in terms of operations in some of our projects and that is why early this year, a Sessional Paper was tabled in this House. The aim of that paper was to spell out new ways of approaching the management of water in this country. What we are doing now is that we are working on a Legal Framework Paper which will go together with the Policy Framework Paper. Once that is completed, the Legal Framework Paper will be tabled in this House fairly soon. The aim of that is the community-driven management of water resources. We have found out that, that is the most effective way of managing water systems in this country.

Mr. Murathe: Mr. Deputy Speaker, Sir, this Ministry is notorious for having projects in the Budget and not completing them. I have in mind projects like the Kandara Water Project which has been in the books for the last three years with a budget of Kshs45 million but nothing has been done. What is the rate of completion of projects that your Ministry proposes to undertake?

Mr. Ng'eny: Mr. Deputy Speaker, Sir, I did not hear part of the question. Could the hon. Member repeat his question?

Mr. Murathe: What is the rate of completion of projects undertaken by this Ministry? What do you propose to achieve in terms of percentages?

Mr. Ng'eny: Mr. Deputy Speaker, Sir, I do not have that answer right now, but I am sure that I could provide it in due course, if it is required. I think we must appreciate that we were going on smoothly until a certain period when the global economy went haywire. Since that time, the rate of completion of our projects has changed. That is why we are now trying to correct that situation. Soon, we shall pick up the tempo and the rate of completion will be different.

Mr. Musila: Mr. Deputy Speaker, Sir, we are aware that in the last two years, the Egyptian Government in collaboration with the Kenya Government did propose to sink 100 boreholes in this country. Out of these 100 boreholes, how many of them were sunk in Samburu District?

Mr. Ng'eny: Mr. Deputy Speaker, Sir, I do not have the figure at hand, but I could provide those figures in due course.

Mr. Shidiye: Mr. Deputy Speaker, Sir, as I stand in this House, the people of Lagdera are dying due to lack of water. The boreholes that were sunk in 1970s have outlived their existence because most of them have collapsed. What plans does the Minister have to replace these boreholes since they cannot be repaired? We know that Garissa District gets Kshs600,000 to maintain these boreholes. A little amount of money like that one cannot even be enough for the water engineer to move around the district!

Mr. Ng'eny: Mr. Speaker, Sir, as I said, there are various plans for various districts in this country, including Samburu District. In fact, as far as Samburu District is concerned, we have a number of projects funded by various donors, for instance, the Japanese and the Egyptian Governments.

Mr. Leshore: Mr. Deputy Speaker, Sir, I know the Minister is very concerned about giving us water, because last year and early this year, we had boreholes sunk in Samburu District. Could the Minister see to it that Barsilinga and Lodunkokue boreholes are going to be operational within one month, now that he has promised to allocate some money for those two boreholes?

Mr. Ng'eny: Mr. Deputy Speaker, Sir, I would like to assure hon. Leshore that those boreholes will be completed as soon as possible because there is nothing to prevent us from rehabilitating them. But I cannot give any definite time.

NON-PAYMENT OF SUPPLIERS BY
HOMA BAY DISTRICT HOSPITAL

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that operations at the Homa Bay District Hospital have ground to a halt following a strike by suppliers over non-payment?

(b) How much money has been disbursed to the district over the past two years to pay suppliers?

(c) What action does the Ministry intend to take to normalize operations at the hospital and streamline tendering procedures by the District Tender Board?

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that operations at the Homa Bay District Hospital have been affected by non-payment of the suppliers, occasioned by inadequate Exchequer Releases by the District Treasury.

(b) Over the last two years, the hospital has received an allocation of Kshs12,643,460 to cater for its supplies.

(c) The Ministry is sorting out the issue of inadequate Exchequer Releases to ensure that the Ministry's commitments are met by the District Treasury.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is unfortunate that Homa Bay District Hospital which serves five district hospitals got only a paltry Kshs12 million. However, the reason why the suppliers were not paid in Homa Bay District Hospital is because the money was used to pay those who participated in the census exercise. It is for the same reason that money for the census exercise was misappropriated. Is it Government policy that money meant for a particular purpose is used for that specific purpose? If that is so, is that policy being followed at Homa Bay District?

Dr. Anangwe: Mr. Deputy Speaker, Sir, let me begin by allaying the fears of the hon. Member that this particular problem is just unique to his district. In fact, it is a generalised problem. In relation to the use of census money to pay for these supplies, all I am aware of is that the census exercise and this particular exercise are two separate issues. So, in terms of disbursements at the Treasury, I am sure that if money was taken in order to pay the Census officials, then when the money for the census exercise is disbursed from the Ministry Headquarters, they should be able to pay the suppliers in due course.

Mr. Shill: Mr. Deputy Speaker, Sir, I heard the Minister confirm that this issue of suppliers not being paid is not only unique to Homa-Bay District Hospital but to most hospitals all over the country. Could he again confirm or deny that this is a sign of a collapsing Government?

Dr. Anangwe: Mr. Deputy Speaker, Sir, you cannot be collapsing when you are on your own feet. Here I am. I am standing and I belong to this Government. The issue of inadequate Exchequer releases is, of course, underpinned by the lack of realisation of the targeted revenues, but that particular problem is being sorted out.

Mr. Ojode: Mr. Deputy Speaker, Sir, it is indeed true that suppliers within Homa-Bay District have not been paid for the last three years. Could the Minister confirm exactly when he is going to look for funds so that these suppliers are paid their dues?

Dr. Anangwe: Mr. Deputy Speaker, Sir, I have already said we are sorting out the problem of inadequate releases for the District Treasury and this is a matter that entails other parties and the variables are not all in our control. So, we shall be able to sort out that particular problem as soon as possible.

Mr. Ndwigwa: Mr. Deputy Speaker, Sir, most of the hospitals are supposed to pay their suppliers through cost-sharing funds. Could the Minister confirm or deny that the biggest problem we have got in these hospitals is that the boards which run most of these hospitals are politically correct and inefficient?

Mr. Deputy Speaker, Sir, could he, therefore, consider appointing new members to the boards to run these hospitals?

Dr. Anangwe: Mr. Deputy Speaker, Sir, the hon. Member raised a number of issues. One, that the cost-sharing money is meant to underpin the payments of suppliers. It is only part of it. It is not in terms of the larger part of the budget. Two, he said that the appointment of members to the hospital management boards is really meant for the politically correct. I do not know what he means by that particular phrase. He had better define it before I can be able to respond because we are all politicians and we are correct. Three,---

Mr. Murungi: On a point of Information, Mr. Deputy Speaker, Sir. The hon. Minister says that he does not know what it means to be "politically correct" in Kenya today. In very simple language, to be "politically correct" means to be "KANU *damu*"!

Dr. Anangwe: Mr. Deputy Speaker, Sir, you heard what he said. He is defining an English concept; politically correct in terms of just KANU *damu*. I think he had better explore what that particular phrase means. His definition is inadequate and, therefore, I am not able to respond to it.

Mr. Achola: Mr. Deputy Speaker, Sir, could the Minister explain to the House whether it is right for patients at Homa-Bay District Hospital to be fed on papaw leaves, with or without Exchequer issues? Are you aware that patients at Homa-Bay District Hospital are being fed on papaw leaves?

Dr. Anangwe: Mr. Deputy Speaker, Sir, I have not been able to hear what the hon. Achola is asking.

Mr. Deputy Speaker: Order! Hon. Achola, could you repeat your question?

Mr. Achola: Thank you, Mr. Deputy Speaker, Sir. I hope he can hear me now. Patients in Homa-Bay District Hospital are currently being fed on papaw leaves for greens. Now, what I would like to hear from the Minister is: When is the Ministry going to make money available for the hospital so that it can pay their creditors to avoid patients being fed on papaw leaves?

Dr. Anangwe: Mr. Deputy Speaker, Sir, it is not true that patients in Homa-Bay District Hospital are being fed on pawpaw leaves. I do not know where in Kenya pawpaw leaves are an integral part of any community's diet. I am aware that the Homa-Bay District Hospital is able to generate cost-sharing money and so far it has been using this particular source of money to pay for the food which it purchases directly from the market.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I would like to confirm to the Minister that what hon. Achola said is true. They are not only fed on pawpaw leaves but also on hyacinth leaves. However, the Minister says that the situation will be normalised when funds for the centres are brought down to the district. However, I told him that the money actually came for the centres and it has already been "eaten".

Mr. Deputy Speaker, Sir, I also want to draw his attention to the fact that the Government recently issued the directive that Members of Parliament should be part of the District Tender Boards (DTB). In Homa-Bay District Hospital, this is not happening. Can he undertake to rationalise the DTB meetings and at the same time, make sure that money is released for this district hospital as soon as possible before the end of the month?

Dr. Anangwe: Mr. Deputy Speaker, Sir, you heard him say that the patients are being fed on hyacinth. That is news to me and I am very surprised to hear that an issue that has aroused concern because it is undermining the fishing industry is now being promoted as a staple food for these particular patients. In respect of the DTBs, I am aware that they are able to sit and adjudicate. The problem is one of releases to the District Treasury and that particular problem is being handled very competently. I can assure you that as soon as we are able to solve this particular problem, you will get your response. As to the allegation that money meant for the centres has been "eaten", kindly report the matter to the nearest police station in Homa-Bay District.

Mr. Deputy Speaker: Next Question! Hon. Kiluta.

NON-PAYMENT OF SALARIES
BY MATUU COUNTY COUNCIL

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

- (a) Is the Minister aware that Matuu County Council has not paid its workers since June, 1999?
- (b) Is he also aware that 25 per cent of the workers are relatives of one of the councillors?
- (c) What action is the Minister taking to save this council from imminent collapse?

The Assistant Minister for Local Government (Mr. Salim): Mr. Deputy Speaker, Sir, I have agreed in principle with hon. Kiluta to defer this Question to Tuesday next week.

Col. Kiluta: Mr. Deputy Speaker, Sir, I sympathise with the Assistant Minister because what he did is that he brought me an answer for a different Question. If this is what he was given by his Ministry, you can see that he is really in a difficult situation. So, if it is okay, I can have it answered tomorrow morning.

Mr. Deputy Speaker: And what about the answer?

Col. Kiluta: Mr. Deputy Speaker, Sir, it can come tomorrow afternoon since I will be available.

Mr. Deputy Speaker: Question deferred!

(Question deferred)

Mr. Deputy Speaker: Order! Hon. Members will recall that this morning we had a rather poor show by the Ministry of Local Government. None of their Questions were answered; or when the Assistant Minister stood up to answer, he himself confessed that the answers he had were inadequate. I did ask the Assistant Minister who was responsible for answering those Questions to come to the House this afternoon to give an explanation.

Hon. Kiangoi is here now, and he has confirmed to me that he has come armed with a suitable explanation as to their behaviour this morning.

The Assistant Minister for Local Government (Mr. Kiangoi): Thank you, Mr. Deputy [The Assistant Minister for Local Government] Speaker, Sir. In the morning, there were two Questions that were unanswered and they both related to Nairobi City Council.

Mr. Deputy Speaker, Sir, one Question was asked by hon. Wanyiri Kihoro, Member of Parliament for Nyeri Town. I have had deliberations with him and I have explained to him the difficulties that were there, but for the purposes of the House, as my colleague explained in the morning, we want to be very sure because we have taken our responsibility seriously. We want to be very sure also that, the answers that we bring to this House are adequate and that, they can satisfy Members of Parliament or the

Questioners.

Mr. Deputy Speaker, Sir, in fact, as my colleague was answering Questions here in this House, I was having a meeting with Nairobi City Council--- The reason why that Question was not answered in the morning was that, personally, I was involved in finding out the right answer for the Question asked by the hon. Kihoro. I have explained him and he has kindly agreed. I do not think he can back out of it. Therefore, that is the position as of now.

Mr. Temporary Deputy Speaker, Sir, there has been a ruling before in this House that, in our Standing Orders, "Minister" includes "Assistant Minister."

Mr. Deputy Speaker: What is your explanation?

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Deputy Speaker, Sir, therefore, that is the explanation regarding to that particular Question.

The other Question was with regard to employees and debt collectors of the Nairobi City Council. This is a matter that the Minister has already taken action on and, we have had several discussions before with hon. Norman Nyagah---

(Loud Consultations)

Mr. Deputy Speaker: Order! Order! Hon. Kiangoi, you are merely explaining why you were not here to answer those Questions in the morning. I am not allowing you to sneak an answer into our records which you were not able to give in the morning. So, you have to explain why you were not here and that is where you stop! But if you want to answer Questions, they will come back to the House for you to answer them properly.

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Deputy Speaker, Sir, as I have explained, we were in the process of getting answers to give adequate replies to this House.

Mr. Anyona: Mr. Deputy Speaker, Sir, as a national parliament, we must set the tone for this country. If we are lax in our responsibilities in the country, then we cannot blame anybody, if the country collapses.

Mr. Deputy Speaker, Sir, if the impression being given now is that the Ministers of this Government have problems getting answers from the Civil Service--- If that is the impression that is being created, then it is necessary that, the full force and the united voice of this Parliament is expressed in no uncertain terms that, Parliament will not accept a Civil Service that is reluctant to service the Government so that the Ministers can discharge their responsibilities to this Parliament.

Mr. Deputy Speaker, Sir, because there are so many of these cases, it is meaningless for us hon. Members and Ministers to fight here when the problem is out there.

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Deputy Speaker, Sir, when my colleague came to give an explanation, I think that was good enough. I have explained that I was trying to get the answer. This particular Question was asked under Questions by Private Notice.

Mr. Deputy Speaker: Order! Order! Order, hon. Members! I would like to take this opportunity, now that the Leader of Government Business is here, to bring to his attention the concern that was expressed this morning about this Business. On the one hand, Ministers are not showing up to answer Questions and on the other, hon. Members are also not turning up to ask their Questions. Now, if we are going to take the Business of this House seriously, both sides of the House must take their responsibilities seriously. So, Mr. Leader of Government Business, do impress upon the Ministers to turn up on time or in time to answer Questions.

Also, hon. Members, when you have a Question to ask, turn up on time to ask it. For the time being, I think that is all we can say. Let us proceed!

POINTS OF ORDER

CLOSURE OF COFFEE FACTORIES IN EMBU

Mr. Ndwiga: Mr. Deputy Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Office of the President. This House will recall that, recently we had flare-ups in Nyeri, in the coffee sector, and the same thing is happening now in Embu, in a society called Mikiki, which is now occupied by thugs. This is happening because the DC, Embu, Mr. Makumi, is condoning and supporting these thugs who have taken over our factory. In the last two weeks, the DO Nemburi, with express instructions from the DC, has facilitated the closure of three factories. Right now, the farmers of those factories are not taking their coffee to the factories because they are closed down and the Provincial Administration; specifically the DC, is doing absolutely nothing to quell the matter.

Mr. Deputy Speaker, Sir, I am seeking an urgent Ministerial Statement from the Office of the President. We want the Minister to tell us what

action his Ministry is going to take. This is because if no action is taken by the Government, we are going to take our own action as citizens.

We also want to know whether it is Government policy to interfere with the coffee sector.

Thank you.

Mr. Deputy Speaker: Mr. Madoka, do you want to react now or you want to do it later?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, the Minister for Agriculture and Rural Development is going to come up with a Ministerial Statement regarding the whole coffee fiasco. I think he will be doing that, which will then cover the entire situation.

Mr. Ndwiga: On a point of order, Mr. Deputy Speaker, Sir. I know who to direct my concerns to. It is not the Ministry of Agriculture and Rural Development; it is the Provincial Administration! We know very clearly that it is the Provincial Administration which is working in cohorts with the Thika Coffee Mills and the Norman Group of Companies from Germany; to wreck the coffee industry in this country. So, we want the Minister, Office of the President, to tell us categorically whether they want to kill the coffee industry or not?

Mr. Deputy Speaker: Order! Order, hon. Ndwiga! You have already asked for a Ministerial Statement! They will decide who will come to make a Statement.

Hon. Munyasia!

RACIST ADVERTISEMENT FOR JOB OPPORTUNITIES

Mr. Munyasia: Mr. Deputy Speaker, Sir, I rise on a point of order regarding a Statement made here yesterday by the Minister for Labour about a racist advertisement that appeared in the *Sunday Nation* of 4th July, 1999. I raised this matter on 14th July, 1999, and the Minister was up-to yesterday telling us that he has set his men working to find out whether there are groups here that are employing people on a racial basis. I thought the Minister should have been much more serious than that, and tell us who these people are.

I am asking the Minister to tell us who these people were that carried that advertisement in the *Daily Nation*, and who have been employed. He should also tell us whether he can revoke those appointments.

Mr. Deputy Speaker: Order, hon. Munyasia! You had an opportunity yesterday to put those questions to the Minister. Indeed, I gave you an opportunity to do so but I think you were temporarily absent from the House. You were here physically but spiritually, you were somewhere else! I do not think you are being fair, both to the Minister and to the House. I cannot reopen debate on that issue now.

FINANCING OF NATIONAL EXAMINATIONS

Mr. Waithaka: Mr. Deputy Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Minister for Education, Science and Technology, regarding an issue which has cropped up in Nyandarua. The District Education Officer (DEO) is charging every school more than Kshs5,000 to finance examinations which are supposed to be financed by the Kenya National Examinations Council (KNEC).

This issue was brought up in the District Education Board (DEB) on 8th October, 1999, and the DEB refused to grant an approval to charge this fee because individual candidates pay examination fees, which is supposed to be used to finance these two national examinations, that is, the Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE). But the DEO, Nyandarua, has gone ahead without the approval of the DEB to collect this money. I am seeking a Ministerial Statement because it is a matter of concern to the parents in the whole of Nyandarua District.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Deputy Speaker, Sir, I wish to state that the Kenya National Examinations Council (KNEC) pays for expenses to manage the examinations. If there are people charging any money outside what they have been given by the KNEC, they are doing so unlawfully.

Hon. Members: Sack him!

Mr. Deputy Speaker: Order! Order! Hon. Members, you would have seen that there is a Supplementary Order Paper and that is what we will proceed with henceforth. Next Order.

BILL

First Reading

THE CONSTITUTION OF KENYA
(AMENDMENT) BILL

(Applause)

*(Order for First Reading read - Read the First Time
Ordered to be read the Second Time tomorrow)*

Mr. Deputy Speaker: Next Order!

First Reading

THE APPROPRIATION BILL

*(Order for First Reading read -
Read the First Time - Ordered
to be read the Second Time today
by leave of the House)*

Hon. Members: No! No!

**MOTION FOR THE ADJOURNMENT OF THE
HOUSE UNDER STANDING ORDER NO.23**

DEBATE ON THE CONSTITUTION OF
KENYA (AMENDMENT) BILL

Mr. Oloo-Aringo: On a point of order, Mr. Deputy Speaker, Sir. I rise under Standing Order No.23 and invoke the terms of Standing Order No.23 and move that this House do now adjourn.

Mr. Deputy Speaker, Sir, I have taken this after close consultation with Members across this House representing all sides, both Front and Back Bench. I am doing so on a point of principle. The first point of principle is that, according to the practice of this House, as the Clerk reads the Order of the day; we cannot interrupt the Business of the House, so, the Clerk reads without interruption. If there had been provision for interruption, I would have interrupted the Order of the Business of today. But I am subjecting myself to the culture and tradition of the House and therefore, I did not move this Motion for the adjournment.

Secondly, Mr. Deputy Speaker, Sir, as a point of principle, this House is the supreme organ of Government in our land and there is no other body which is superior to this House. Even the Government emanates from this House. But equally important, the Committees of this House emanate from this House and are subordinate to this House. The House Business Committee, therefore, is subordinate to this House and it is not superior to this House. If the House Business Committee came to this House with an Order of the day which does not satisfy the House, we have every right in principle to reject it, force adjournment and force them to do their work well according to the will of this House, without which, we have even a right to sack them. We must, as a House, know that we have the power and the power resides in the House collectively and no Committee is superior to this House.

(Applause)

This Order which is before this House, therefore, violates the demand of the Members of this House in terms of the Order of Business. Therefore, for that reason, I am asking for an adjournment. This House is demanding that the most important Business in this country today is the autonomy of Parliament. We must stop this game of merry-go-round and tell the people of Kenya that we are competent as Parliament to supervise and control the President and this Government. Therefore, we are making it clear that this House will not proceed on any Appropriation Bill unless The Constitution of Kenya (Amendment) Bill is brought here and determined by the House.

Mr. Deputy Speaker, Sir, it is for that reason therefore, that I am moving the Motion to Adjourn the House in order for us to move The Constitution of Kenya (Amendment) Bill, Second Reading and Third Reading. It is only after that, that we can deal with any other Business on the Order Paper.

Secondly, Mr. Deputy Speaker, Sir, I am asking hon. Members to rise to this occasion and demonstrate that we shall no longer be emasculated by a rogue Government and that this House will give direction to which this country is going to go. I am appealing to every person of conscience in this House, that we must make it quite clear that we are a Parliament. We are not a rubber-stamp of the President or the Executive Government. We are not a door-mat of the President or the Executive Government. We are not subordinate to the Cabinet. Indeed, the Cabinet should be taking instructions from us.

(Applause)

Mr. Deputy Speaker, Sir, therefore, we are demanding that we adjourn in order to place priority on The Constitution of Kenya (Amendment) Bill and go through all the stages, namely; First Reading, Second Reading and Third Reading.

Thank you.

(Applause)

(Several Members stood up in their places)

Mr. Deputy Speaker: Order! Order, hon. Members! I do not know what that demonstration was all about. I am assuming that hon. Aringo moved a Motion.

Hon. Members: Yes!

Mr. Deputy Speaker: If hon. Aringo did move a Motion, there was need for it to be supported. Whatever it is that we want to achieve, let us do it procedurally. Now, the correct procedure is that when an hon. Member rises to move a Motion for the adjournment of the House, it becomes a Motion only after it is seconded. Thereafter, the Chair proposes the question. However, this procedure has not been followed. You are now behaving as if you are in a football match, where a goal has been scored.

(Laughter)

Order! Order! Shall we now observe some order, so that we can make progress? Hon. Murungi, could you proceed.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. I rise to second the Motion for the adjournment of this House, which hon. Aringo has moved, to give the Clerk of the National Assembly time to re-order the Business of this House, so that the Constitution of Kenya (Amendment) Bill of 1999 can be read for the second and third times.

Mr. Deputy Speaker, Sir, hon. Aringo has said enough on the need for this Parliament to be independent of the Executive, so I need not say any more about that.

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

(Applause)

(Question proposed)

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I think it is important that I clarify a number of facts because, in moving the Motion, hon. Aringo cast some aspersions on the Business Committee of this House regarding the setting out of the business for the day. Therefore, I think I should appraise this House of true facts, so that when hon. Members vote to determine the fate of this motion, they know them.

The position is that hon. Aringo saw me yesterday in the company of hon. Kituyi, hon. Kapten, hon. Shidiye, hon. Mbela---

Hon. Members: So what? You are wasting time!

Mr. Deputy Speaker: Order! Order!

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I think it is important for hon. Members to hear the facts. Hon. Aringo said that he was going to consult with the Attorney-General after the discussion that ensued. On that basis, he said that he would postpone his insistence to have the First Reading of this Bill done today. I, indeed, challenge him to say otherwise. Then, during the meeting of the House Business Committee last evening, the National

Development Party of Kenya (NDP) Chief Whip, hon. Achola, said that hon. Aringo had also intimated to him, just before he turned up for the meeting, that he would wish the Bill placed on today's Order Paper for the First Reading.

This morning, I also got information that hon. Aringo, accompanied by other hon. Members of this House, saw the Attorney-General. To that extent, therefore, that bit of it was done. Therefore, I was made to feel that we were to revert to the desirability of the First Reading of this Bill, and that is why the Supplementary Order Paper has been prepared and placed before the House this afternoon. Therefore, the House Business Committee has in no way shown any contempt of this House.

Mr. Deputy Speaker, Sir, I also stated that, we, on the Government side, feel that since the Orders of the Day were already set out, we were willing to agree to debate this Bill tomorrow.

Hon. Members: No! No! No!

Mr. Deputy Speaker: Order! Order!

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, hon. Members are at liberty to reject our suggestion, but the point of the matter is for them to know our stand.

I think it is also important for this House to note the provisions of Standing Order No.31, which are as follows:-

"(1) Each day after Prayers have been read the House shall proceed with the Orders of the Day as follows:-

- (a) Matters other than business-
 - (i) Administration of Oath;
 - (ii) Communication from the Chair;
 - (iii) Petitions;
 - (iv) Papers;
 - (v) Notices of Motion;
 - (vi) Questions of which notice has been given.
- (b) Business set down on the Order Paper".

Mr. Deputy Speaker, Sir, much more importantly, further, the Standing Order says as follows:-

"(2) Business shall be disposed of in the sequence in which it stands upon the Order Paper or in such other sequence as Mr. Speaker, may, for the convenience of the House, direct".

So, according to this Standing Order, it is only Mr. Speaker who can actually decide otherwise. So, we, on the Government side, have given the undertaking that this Bill can be discussed tomorrow. This is supposed to be Government time, and our priority is on the Appropriation Bill.

Therefore, we do not support the Motion.

Mr. Deputy Speaker: Mr. Biwott, could you proceed?

Hon. Members: No! No! No!

Mr. Deputy Speaker: Order! Order! Hon. Members, you will have your time to debate the Motion before the House. So, if any hon. Member has a contribution to make, he will be given time to do so.

Hon. Members: No! No! No!

Mr. Deputy Speaker: Order! Order! Hon. Members, I will give each political party of this House an opportunity to express its view on this very important Motion. So, hon. Members need not fear.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Members, you very well know that although the majority in this House will have their way, the minority must have their say. Whether they are of single-member parties or ten-member parties, they are entitled to their say. Therefore, I will not allow the majority to bully the minority.

Proceed, Mr. Biwott!!

The Minister for Tourism, Trade and Industry (Mr. Biwott): Thank you, Mr. Deputy Speaker, Sir, for pointing out that every hon. Member in this House has a right to speak, even if he or she is an individual, and that this is a dignified House. This House cannot be supreme if we allow it to conduct its business in an emotional manner.

First of all, Parliament belongs to all of us. There is no single hon. Member of Parliament who can arrogate himself the sole responsibility of determining what is good and what is bad for the entire House. Therefore, it is for all of us to sit down as mature and responsible leaders of this nation, who have been elected to this House, and decide what is good for it.

Mr. Deputy Speaker, Sir, we have Standing Orders which are clearly defined. These Standing Orders stipulate

how we should conduct ourselves. The Standing Orders are made by the entire House and, therefore, we cannot accuse anybody of not following them. It is true that the Committees of this House are subordinate to the House, but it is equally true that unless we respect them, then we cannot administer our business in this House in an orderly way. All of a sudden, why is it that hon. Aringo and the Opposition hon. Members are losing faith in a procedure that was going to bring perfect harmony to this House in the sense that we would deliberate on this matter together, and pass the necessary legislation which is good for everybody in this House? After all, Parliament belongs to all of us, like the Judicial Service Commission is for everybody. Therefore, I beg to oppose this proposal on the grounds that we must abide by our Standing Orders.

Mr. Deputy Speaker, Sir, with these few remarks, I beg to oppose.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Yes, Mr. Mwenje!

Mr. Mwenje: Thank you, Mr. Deputy Speaker, Sir. Now that two people have spoken from both sides of the House, I would like to call upon the Mover to reply.

(Applause)

Mr. Deputy Speaker: No! No! That is an abuse of the process of the House. I would still like to hear more views.

Hon. Members: No!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I have listened patiently to the Leader of Government Business and his "Deputy," hon. Biwott---

(Laughter)

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead this House, and all Kenyans who are listening to what we are discussing in this House, to the effect that I am the deputy to the Leader of Government Business, when, in actual fact, the Deputy Leader of Government Business is hon. Mudavadi? Can he learn from today that the Deputy Leader of Government Business is hon. Mudavadi and not me? Can he also keep on practising---

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, you can understand the extent to which hon. Biwott has gone to explain his position in the Government, which puts him as the "Deputy President" and hon. Saitoti, the Vice-President!

(Laughter)

Mr. Murungi: On a point of information, Mr. Deputy Speaker, Sir. Thank you very much. I would like to inform my friend, Prof. Anyang'-Nyong'o, that although hon. Mudavadi is the nominal Leader of Government Business, we all know that the *de facto* Leader of Government Business is hon. Biwott!

Mr. Deputy Speaker: Order! Order, hon. Members! You cannot, on the one hand, say that you have had enough and you want the Chair to put the question, and on the other hand start bringing this kind of points of order. So, Prof. Anyang'-Nyong'o, proceed with your very useful points.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I just wanted to make one point. One of the reasons why hon. Members of Parliament are extremely impatient with the Government is because of the lead story that is appearing in today's *Daily Nation*. In spite of the fact that the Vice-President is assuring us that the Government is putting this "thing" in good faith, we know, from past experience, that if we do not pass it today, we can still fall prey to the machination of this Government. That is a fact! I think that is something that we cannot pretend about. Let it be laid on the Table and we finish with the business before us; that is, the Constitution of Kenya (Amendment) Bill. Let us knock it down and lock it! I know it is here; we are supreme and autonomous. Let that be done today!

Mr. Deputy Speaker, Sir, I beg to call upon the Mover to reply.

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, there is absolute logic in what hon. Aringo says as far as the supremacy of this House is concerned, over its Committees. I entirely agree with what he said, that this House is obviously more supreme than its own Committees. Therefore, the House Business Committee is subject to what this House directs.

My main concern is whether this House is following its own procedures as per the Standing Orders, and it is in this regard that I will seek the guidance of the Chair on the interpretation of Standing Order No.31(2), which gives Mr. Speaker a discretion. We have the Order Paper here, and so, the first part does not apply. This Standing Order says:

"Business shall be disposed of in the sequence in which it stands upon the Order Paper, or in such other sequence as Mr. Speaker may, for the convenience of the House, direct."

I want to seek the guidance of the Chair on how far his discretion extends. Does it extend to altering the sequence of the items that appear on the Order Paper, or does it extend to altering the sequence of the other items not on the agenda?

Mr. Deputy Speaker: Order! Order, hon. Members! Standing Order No.31(2) gives Mr. Speaker the discretion to vary what is on the Order Paper for the convenience of the House, but he cannot vary what is on the Order Paper in the Chamber. When that Order Paper has been placed in the House, Mr. Speaker cannot vary it, but he can do that in his office before it comes here. However, under Standing Orders No.21, 22 and 23, an hon. Member can stand and still seek adjournment of the House. So, there is no contradiction, except that I cannot place on the Order Paper, for example, the Second Reading of the Bill that you are now talking about. It is not possible for me to do it right now!

The Vice-President (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. I just want to say something, and maybe, it will help you also. Prof. Anyang'-Nyong'o, in his contribution, which he has not finished---

An hon. Member: He finished!

The Vice-President (Prof. Saitoti): If he finished, he made reference to the fact that the Government is saying that this Bill might not appear on the Order Paper tomorrow. I want to say the following---

Hon. Members: No! No!

The Vice-President (Prof. Saitoti): Whether you refuse or not, the fact of the matter is that this Bill will appear on the Order Paper tomorrow. It will be read for the Second Time and go to Committee Stage, so that we pass it. I am making a statement and I am not retracting it.

The other thing is that I want to seek a clarification on this Motion. There are two parts to this Motion. First, hon. Aringo has sought the adjournment of the House under Standing Order No.20. But then, he also has put it that, "the House do adjourn to introduce another Business in the House," which is also catered for under our Standing Order No.31, which gives the Speaker the discretion.

Hon. Members: No! No! No! No way!

Mr. Anyona: Mr. Deputy Speaker, Sir---

An hon. Member: Hon. Anyona will confuse it!

Mr. Anyona: Mr. Deputy Speaker, Sir, I want to say that on an important matter of this kind, hon. Members on both sides of the House should rise above the normal partisan views. It is simply because this nation and the world will be judging us, as we are sitting here this afternoon, to see whether, in fact, we can provide leadership for this country, in the present difficult circumstances, into the new millennium. Therefore, I would like to feel that anybody who has anything constructive to say, we have the whole afternoon, let Kenyans hear it and decide what is good for this country.

Mr. Deputy Speaker, Sir, I would like to say this; that, as a national Parliament, we must protect our rules. It is only by sticking to our rules that our integrity can be meaningful to anybody. Secondly, we must also protect our integrity by way of decisions that we have already committed ourselves to, as a Parliament. We have the right to change them, but we must do it with integrity. We must do it within the procedures that we have laid down.

Mr. Deputy Speaker, Sir, in that case, I would like to say this, that the matter of the Parliamentary Service Commission is a matter that is long overdue.

(Applause)

Mr. Deputy Speaker, Sir, when I came to this Parliament in 1974, we started asking for Parliamentary independence. We never got it; we suffered for it, and yet, we have not got it now. Therefore, I would like to feel that in this era of multipartyism, the question of the independence of Parliament is not in question at all. I would like to feel like that. Now, if it is in question, then somebody should tell us. It is for that reason that this Parliament has passed successive Motions asking for the autonomy of Parliament. Those Motions have been passed in unanimity on both sides of the House. It will be a very sad day if at this late hour, we began to disagree on fundamental matters of this nature, on which we have already made a decision as the national Parliament. There would have to be very good reasons for it.

Mr. Deputy Speaker, Sir, having said that, I would like to say that the only way this will come about is if we

do it as we have done before, by giving it unanimous support. If there is no unanimous support at this point in time, we want to know the reason. What has happened? Why would we now go back on decisions we have already made collectively in this House? Even if this afternoon, we adjourn or not--- If ultimately we do not muster the necessary constitutional support to pass it, then it is all an exercise in futility. It is an escalation of partisan politics, and it will escalate this in the country even more.

Mr. Deputy Speaker, Sir, therefore, I would like to appeal that, rather than going into disagreements this afternoon, and because of a problem which was not solved in the House Business Committee, this House must resolve it amicably. I understand the fears of this side of the House; that, if we do not pass this Bill and we pass the Appropriation Bill, the usual gimmicks will apply. We are tired of gimmicks. This country is tired of gimmicks. Why do we not, as a House, give the House Business Committee, the Chair and the Clerk enough time to come back with an agreed Order Paper?

(Applause)

In my view, it is the only way of complying both to the letter and spirit of this House--- We have two Bills on the Order Paper this afternoon; this particular one and the next one. They are both subject to First Reading at this point in time. There is a proposal in the Order Paper, that the second Bill goes through the rest of the stages. Now, both Bills, under Standing Order No.101(A), do not require to go to the relevant Committees of the House. They can be dealt with right away. Why do we not, in all wisdom, decide, as a Parliament, that, for today, we agree to give the two Bills First Reading only, and then we adjourn the House amicably? Then the House Business Committee will go and prepare the Order Paper for tomorrow, which will give us the Second Reading, Third Reading and Committee Stage for both Bills.

Mr. Deputy Speaker, Sir, if we stick to going into division over this matter, you will have divided this Parliament and the country. This Bill will never pass, and it will be a waste of time.

Mr. Kibaki: Mr. Deputy Speaker, Sir, this issue should not be taken away from its context. As I see it, the matter is very simple. The Motion before us is that we adjourn the House so that we can come tomorrow with a proper Order Paper. The Leader of Government Business has assured us that we shall have the Order Paper which will satisfy everybody because there will be Second and Third Readings of the Constitution of Kenya (Amendment) Bill. That is agreed, and we take his word for it. So, he should also be satisfied. Therefore, there is no point in fighting in the next hour-and-half over something that is not really significant. There is no issue of Division.

Mr. Deputy Speaker, Sir, this Bill has been drafted in agreement with everybody. The Attorney-General is aware of it, and he has assisted in drafting it.

(Applause)

This is a Bill we all want, and it is a kind of Bill we should pass in half an hour. So, as we are here, the best thing, instead of highlighting the matter, is to support Mr. Aringo's Motion that we adjourn and come back tomorrow. Let us keep our tempers down, have a good sleep, and come and pass this Bill quickly in the first half hour tomorrow, and then the Appropriation Bill, which we all want to pass, shall be second on the Order Paper tomorrow. We also shall pass it tomorrow. So, we shall have passed both Bills tomorrow.

(Applause)

Mr. Deputy Speaker, Sir, since we are all of the same mind, let us adjourn. There is no need to go into Division. Let us adjourn until tomorrow, when we shall pass both Bills. That is the way to maintain the dignity of the House and uphold the dignity of hon. Members. So, let us adjourn peacefully, hon. Members. We do not have to go on with this debate now. I, therefore, support the Motion that we adjourn the House.

Mr. Maundu: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to make very few comments with regard to the Constitution of Kenya (Amendment) Bill No.10. I rise to support the Motion of Adjournment. The Motion of Adjournment is important to us because we do not want to fall victims of certain manipulative and very disguised politics; you start seeing white, when others are seeing red. We have fallen into the trap of such circuit time and again. When the Motion that became the product of this particular Bill was before the House, it was supported by a Minister of State, Office of the President, right here.

(Applause)

Mr. Deputy Speaker, Sir, there has been a committee that has been working round the clock to prepare for this particular Bill. That committee is composed of Members from both sides of the House. The Attorney-General has been consulted several times, including this morning. Now, where is the good faith here? That is why I support the Motion for Adjournment and say that the supremacy of Parliament is not the preserve of the Members of this Parliament; it is for the benefit of the people of Kenya. For our Parliamentary Committees to work efficiently, they must be properly run and funded through an independent Parliament. The Clerk of the National Assembly and his staff must be independent from any manipulation, so that they serve Parliament for the best interest of Kenyans. Unless our committees in the House are functioning, their deputies and other people will continue to manipulate the events in this country to the detriment of all Kenyans. This economy cannot revive properly unless our committees do their jobs carefully and without fear of intimidation or harassment from any quarters. Democracy cannot not be enhanced unless the House Committees subject Ministers, provincial administrators and police officers to the rules of this House. It is only recently that Members were harassed throughout this country by the Provincial Administration. Today, the House Committees are weak and cannot subject those people to the fear and knowledge that Parliament can do something. Ministers are working with impunity because they know that Parliament is weak.

Mr. Deputy Speaker, Sir, at this juncture, I would ask the Chair to put the Question so that we dispose of this matter quickly.

(Applause)

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I do thank you for giving me the opportunity to contribute to this very important Motion. I do believe that the Constitution of Kenya (Amendment) Bill is one that touches every Member in this House and every person employed in the administration of Parliament. And for that reason, I do believe that the Motion for Adjournment must be supported by all Members in the House. Kenya has just embarked upon the road of democratisation, and the surest pillars of democracy are independent democratic national institutions, and Parliament is the most important of all those institutions. I believe that any Member who will oppose this Bill will be subject to the cliché that "they will be cutting their noses to spite their faces."

(Applause)

Mr. Deputy Speaker, Sir, my initial position was that this House adjourns to debate the Constitution of Kenya (Amendment) Bill straightaway, but I will defer to adopt the wiser counsel from the Leader of the Official Opposition that we adjourn and then debate the Bill tomorrow, along with the Appropriations Bill, all in order to bring everybody on board, so that the Bill can be supported by every Member in this House. But to ensure that, that shall be done, I would like to add a rider that as soon as the House rises this afternoon, the House Business Committee meets officially and issues a new Order Paper for tomorrow, specifying that this Bill be debated first and then the Appropriation Bill.

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

(Applause)

The Minister for Public Health (Prof. Onger): Mr. Deputy Speaker, Sir, I think, in all fairness, any matter that touches on a constitutional matter is serious and everybody should be given a fair chance of venting his or her views. There is no single person in this House who can arrogate himself or herself any power or, for that matter, any authority, to override any other hon. Member. Therefore, it is, indeed, very amazing that Members should, through emotional approach, relegate this issue to a third point. Therefore, I want to propose the following---

Hon. Members: Propose!

The Minister for Public Health (Prof. Onger): I have not proposed, so what are you reacting to?

Since we have an Order Paper which came out, and it would appear that everybody wants to discuss the Kenya Constitution (Amendment) Bill and the Appropriation Bill together, may I, therefore, suggest that in order to use the time of this House prudently, we should move on to the third Bill, the Medical Laboratory Technicians and Technologists Bill. The reason for saying this is because I believe it would be judicious and fair for this House, if we are serious that we want to discuss and dispose of the business of the House, that we move on to the third item on the Order Paper.

Mr. Deputy Speaker, Sir, I beg to move that proposal.

(Loud consultations)

Mr. Deputy Speaker: Order!

(Mr. Kajwang stood up in his place)

Order, Mr. Kajwang! Freeze on your bottom. Hon. Members, it looks like we are making some progress, slowly though. There are some consultations going on---

Hon. Members: No! No! Put the Question!

Mr. Deputy Speaker: Order! The Standing Orders give me the authority to refuse to put the Question, but because I recognise the importance of this matter, I sense that hon. Members ought to be given an opportunity to debate it. That is what I am doing now. I want a consensus to emerge, which means that when we do revert to the Bill, there is unanimity in the House because, you, in the Opposition side, need numbers for the Bill to pass through, and you cannot get the numbers unless there is unanimity in the House.

I think I am also an interested party, and I do wish that, that unanimity be achieved so that this Bill is passed. So, hon. Members, do not be over-hasty.

Proceed, Mr. Kajwang!

Mr. Kajwang: Mr. Deputy Speaker, Sir, I would like to assure you that you should not be worried about the numbers. We have the numbers to pass this Constitutional Amendment Bill today or tomorrow, if you allowed it. If it is tomorrow, it must be the first business this House will deal with before we deal with anything else. We would like to adjourn, to allow the House Business Committee to go and do their work properly. We gave them a job to do yesterday, and they sort of tricked us. They put the Constitutional Amendment Bill on the Order Paper for the First Reading only, but put the Appropriation Bill on the Order Paper for the First Reading, Second Reading, then to the Committee Stage and finally to approval. They think they are tricky. We have caught them, and we are debating this matter today, if you allow us to, or we adjourn and debate it tomorrow as the first business of the House. I do not need to say more. This House will pass this Constitutional Amendment Bill.

Mr. Deputy Speaker, Sir, when I was a teacher at the Kenya Polytechnic, I attended a Parliamentary session in this House.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. Since we have heard from a fairly representative number of hon. Members of Parliament and there is already unanimity that we discuss this Bill tomorrow, is it not in order for me to ask that you put the Question now?

Mr. Kajwang: Mr. Deputy Speaker, Sir, I am almost through with my contribution except for one thing: I came here and watched the then Attorney-General, Charles Njonjo, moving an amendment to Section 2(A) of the Constitution. He said: This House made this Constitution, and this House will this afternoon amend this Constitution.

Mr. Deputy Speaker, Sir, I would like to say that, this afternoon or tomorrow, this House will amend this Constitution.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): On a point of order, Mr. Deputy Speaker, Sir. I am really surprised by the confidence hon. Kajwang is posing. This hon. Member has told us before that he had the numbers for the Vote of no Confidence in Prof. Saitoti to pass through, and he did not. Is he in order to mislead the House that he has got the numbers to pass this Bill?

Mr. Kapten: Mr. Deputy Speaker, Sir, since we have listened to all the sides in the House, could you put the question?

Mr. Anyona: Mr. Deputy Speaker, Sir, I thought that the correct procedure in a matter of this kind, is that there is actually no right of reply. In which case, Mr. Speaker either puts the Question or declines to put the Question. So, could we proceed?

Mr. Deputy Speaker: Hon. Members, it seems that we have come to the end of this debate because no other hon. Member is willing to contribute. So, I will now put the Question.

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, 11 November, 1999, at 2.30 p.m.

The House rose at 5.00 p.m.