

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 5th May, 2005

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

MITIGATION AGAINST EFFECTS OF DROUGHT

Mr. M.Y. Haji: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

Considering that the long rains have failed in most parts of the country, could the Minister inform the House what the government is doing to mitigate against the effects of the looming drought and, in particular, specific measures to purchase animals from Arid and Semi-Arid Lands (ASALs) areas and appealing for food aid from the international community?

The Assistant Minister, Office of the President (Dr. Machage): Mr. Speaker, Sir, I beg to reply.

Due to climate changes in the country, the 2005 long rains have delayed but, from mid-April this year, there was an onset of rains in some parts of the country and Ijara District was included. The rains have been erratic but may improve as long as the season is still on. Within the 2004/2005 Financial Year, the Government has distributed Kshs9 million in each of the following ASAL districts for purchase of animals: Turkana, Marsabit, Wajir, Garrissa, Mandera and Tana River.

A rapid assessment report was undertaken and a recommendation of the Kenya Food Security meeting found out that the following ASAL districts were not very much under stress and were left out of that assistance: Moyale, Ijara, Tharaka, Lamu and Mbeere. As rains have been seen not to be favourable, the Government, being a stakeholder in the Kenya Food Security Steering Committee, has planned to conduct an early rapid food security assessment from June this year. It will start on 1st June, 2005, to assess the food security situation in the country. Currently, the district steering groups are carrying out rapid assessments at district level to determine areas that are particularly affected for the purpose of continuing targeting interventions.

Mr. Speaker, Sir, the previous emergency operation which ended in February, 2005, was extended to August, 2005, after the short rains assessment which showed that the situation had not completely improved as expected. However, some districts were phased out of the emergency operations as they had improved, but their situation is being monitored and the Government will assist if need arises. That is why the Government appealed for more food aid for this country from the donor community in March 2005.

Mr. M.Y. Haji: Mr. Speaker, Sir, while I appreciate the answer by the Assistant Minister, I would like to tell him that rains in Ijara have not been sufficient. As I speak now, all the livestock have been moved to Coast Province. In the process, some of the cattle are dying because the pasture is not enough. In view of that, I

would like the Assistant Minister to reconsider the issue of Ijara in particular.

Dr. Machage: Mr. Speaker, Sir, I will reconsider.

Mr. Bahari: Mr. Speaker, Sir, although I did not hear whether Isiolo was included or excluded from the list read out by the Assistant Minister, my question is: Sometimes, when rapid assessments are done and the reports are given to the Assistant Minister--- Those assessments are done by individual officers. I would like to ask the Minister to consider having those assessment reports subjected to DSG meetings for approval, before they are forwarded to the Minister.

Dr. Machage: Mr. Speaker, Sir, more often than not, we also have that requirement. We also rely a lot on the information from the Member of Parliament. In the case of Isiolo, the emergency operation that is going on there is not because of drought. It is due to floods. For the information of the hon. Member, I will send a big consignment of tarpaulins and food to Isiolo today.

Mr. Speaker: Last question! Mr. Leshore, you can finish this!

Mr. Leshore: Mr. Speaker, Sir, I would like the Assistant Minister to tell us why he is biased in distributing the Kshs9 million to ASAL districts. I am sure Samburu, Isiolo and other districts did not get anything. Why is he biased against the Samburus?

Dr. Machage: Mr. Speaker, Sir, I am not biased against any community. My decision depends on the reports and recommendations of the DSGs from those communities. So, I would like to request the hon. Member to attend all those meetings and give me a proper request.

STATUS OF DEVELOPMENT BANK OF KENYA

Mr. Billow: Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) What is the status of the ownership of Development Bank of Kenya?

(b) Is the Minister aware of the intended merger of the bank with Housing Finance Corporation of Kenya?

(c) If the answer to part (b) above is in the affirmative, could the Minister confirm that there are adequate measures to protect the interests of the Government?

The Minister for Finance (Mr. Mwiraria): Mr. Speaker, Sir, to answer this Question effectively, I need to consult with several institutions. The consultations have not been completed in the time available. I have already pleaded with the hon. Member - my opposite number - that I reply to him next week, after I get full information on the matter.

Mr. Speaker: Mr. Billow, I will give you up to Thursday, next week!

Mr. Billow: Yes, Mr. Speaker, Sir. Hopefully, Thursday will be the last time.

(Questions deferred)

RELEASE OF LOAN BALANCE TO MUSOCO

Prof. Olweny: Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Is the Minister aware that the Kenya Sugar Board and the Ministry of Agriculture, last year, approved sugar development loan for Muhoroni Sugar-cane Outgrowers Company (MUSOCO) to the tune of Kshs100 million and that Kshs67.5 million of this amount has been released for land preparation and planting of cane?

(b) Is he further aware that the Treasury has refused to release the balance of Kshs32.5 million to be used by farmers to weed the sugar-cane fields which are currently being smothered by heavy weed infestation?

(c) What efforts is the Minister making to ensure that the loan balance of Kshs32.5 million is

released immediately to MUSOCO so that the farmers can embark on weeding?

The Minister for Finance (Mr. Mwiraria): Mr. Speaker, Sir, this is a Question which really falls in between two

Ministries. Although I had given the hon. Member an answer yesterday, on looking at it, I found that maybe I needed some information from the Ministry of Agriculture. I have already sought that information so that I can give him a comprehensive answer which will really be satisfactory. We are talking about farmers and we want to show that the Government has concern for them. I would like to request for a little bit of time to get the additional information from the Ministry of Agriculture.

Mr. Speaker: What is your reaction?

Prof. Olweny: Mr. Speaker, Sir, it is okay with me, because we really need this second instalment of the loan.

Mr. Speaker: The Question is deferred to Thursday next week.

(Question deferred)

DEATH OF MS. JOYNER ONDIMU IN USA

Dr. Manduku: Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Is the Minister aware that a 23-year-old student, Joyner Ondimu, was killed in February, 2005, in Delaware, USA?

(b) What action has been taken to unearth her killers?

(c) What immediate steps have been taken to assist the family of the deceased?

The Minister for Foreign Affairs (Mr. Mwakwere): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Joyner Ondimu was found dead in February, 2005, in Delaware, USA.

(b) On 15th February, 2005, Mr. Samuel Ondimu, the father of the deceased, wrote and informed the Ministry of Foreign Affairs that Joyner Ondimu who was a student in Delaware Technical Campus, English Village, Apartment Complex, near Washington DC, was found dead in a bed on 8th February, 2005. On 16th February, 2005, the Ministry of Foreign Affairs wrote and instructed our Embassy in Washington DC to obtain information on the cause of the death of Ms. Ondimu. On 17th February, the mission responded and informed us that relatives of the deceased; Mr. and Mrs. Mayaka, had equally visited the Embassy to report the death of the late Ms. Ondimu. The two had explained that on the scene of investigations and interrogations of various people, including the deceased's housemate had been carried out by the area law enforcement authorities. The two relatives further informed that the results of the initial investigations indicated that the deceased had met her death under circumstances that suggested homicide.

(c) The mission in Washington DC is in touch with the officer in charge of the investigations, Detective Jeff Shriner of Castle County Police, Delaware. The detective confirmed to them that the matter is under active investigation. Upon receipt of the information, my Ministry conveyed the same to Mr. Samuel Ondimu, the father of the deceased, in a letter dated 8th February, 2005. Investigations are still underway.

Dr. Manduku: Mr. Speaker, Sir, I would like to thank the Minister for that comprehensive answer. Here is a young girl who went to study in America with the financial support of her parents. She had very good relations with her relatives and housemates. She was found mysteriously dead in the morning. Up to now, the relatives have not been briefed about the cause of death. Is the Ministry ideally in touch with the American Government on the investigation and the cause of death of this young girl?

Mr. Mwakwere: Mr. Speaker, Sir, I would like to confirm once again that the Ministry is in touch with the American authorities and our embassy in Washington DC and that investigations are

ongoing and actively so.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, there are so many Kenyan students studying overseas and we often hear that some of them have died under mysterious circumstances. Could the Minister tell us whether they have put in place any measures to ensure that they know where these students are, and that, should something happen to a Kenyan citizen studying overseas, they are able to do something about it?

Mr. Mwakwere: Mr. Speaker, Sir, students are encouraged to report to all our missions overseas and record or give information on where they are living and studying. I am saying they are "encouraged" because there is no way we can make it mandatory for them to report their whereabouts or the institutions where they are studying. However, the response is very good and most students do report and give addresses of their residences and institutions of study.

Mr. Mwandawiro: Bw. Spika, kwa vile FBI na CIA huingia humu nchini na kufanya uchunguzi, na hata kuwakamata watu na kuwahoji, je polisi wa Kenya wanaweza kuenda mpaka Marekani kuchunguza hiyo kesi?

Mr. Mwakwere: Mr. Speaker, Sir, to start with, I am not really aware of any American CIA agents or FBI officers carrying out investigations in Kenya. Nonetheless, one of the objectives of having a mission in a foreign country is to carry out exactly what the hon. Member is suggesting; that our police officers should go to America to do that job. So, we are very well represented.

Dr. Manduku: Mr. Speaker, Sir, after the death of this young girl in America, her parents incurred a lot of expenses. It is not easy to transport a body by air from America to Kenya, including the supportive relatives who accompanied the parents. The parents of the girl incurred a lot of expenses, and in fact, right now the family is living in abject poverty. What is our Government or the American Government doing to support the family so that they do not keep on experiencing the kind of poverty they are living in now?

Mr. Mwakwere: Mr. Speaker, Sir, when an unfortunate incident like that one occurs; where a Kenyan dies in a foreign country, it is squarely the responsibility of the families concerned to meet the cost of bringing the body back home. However, if a family approaches the Ministry, then preparations can be instituted to ensure that the body does arrive back home. But, eventually, the family has to reimburse the Ministry.

ORAL ANSWERS TO QUESTIONS

Question No.089

BENEFITS OF TURBO NYS CAMP AND DAIRY FARM TO FARMERS

Dr. Kibunguchy asked the Minister for Home Affairs:-

- (a) whether he is aware that the National Youth Service (NYS) camp and dairy farm at Turbo in Lugari District does not interact with the local community and its existence is not useful to the area residents; and,
- (b) what measures he will put in place so that the NYS dairy farm can be of benefit to the local dairy farmers and the NYS trainees can be actively involved in community work.

The Assistant Minister for Home Affairs (Prof. Kibwana): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that the National Youth Service camp and dairy farm in Turbo is not useful to the area residents. The farm sells A1 high breed weaners bulls, to the local farmers in the area, extending to

neighbouring districts such as Uasin Gishu. The NYS Turbo farm has also been organising farmers' field days on livestock and crop production, which are open to surrounding farmers. The farmers learn new farming techniques in land preparation using various machines, fertilizer and chemical application. The last such day was held on 28th August, 2002 where at least 96 farmers attended. Therefore, the dairy farm has been very useful to the area residents.

(b) The following equipment, which is in great demand at particular times of the year, is readily available for hire by local residents: Fertilizer sprayers, boom sprayers, farm tractors, seed planters, aid bailer, cattle deep and spray race.

The National Youth Service (NYS) Rural Craft Training School in Turbo is also now open for part-time classes to the youth in line with parallel programmes in other public institutions. The training covers various disciplines at artisan level. If provided with funds and construction equipment, the service can also actively be involved in road maintenance, as well as in bridge and dam construction.

Dr. Kibunguchy: Mr. Speaker, Sir, I was more interested in the social responsibility aspect of the NYS towards the community in this area. The Assistant Minister has given me an answer that I was not looking for. I want to know how the NYS is interacting with the local community.

Prof. Kibwana: Mr. Speaker, Sir, I do not quite understand that particular supplementary question, because what we have itemised are the official functions of the NYS including reserving a few days to share with the community the things that the NYS camp undertakes in that locality. If the hon. Member could explain the kind of social activities he would like the young people at the NYS to undertake, I would perhaps be able to pointedly answer his question.

Mr. Mukiri: Mr. Speaker, Sir, I am one of the persons who underwent training under the NYS programme. What normally goes on in the NYS is that a lot of time is wasted on military training. When the servicemen and servicewomen are discharged from the service, the training they acquired becomes irrelevant. Could the Assistant Minister consider changing the curriculum for the NYS to make it relevant to the community?

Prof. Kibwana: Mr. Speaker, Sir, the hon. Member is alluding to the training that was given to the young men and women who were preparing to join university many years ago. During that time, before students joined the university, they were exposed to what was, perhaps, punitive training. That programme was subsequently discontinued. That was during the hey days of the KANU regime. Currently, we emphasise on a bit of military training so that the young men and women in the NYS can become disciplined officers. However, particularly the ones we are talking about in Turbo are trained in various artisan activities so that they are useful to our community.

Dr. Kibunguchy: Mr. Speaker, Sir, in response to part "b" of my Question, the Assistant Minister said that they are going to start parallel training programmes. I would like him to explain when these courses will start and how much it will cost a student to undergo this training.

Prof. Kibwana: Mr. Speaker, Sir, the courses will include arc welding, gas welding, fitting, sheet metal, motor vehicle mechanics, motor vehicle electrician, panel beating and spray-painting. We are preparing so that enrolment can start in January, 2006. Currently, we are working on the fees the students will be required to pay, but they will not be exorbitant, so that students who have completed Form Four and Standard Eight can easily afford them.

Question No.208

MEASURES TO STOP OFFENDING
MEDIA ADVERTISEMENTS

Ms. Mwau asked the
Minister for Information and Communications:-

(a) whether he is aware that most commercial advertisements in both print and

electronic media are based on stereotypes that demean women; and,
(b) what steps he is taking to ensure that media advertisements do not offend social values or vilify either gender.

The Minister for Information and Communications (Mr. Tuju): Mr. Speaker, Sir, I have had an opportunity to talk with Ms. Mwau and request for more time. I have just received the answer, but I am not satisfied with it. I have, therefore, decided to request my Ministry to give me a more comprehensive reply before I can come and answer the Question.

Mr. Speaker: What is your reaction, Ms. Mwau?

Ms. Mwau: Mr. Speaker, Sir, this is the third time this Question is being deferred. So, I hope this is the last time it is being deferred.

Mr. Speaker: Well, I hope so! The Question is deferred to Thursday next week.

(Question deferred)

Question No.274

LACK OF TELEPHONE FACILITIES
IN KALAMA DIVISION

Mr. Mwanzia asked the Minister for Information and Communications:-

(a) whether he is aware that Kalama Divisional Headquarters has no telephone facilities; and,

(b) if the answer to part "a" is in the affirmative, what urgent plans he has put in place to provide this essential service.

The Minister for Information and Communications (Mr. Tuju): Mr. Speaker, Sir, similarly, I have talked with Mr. Mwanzia. I would like to explain part of the reason why this is happening. It takes a while before Questions get to my office, which is currently at Kangemi. I have established that there is a communication problem between the Office of the Clerk of the National Assembly and my office, but we are sorting it out. That is one of the reasons why I have been receiving the answers late. So, I will sort the problem out.

An hon. Member: But he is the Minister for Communication!

Mr. Speaker: I am told that you are the Minister for Communication!

The Minister for Information and Communications (Mr. Tuju): Mr. Speaker, Sir, if I could receive them on-line, I would act much faster.

Mr. Speaker: Is that so, Mr. Mwanzia?

Mr. Mwanzia: Mr. Speaker, Sir, we have consulted with the Minister and agreed that the Question comes up again on Wednesday next week.

Mr. Speaker: Very well! The Question is deferred to next Wednesday morning.

(Question deferred)

Question No.139

LACK OF AMBULANCES IN
MANDERA DISPENSARIES

Mr. Shaaban asked the Minister for Health:-

- (a) whether she is aware that there are no ambulances attached to far-flung dispensaries in Fino, Lafey, Warangara, Kalaliyo, Hareri and Libihya divisions to transport patients who are referred to the District Hospital in Mandera; and
(b) when she will dispatch the required vehicles.

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that there are no ambulances attached to far-flung dispensaries in Fino, Lafey, Warangara, Kalaliyo, Hareri and Libihya divisions, to transport patients to Mandera District Hospital. However, Mandera District Hospital has one Land Rover ambulance, which serves the district hospital and gives emergency services.

(b) With the support of the leader, radio calls have been installed in Lafey and Arabia dispensaries in Mandera East Constituency. In this financial year, all dispensaries in the district will have radio call sets installed, so as to improve communication between the district headquarters and the peripheral health facilities. We hope that this will in turn ease the referral system in the event of emergencies. Under the circumstances, it will not be practical to station an ambulance at every dispensary.

Mr. Shaaban: Mr. Speaker, Sir, this is a very unfortunate answer for the people of Mandera East Constituency. The fact on the ground is that, in all the divisional headquarters, there is no health centre or maternity ward. Our mothers give birth on the streets. They sometimes die on the streets while trying to access medical facilities at the only district hospital which is, in some cases, 200 kilometres away from some of the divisional headquarters. The ambulance the Assistant Minister has referred to, which is at Mandera District headquarters, 200 kilometres away from Lafey Division, is most of the time defective.

Could the Assistant Minister be serious and try to provide, at least, one ambulance to any of these dispensaries, some of which are 200 kilometres away from the district hospital, where he says there is an ambulance and which is most of the time defective?

Mr. Konchella: Mr. Speaker, Sir, the Ministry of Health, with the support of leaders, is improving all health facilities in the North Eastern Province. In the case of Mandera East, because of the distance between the various facilities and the population, the Ministry will undertake to upgrade Fino Health Centre to a sub-district hospital, in the next financial year, so that it can act as a referral facility to assist dispensaries like Lafey, which is 180 kilometres away from Mandera District Hospital.

Mr. Kipchumba: Mr. Speaker, Sir, I would like to know from the Assistant Minister the number of ambulances the Ministry will purchase this financial year. Could he table a list showing how the ambulances will be distributed throughout the country?

Mr. Konchella: Mr. Speaker, Sir, in this financial year, we have been able to buy only 30, but I think the procurement is on-going. As soon as they arrive, we will do a distribution and then I can table the list in this House.

Mr. Boit: Mr. Speaker, Sir, sometime back, the Ministry gave us some ambulances and I am very grateful. We have one at Barwessa Health Centre. Unfortunately, that ambulance has been confiscated by the Medical Officer of Health (MOH) and it is being misused there---

Mr. Speaker: Order! I have said in the past that there is no grabbing of Questions and diverting them. We are talking about these various institutions in Mandera East. So, are you likely to say anything about Mandera East?

Mr. Boit: Yes, Mr. Speaker, Sir. There are many other dispensaries similar to [Mr. Boit] the ones in Mandera. What criteria does the Ministry use in allocating ambulances, particularly the 30 he has talked about? We would like to know the criteria in advance, because there is no point of him coming here to give us a list which he has doctored!

Mr. Konchella: Mr. Speaker, Sir, it is based on the needs of the hospital.

Mr. Shaaban: Mr. Speaker, Sir, now that the Assistant Minister has said he will upgrade Fino

Dispensary to a sub-district hospital in the next financial year, could he tell this House how much money he is allocating to that dispensary?

Mr. Konchella: Mr. Speaker, Sir, we will advise the MOH, Mandera, to undertake a study on the needs and requirements for upgrading. Once we know that, then we will do the costing and know how much it will require. But I can assure the Member that we will allocate money to the dispensary in the next financial year.

Mr. Shaaban: On a point of order, Mr. Speaker, Sir. Since we know that the Government has already made Estimates for the next financial year, could the Assistant Minister tell us how much the Ministry has allocated to Fino Dispensary in the Forward Budget?

Mr. Speaker: You know, I am very generous today. Otherwise, in ordinary circumstances, you know the consequences of what you have done.

Will you finish your answer, Mr. Konchella?

Mr. Konchella: Mr. Speaker, Sir, I have told the hon. Member that we cannot just allocate money from nowhere. It has to be costed; based on the needs of the hospital. So, let him work with the MOH, visit the place, come with what is required and we will allocate that money.

Mr. Speaker: Order! As I understand it, what is bothering the Member is that he would like to know whether you have serious plans to finance the activities of those health facilities in the next financial year.

Mr. Konchella: Mr. Speaker, Sir, I am saying this because the Ministry of Finance, next year, will raise its allocation to the Ministry of Health. So, infrastructural development in some of those critical areas like Fino will be undertaken. So, we will allocate the money based on how much we are going to get and also on the needs of the hospital itself.

Question No.055

INDEBTEDNESS OF TESO/MALABA
/BUSIA COUNTY COUNCILS

Mr. Ojaamong asked the Minister for Local Government:-

- (a) which individuals or firms are indebted to Teso County Council, Malaba Town Council and Busia Municipal Council;
- (b) how much these councils owe these individuals or firms in (a) above and how much the councils are owed by individuals and various firms; and,
- (c) what urgent steps he is taking to send qualified staff to run these councils to enable them render services to their respective residents effectively and efficiently.

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

(a) Teso County Council is indebted to employees unpaid salaries of Kshs8,281,851.30; councillors' unpaid allowances, Kshs1,291,908; National Hospital Insurance Fund (NHIF), Kshs290,260; Provident Fund, Kshs85,620; Kenya Revenue Authority (KRA), Kshs143,122; Association of Local Government Authorities of Kenya (ALGAK), Kshs57,700; Kenya Local Government Workers Union, Kshs29,700; legal cases, Kshs1,141,150---

Mr. Speaker: How long is the list?

The Assistant Minister for Local Government (Mr. Tarus): It is very long, Mr. Speaker, Sir!

Mr. Speaker: Then table it!

The Assistant Minister for Local Government (Mr. Tarus): Indeed, I will do that!

(Mr. Tarus laid the document on the Table)

Mr. Speaker: Have you got a copy of the answer, including the list, Mr. Ojaamong?

Mr. Ojaamong: Yes, I do, Mr. Speaker, Sir.

Mr. Speaker: Very well.

The Assistant Minister for Local Government (Mr. Tarus): Mr. Speaker, Sir, I will then proceed.

(b) Teso County Council owes creditors Kshs11,487,441.20 and it is owed Kshs2,091,600 by its debtors. Malaba Town council owes its creditors Kshs323,000 and it is owed Kshs3,979,127.80. Busia Municipal Council owes its creditors Kshs23,294,549.55 and it is owed Kshs34,196,474 by its creditors.

(c) My Ministry is working, in partnership with the Public Service Commission to identify qualified officers and post them to the councils that are currently lacking qualified chief officers.

Mr. Ojaamong: Mr. Speaker, Sir, the Busia Municipal Council and Malaba Town Council are owed a lot of money by their debtors. What is the Minister doing to ensure that these people, who owe the councils money, repay it in good time so that it is put in good use for the benefit of the residents of these councils?

Mr. Tarus: Mr. Speaker, Sir, the Ministry has taken serious steps to ensure that local authorities, including the ones mentioned above, have received their due pays. One of the cardinal steps to be taken is to post qualified staff to those particular councils because of mismanagement.

Dr. Ojiambo: Mr. Speaker, Sir, could the Assistant Minister consider sending a debt recovery officer to these councils to ensure that this money is recovered?

Mr. Tarus: Mr. Speaker, Sir, we shall consider additional steps, other than just sending a debt recovery officer to those particular councils.

Mr. Osundwa: Mr. Speaker, Sir, councils across the country receive assistance from the Government in the form of Local Authorities Transfer Fund (LATF) contributions in lieu of rates. Could the Assistant Minister tell this House how this money is utilised annually in those particular councils?

Mr. Tarus: Mr. Speaker, Sir, the Local Authorities Transfer Fund (LATF), which is given to all local authorities annually, is supposed to meet the financial requirements of the authorities and to facilitate the development activities in the respective wards of the local authorities.

Mr. Serut: Mr. Speaker, Sir, most of the local authorities are given money by the Government and yet the Government does not follow up to find out what the money is used for. When will the Government come up with a mechanism to ensure that money given to local authorities is properly utilised and that, on a yearly basis, inspections are carried out on projects that these local authorities undertake?

Mr. Tarus: Mr. Speaker, Sir, I can mention a few steps that the Ministry has taken to ensure that local authorities do not become centres of mismanagement and malpractices. One of the steps is the sending of inspection officers to the local authorities. We have a department of inspection which is charged with the responsibility of inspecting the functions of all local authorities and the manner in which they utilise resources. Secondly, we audit the accounts of these authorities. In addition to that, we are planning to establish financial management boards which will ensure that local authorities engage only in the best management practices.

Mr. Ojaamong: Mr. Speaker, Sir, from the answer given by the Assistant Minister, you will realise that the Teso County Council and Busia Municipal Council owe lawyers a lot of money. It has come to our attention that the Town Clerk conspired with advocates just to fabricate and bring up cases so that the councils pay the lawyers money.

Mr. Speaker: Order, Mr. Ojaamong! Do you have any proof of that?

Mr. Ojaamong: Mr. Speaker, Sir, I do not have proof here, but that is the case!

Mr. Speaker: Mr. Ojaamong, the rule is that I will not allow you to do that! However, you can re-frame your question.

Mr. Ojaamong: Mr. Speaker, Sir, in view of the fact that a lot of money is being misappropriated in these councils, what urgent steps is the Assistant Minister taking to ensure that money given to the councils and the revenue collected by them is put into good use for the benefit of the people living in these areas?

Mr. Tarus: Mr. Speaker, Sir, the most important thing is to send qualified and efficient personnel to these local authorities. I said that my Ministry, in collaboration with the Public Service Commission (PSC), is identifying suitable personnel to man these local authorities.

Question No.299

CONSTRUCTION OF TRANS NZOIA
DISTRICT HEADQUARTERS

Capt. Nakitare asked the Minister of State, Office of the President:-

(a) whether he is aware that the construction of the new Trans Nzoia District Headquarters has stalled;

(b) how much money has been used so far on the district headquarters and what is the outstanding balance to its completion; and,

(c) when he will move the district headquarters to the new location so that the old premises can be converted into a medical training college.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the construction of the new Trans-Nzoia District Headquarters has stalled.

(b) The amount so far extended to the project, since its inception, is Kshs186,628,000.40 and the outstanding balance to the completion is Kshs57 million which is proposed to be programmed in the Ministry of Roads and Public Works in the next financial year under an Item called "Stalled Projects". This amount will be sufficient to complete the project.

(c) Once the project is completed---

Capt. Nakitare: Mr. Speaker, Sir, the answer the Assistant Minister has given us is very brief and yet I was looking forward to a comprehensive answer. The construction of Trans Nzoia District Headquarters has stalled for so many years and our District Commissioner has no place to expand his office. I would like the Assistant Minister to tell us the problem that arose between the contractor of this building and the Ministry of Roads and Public Works before the project stalled.

Mr. M. Kariuki: Mr. Speaker, Sir, it is not the brevity of the answer that is important, rather it is the substance of the answer. I wish to assure the hon. Member that the project will be completed. I do not have the details regarding the contract and the reasons why the contractor had problems. I wish to beg that if those details are required, then I can come to the House with better details at a later date. However, I addressed my answer to the specific Question that was raised.

Mr. Omingo: Mr. Speaker, Sir, I know that there are more projects on the construction of district headquarters which have stalled. Now that this Government has actually embraced what the previous regime was doing, including embracing the so-called political districts - I hope hon. Michuki has withdrawn his case on political districts - what deliberate move is the Ministry making to complete the construction of district headquarters which are stalled including Gucha District Headquarters?

Mr. M. Kariuki: Mr. Speaker, Sir, Trans Nzoia is not one such district that has been referred to by the hon. Member. In fact, Trans Nzoia was a constitutional district right from 1963. The other stalled projects include the proposed district headquarters for Ijara, Rachuonyo, Maragua, Ol Kalou and Lugari.

Capt. Nakitare: Mr. Speaker, Sir, I still feel that this Assistant Minister has an obligation to explain to this House what transpired before the construction of the Trans Nzoia District Headquarters stalled. We know that there is a problem between the Ministry of Roads and Public Works and the then contractors. Could the Assistant Minister produce evidence to show that the building of the headquarters stalled either because of lack of funds or a discrepancy between the contractors and the Ministry of Roads and Public Works?

Mr. M. Kariuki: Mr. Speaker, Sir, I understand the hon. Member's fear. He wants to know when he will get his district headquarters. I have assured him that, if we go back to the controversy that has engulfed this construction for the last 20 years, that might be another Question altogether.

Question No.170

AMOUNT OF REVENUE COLLECTED
BY KIRINYAGA LANDS OFFICE

Mr. Karaba asked the Minister for Lands and Housing:-

- (a) what was the total revenue collected by the Kirinyaga Lands Office in the Financial Year 2003/2004;
- (b) if he is aware that the office is too congested leading to poor record keeping; and,
- (c) what measures he is taking to disseminate research findings to the farmers through extension services.

The Assistant Minister for Lands and Housing (Mrs. Tett): Mr. Speaker, Sir, I beg to reply.

(a) The total revenue collected was Kshs5,989,623.

(b) I agree that the office is too congested and that proper record keeping is difficult in such circumstances. The District Lands Registrar is, however, under instruction to ensure that the records are neatly and safely maintained to avoid inconveniencing the public.

(c) A land registry stores and handles very important documents which deal with people's land rights and we recognise that it is imperative to ensure the safety and proper storage of such documents. Plans are, therefore, in hand to refurbish and expand the district lands registries in the country so that they can handle the ever-increasing number of documents. There are also plans to computerise and create back-up systems for the lands registries as soon as funds become available.

Mr. Karaba: Mr. Speaker, Sir, the Assistant Minister has told us that the office will be put in place as soon as funds are available, but the funds are there. We collect Kshs6 million every year. Why can she not use part of that money to buy one or two computers, so that the information can be computerised?

Mrs. Tett: Mr. Speaker, Sir, we collected Kshs5 million and we sent Kshs3 million back to the constituency. Immediately funds are there, this will be done. The money has to come to the Treasury before it is sent back to the constituency. There is a budget for this.

Mr. Karaba: Mr. Speaker, Sir, if it is true that Kshs3 million was taken back to the constituency, could the Assistant Minister tell us exactly what use that money was put into in Kerugoya Lands Office?

Mrs. Tett: Mr. Speaker, Sir, Kshs3,495,651 was used on buying expenditure items.

*Question No.340*DISSEMINATION OF RESEARCH
FINDINGS TO FARMERS

Mr. K. Kilonzo asked the Minister for Agriculture:-

- (a) whether he is aware that the invaluable data generated by research institutions countrywide does not benefit the farmers in enhancing their production; and,
(b) what steps he is taking to disseminate research findings to the farmers through extension services.

The Assistant Minister for Agriculture (Mr. Kaindi): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that research institutions countrywide have continued to generate invaluable data that is supposed to benefit farmers in order to enhance their production. I am also aware that not all the data that is generated from the stations has reached the farmers as intended.

(b) In order to make the dissemination of research findings more effective, my Ministry is undertaking the following steps:-

(1) Extension officers and the KARI stations countrywide have been directed to organise field demonstration activities as well as agricultural *barazas* within their areas of operation in order to disseminate the said information to the farmers.

(2) All the 27 farmers training centres are being revamped in order to make them better equipped to train farmers to adopt modern farming technologies.

(3) The role of the Agricultural Information Research Centre is being enhanced in order to make it produce publications, radio and television programmes in order to disseminate research findings in a simplified language and packaged in a such a manner that farmers can understand.

(4) Capacity building of extension service providers in on-going in the Ministry.

(5) In the Strategy for Revitalisation of Agriculture (SRA), my Ministry has proposed Kshs3.5 billion for the National Extension Service Fund and a further Kshs1.5 billion for the National Research Fund for the next four years.

Mr. K. Kilonzo: Mr. Speaker, Sir, I wish to thank the Assistant Minister for that academic answer. On more pragmatic terms, could he tell this House how many extension officers there are in each constituency. In Mutito Constituency, there are no agricultural extension officers!

Mr. Kaindi: Mr. Speaker, Sir, I beg to inform the hon. Member that the number of extension officers countrywide is not commensurate to the level of work that is supposed to be done by them. It is in that line that the Ministry of Finance has allowed the Ministry of Agriculture to recruit a further 3,000 officers in order to provide sufficient survey service to all the divisions within in the country.

(Loud consultations)

Mr. Sirma: On a point of order, Mr. Speaker, Sir. Hon. Members are consulting so loudly that we cannot follow what the Assistant Minister is saying!

Mr. Speaker: You are right, Mr. Sirma. Order, hon. Members! Could we communicate? Proceed, Mr. Assistant Minister!

Mr. Kaindi: Mr. Speaker, Sir, the Ministry of Agriculture has already advertised 3,000 posts bearing in mind that our extension officers cannot cope with the amount of work that they are expected to do. With regard to the issue of how many extension officers we have in each constituency, I can provide this information in detail next week.

Mr. Omondi: Mr. Speaker, Sir---

Mr. Onyancha: On a point of order, Mr. Speaker, Sir. This is a very important Question. We

do not see the extension officers in our constituencies. Could the Assistant Minister tell us---

Mr. Speaker: Order! You must relax and follow the law! Hon. Omondi is as important as you are and he has the Floor under my authority, and thou shall not take it away from him!

Proceed, hon. Omondi!

Mr. Omondi: Mr. Speaker, Sir, the only way the research findings can reach the farmer is through the extension services. Could the Assistant Minister explain how he intends to revitalise the extension services and increase the number of the extension officers?

Mr. Kaindi: Mr. Speaker, Sir, I have already explained that the Ministry of Agriculture has been allowed to recruit an extra 3,000 extension officers through the Public Service Commission. However, extension service provision is both for the public and the private sectors. The Ministry is trying to synchronise the role of both the private and the public sectors in order to address that problem. The Ministry has requested the Treasury for additional funding, so that we can cope with the challenges of that particular section.

Mr. Kamama: Mr. Speaker, Sir, the Government has spent colossal amounts of money funding so many research institutions like the Kenya Agricultural Research Institute (KARI), International Livestock Research Institute (ILRI), Kenya Forestry Research Institute (KEFRI) and even the Kenya Veterinary Vaccines Production Institute (KEVEVAPI). We have also been told that about Kshs3.5 billion has been given to the Ministry of Agriculture to fund extension services.

This Ministry has come up with what we call "demand-driven extension services" and the officers are not moving out of their offices to visit the farmers. Could the Assistant Minister confirm that the Kshs3.5 billion that was given to his Ministry is going to waste? Extension officers are not there and the money should be diverted to other services in the Ministry. **Mr. Kaindi:** Mr. Speaker, Sir, it is amazing that hon. Members want us to address the issue of food security and they also say that, that money should be taken away. However, I have indicated that the Ministry has proposed an extra Kshs3.5 billion to be expended in the next four years. Through our strategy for revitalising agriculture, we have worked out modalities that are going to be put in place to ensure that this money is properly used.

Mr. K. Kilonzo: Mr. Speaker, Sir, Kenya is an agricultural country, and the Ministry has looked on the other side while land which is meant to be used for research is being grabbed by individuals. Could the Assistant Minister assure this House that the land which was set aside for research is going to be reposessed and returned to the research institutions so as to ensure that proper research is done?

Mr. Kaindi: Mr. Speaker, Sir, the question of grabbed land certainly falls within the purview of the Ministry of Lands and Housing, and we at the Ministry of Agriculture have lost considerable amount of land in the Kenya Agricultural Research Institute (KARI) stations. We are appealing to the Minister for Lands and Housing to, indeed, listen to the cry of members of the public and cancel or revoke those title deeds.

Mr. Speaker: Very well. Next Order!

Mr. Billow: On a point of order, Mr. Speaker, Sir. I had requested for a Ministerial Statement which was supposed to be given today by the Minister of State, Office of the President.

Mr. Speaker: Maybe, some other day.

Next Order!

MOTIONS

APPOINTMENT OF CONSTITUTIONAL REVIEW COMMITTEE MEMBERS

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I beg to move the following Motion--

(Loud consultations)

Mr. Speaker: Order! Order! Order, Members! Order! We are now coming to a Motion that was the subject of considerable interest yesterday and I suppose today also. I want to say the following; the House will deliberate on this issue with absolute sobriety. The House must observe decorum.

Proceed!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to provisions of Section 10 of the Constitution of Kenya Review Commission Act, (Cap (3A) of the Laws of Kenya), this House appoints the following as Members of the Select Committee on the Constitutional Review process:

The hon. Kiraitu Murungi, MP;
 The hon. Raila Odinga, MP;
 The hon. Kaindi Peter Kyalo, MP;
 The hon. Dr. Christopher Murungaru, MP;
 The hon. Musikari Kombo, MP;
 The hon. Raphael Tuju, MP;
 The hon. Paul Muite, MP;
 The hon. Njoki Ndung'u, MP;
 The hon. John Munyes, MP;
 The hon. Otieno Kajwang', MP;
 The hon. Moses Wetangula, MP;
 The hon. Stephen Tarus, MP;
 The hon. Rashid S. Shakombo, MP;
 The hon. Adelina Mwau, MP;
 The hon. Norman M.G.K. Nyagah, MP;
 The hon. Joseph Kingi, MP;
 The hon. Uhuru Kenyatta, MP;
 The hon. Dr. Bonaya Godana, MP;
 The hon. Rtd. Maj. Marsen Madoka, MP;
 The hon. William Samoei Ruto, MP;
 The hon. Mohamed Yusuf Haji, MP;
 The hon. Henry Kosgey, MP;
 The hon. Moses Cheboi, MP;
 The hon. Mutula Kilonzo, MP;
 The hon. Simeon Nyachae, MP;
 The hon. Kipkalya Kones, MP, and
 The hon. Gonzi Rai, MP.

Mr. Speaker, Sir, I beg to move.

The Minister for Education, Science and Technology (Prof. Saitoti): Thank you very much, Mr. Speaker, Sir. I beg to second this Motion.

I would just like to make one very slight observation. Hon. Members will be aware that the Act which stipulates the setup of this Committee has put a limit of 27 Members. So, I have, therefore, been doing very quick arithmetic and it is very clear that, in deed, the law has not been violated as the total number of the proposed Members to the Committee is 27, which is made up of 16 Members from the Government side and 11 from the Opposition side.

Mr. Speaker, Sir, the other point I want to make here is that, indeed, this matter did come to

the House Business Committee and the names of Members from the Opposition came through the normal way; in the same way the 16 Members from the Government side were brought in. By the "normal way", I am talking of the fact that, indeed, the Leader of Government Business along with the Chief Whip, actually submitted these names to the House Business Committee.

Mr. Speaker, Sir, it is on that clear understanding that nothing was sneaked into the House Business Committee, and I wish to second this Motion.

(Applause)

Mr. Speaker: Order, Members!

(Question proposed)

Mr. M. Kilonzo: On a point of order, Mr. Speaker, Sir. Thank you for giving me this opportunity. I rise on a point of order to seek your clarification and finding as to the actual provisions of the law, pertaining to a committee of this nature. I have studied very carefully Chapter 3(A) of the Laws of Kenya, which is the Constitution of Kenya Review Commission Act. I have looked very carefully at Section 10 and I have also studied Standing Order No.154 and the others before and after it. It seems to me that the House Business Committee is out of order in recommending to this House that we nominate another committee because we have already nominated a committee; and that committee has, in fact, been playing its role under Section 4 of that same law, since the establishment of the Constitutional of Kenya Review Commission Act.

(Applause)

Mr. Speaker, Sir, if you allow me, I will read Section 10. It says as follows:-

"The National Assembly shall, in accordance with its Standing Orders, establish a Select Committee consisting of not less than five and not more than 27 Members to assist it in the performance of its functions under the Act."

The functions of the Act are spelt out under Section 4. It reads as follows:-

"The organs through which the review process shall be conducted, shall be:-

- (a) Commission
- (b) Constitutional Forum
- (c) The National Constitutional Conference
- (d) The Referendum
- (e) The National Assembly."

On careful reading of Section 10, it is clear to me that once Parliament nominated and selected its original Parliamentary Select Committee on Constitutional Review under Section 10, we cannot do it again. If that power was vested in this House, then the word "from time to time" would have been included under Section 10.

(Applause)

Mr. Speaker: Order, hon. Members! I want to hear Mr. M. Kilonzo! This is not a popularity contest. I do not want any applause at all.

Hon. Members: Why?

Mr. Speaker: Because I want to hear every word of it! The amount of foot thumping will not, in any way, influence my decision.

Proceed, Mr. M. Kilonzo!

(Applause)

Order! I do not want that either!

(Laughter)

Mr. M. Kilonzo: Mr. Speaker, Sir, I will be very brief. The Motion before this House will amount to violating Section 10 of the Act. If you look at the wording, it says:-

"Pursuant to provisions of Section 10 of the Constitution of Kenya Review Commission Act, Cap 3(A) of the Laws of Kenya, this House appoints the following as Members of the Select Committee on the Constitutional Review process..."

I dare say, without fear of contradiction, that a similar Motion came before this House. We set up a Select Committee and we cannot do it again until and unless there are vacancies in that Committee.

As I said from the beginning, I have also read Standing Order No. 154(1) and allow me to read it to this honourable House. It says:-

"The House Business Committee shall nominate the members who shall serve on any select committee appointed by the House and a member who shall be Chairman thereof, unless the House, at the time of the appointment of the select committee, shall itself have nominated such members and chairman."

You notice the enormous contradiction in these two provisions. I dare say that as long as the Standing Orders contradict the Act, then the Act must prevail. You notice under Standing Order No.154, in fact, in appointing this Committee, we would again be required to appoint the Chairman and yet that is not the procedure envisaged by the Motion that is before us.

I will even go further, Mr. Speaker, Sir. Standing Order No.154(2) says:-

"Unless the House otherwise orders, no select committee shall consist of less than five or more than 15 members."

I read Section 10 to you and you will notice that, that Section is talking of a totally different composition. It says not less than five and not more than 27 hon. Members. Therefore, again, it highlights a contradiction that can only be resolved by finding that the Constitution of Kenya Review Commission Act, Cap.3(a) of the Laws of Kenya is binding on this House and we cannot violate it.

Mr. Speaker, Sir, let me mention something else---

Hon. Members: *Tosha!*

Mr. Speaker: Order, Mr. M. Kilonzo! Please, wind up!

Mr. M. Kilonzo: Mr. Speaker, Sir, I will wind up. I was seeking your guidance that the House Business Committee is out of order in seeking to move this Motion and for us to establish another committee when we have one already in existence.

(Applause)

Mr. Speaker: Order! Let me give you the guidance. As a matter of courtesy and decency, Mr. M. Kilonzo ought to have brought to the attention of the Chair the perceived objection to this Motion so that he does not ambush the Chair, as it were! That is what we do in court. We do not ambush the judge but we give the authorities in advance. The ambush, notwithstanding, I wish to tell the House the following:-

This is not the very first time in the history of the review process that this committee or a

committee created under Section 10 of the Act has been renewed by this House. It has been, in fact, under my Chairmanship as the Speaker, been renewed several times under Section 10 of the Act.

I may wish further to inform the hon. Member in relation to the apparent variance between Section 10, Cap.3 of the Laws of Kenya and Standing Order No.154. We must understand the following: This Committee is not a creature of the Standing Orders. It is a creature of an Act of Parliament, and the Act itself has stipulated the numbers in its body. It is distinct from committees set out under the rules of the House, the Standing Orders. You will find a parallel if one is required, in the Powers and Privileges Act which sets out the powers and Privileges Committee, it being a Sessional and a Statutory Committee. This is both a Sessional and Statutory Committee. You will further find another Statutory Committee of this House, whose composition is set out by an Act of Parliament, in the hon. Members' Pensions Committee of this House. The Parliamentary Pension's Act prescribes the number of hon. Members in the Pensions' Committee, which I believe is either four or five, way below the usual number for committees as set by the Standing Orders. Therefore, the Pensions' Committee is both a Sessional and Statutory Committee. The House may ask: What is the difference between ordinary and statutory committees? The difference is as follows. One is set by a Statute while the other is set by the rules of the House; the Standing Orders.

What is a Sessional Committee, if one must ask? We have several types of committees in this House and to understand how they are created and how they function, we must understand what they are. We have departmental committees set out by the rules for a period of five years and they are specified in the Standing Orders: It shall be for the life of Parliament.

Then we have *ad hoc* Committees created for a specific purpose and they last for the duration of that purpose, if it ends within the session. If it does not, it has to be renewed.

We also have Sessional committees. Sessional committees are those committees that are neither *ad hoc* nor departmental. They last for the session. They are renewed at every session. Statutory Committees are part and parcel of sessional Committees. Therefore, they have to be renewed every year. This particular Statutory Committee, in my view, and I so hold, is a sessional Committee to be renewed every year. In the past, this has been done in this House without a single complaint. Therefore, under Standing Order No.154, I see nothing wrong with the House Business Committee discharging its duty of nominating the membership of that Committee to be appointed by this House. But if I may again revisit to show how wrong the hon. Member is on relying on Standing Order No.154 as it relates to the numbers in a Committee of the House--- That Standing Order says the membership of a Committee shall be 11. However, in this case, they are 27 Members. Why is the hon. Member of the House Business Committee which he was privileged to have served in the last Session, which comprises 20 members and not 11? Standing Order No.154 relates to those Committees of the House and it does not specifically prescribe a particular membership number. If the law creating the Committee does not say what the number will be, Standing Order No.154 applies and it makes all of them 11.

Hon. Members, that is my ruling and I think it is considered. I also appeal to the House and hon. Members of this House, that we do not come to this House to block the business of the House. We come to this House to look for the way forward to deal with matters of this nation. Let us, therefore, be facilitators, not obstructors to the business of the House. So, the business continues.

Mr. Musyoka, you will contribute to the Motion!

The Minister for Environment and Natural Resources (Mr. Musyoka): Mr. Speaker, Sir, yes, indeed. I do not intend to contest that ruling in any way. So, being the wonderful Speaker you are, and the democrat you are, I am sure you would appreciate if interpretation of the courts is sought with regard to provisions of Section 10 of Cap.3A.

Mr. Speaker, Sir, be that as it may, first of all, I wish to correct a mistake that was made today

by sections of the media. This morning when I was bidding farewell to the outgoing British High Commissioner, Sir Edward Clay, as usual, the media was heavily represented. At the end of the ceremony, some questions were directed towards me and, indeed, to the High Commissioner. What transpired was a discussion on some of the fundamental values that we consider real and valuable in this society. I talked about the need to uphold dialogue. I happen to have graduated from the school of conflict in this region; the conflict in Sudan and Somalia. I happen to realise the merits of people sitting together to dialogue. They may disagree, but wishing away dialogue can actually be fatal. I ended up by saying I hope the people of this country will not find it necessary to go to the streets because the conduct of leaders at the moment, is such that some of them may be tempted to go out to the streets and seek justice there. I indicated that I would not prefer that option.

As the Chair has made a ruling, we have to get on with this business. However, as we get on with business and the Chair called for sobriety, I will endeavour to be sober and remain so. But as I said on Saturday, it will be a painful moment for this country when we shall walk out of this House divided. By so doing, we will be dividing this country because of this debate on the Constitution. Therefore, I hope, without anticipating debate in contradiction of the Standing Orders of this House, that whatever the outcome or resolution of this afternoon's discussions, we will not lock the doors for dialogue. The fact as it is, I believe no name here is written on stone. I would want to urge, for the benefit and the good of this country; and it is inscribed there: "For the Welfare of Society and the Just Government of Men".

Hon. Members: And women!

The Minister for Environment and Natural Resources (Mr. Musyoka): Men also embraces women. I know these are days of gender sensitivity. I also dare say children, including the unborn children of this country. It is my humble submission that when we walk out of this House today, there will be sense enough within the minds of each of us to uphold the spirit of dialogue. I have been endeavouring, even over this lunch hour, to speak to my learned friend, the Minister for Justice and Constitutional Affairs. He confessed to me that he ducked my breakfast because he thought I would influence him badly.

I remember the spirit of Nyanyuki. I also remember the spirit of the Bomas talks. Our development partners came together. I do recall His Excellency the President making a brief, excellent and eloquent speech at Bomas, where he said that there will be no interference with this process, that the people of this country will have a people driven constitutional review.

Mr. Kembi-Gitura: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Mr. Kembi-Gitura: Mr. Speaker, Sir, I am extremely confused at the moment. Is the Minister making a Personal Statement or is he contributing to the Motion? What position are we at, at the moment?

Mr. Speaker: Mr. Kembi-Gitura, he is contributing to the Motion.

Proceed, Mr. Musyoka!

The Minister for Environment and Natural Resources (Mr. Musyoka): Mr. Speaker, Sir, Mr. Kembi-Gitura is another good friend. Indeed, he was my classmate for four years, along with Mr. Murungi. I would dare not take issue with him, but I hope he is properly guided.

Mr. Speaker, Sir, the outcome of the Bomas talks was a kind of a protest. I was then the Minister for Foreign Affairs. When I came back, I wished I had been in Bomas because I would have advocated for dialogue. It is unheard of anywhere in the world for a Government to walk out on its people. That was a mistake that was made in Bomas.

These days you hear of some of us in the NARC Government saying they are more loyal than others. Indeed, I think they want to take this country to the dark days of single party dictatorship. We

must practise the culture of tolerance, the ability to be able to take criticism, to listen to our neighbour and friend and give him or her the right to say whatever they have to---

Mr. Muchiri: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Musyoka, there is a point of order. Mr. Muchiri, what do you have to say?

Mr. Muchiri: Mr. Speaker, Sir, I believe that in our Standing Orders, there is the rule of relevance. I am listening to the hon. Member and there is little that refers to this Motion.

(Applause)

Mr. Speaker: Order, hon. Members! I think if the Minister on the Floor of the House can actually observe, the hon. Members on my right are really listening to him and looking at him with utter amazement. This is a quarrel of Government. In my view, this House has no business listening to your quarrels!

(Applause)

The Minister for Environment and Natural Resources (Mr. Musyoka): Mr. Speaker, Sir, I hope my honourable friend would wish to refresh his mind on the rules of relevance. I cannot think of anything more relevant than the bit about tolerance; particularly political tolerance. I want him to be a little bit more thoughtful, a little bit more tolerant and a little bit more understanding. He will get the sense. It is not my intention to bring Government quarrels to the Floor of this House.

Mr. Speaker: Well, you have been, Mr. Minister!

The Minister for Environment and Natural Resources (Mr. Musyoka): Mr. Speaker, Sir, I hear you. My intention now is to urge that if, indeed, it was possible--- I even tried to convince the Leader of Government Business to give all of us a little bit more time for dialogue. I think it is possible to agree on these names and walk out of this House united. As it is, there are people out there - stakeholders--- We are talking about 32 million stakeholders. They are looking up to what we are going to do in this House. Therefore, I believe that, even if this list goes through as it is, we do not close the doors for dialogue. That is a very strong plea that I want to make.

Mr. Speaker, Sir, we went to Nanyuki and came out with a near agreement---

Mr. Speaker: Order, Mr. Minister! You are forgetting who you are addressing! This House never went to Nanyuki!

(Laughter)

Members of NARC went to Nanyuki! This is not a NARC Parliamentary Group (PG) meeting, Mr. Minister! So, address the House and not NARC!

(Applause)

The Minister for Environment and Natural Resources (Mr. Musyoka): Mr. Speaker, Sir, you know as my senior, I hold you in the highest esteem. But I beg to differ with you on this. This House went to Bomas of Kenya. We cannot deny that.

Mr. Speaker: Order, Mr. Minister! You were talking about Nanyuki!

The Minister for Environment and Natural Resources (Mr. Musyoka): Thank you, Mr. Speaker, Sir. Nanyuki was a consequence of the Bomas of Kenya. You cannot separate the two! I want to say---

Mr. Speaker: Order, Mr. Minister! Let us get this right now! I think an hon. Member on the Floor, once he or she is guided by the Chair, should take that guidance very seriously. Let us not have a ping-pong at any time with the Chair!

An hon. Member: Yah! Yah!

The Minister for Environment and Natural Resources (Mr. Musyoka): Mr. Speaker, Sir, you asked for sobriety. I promise to give you exactly that.

May I conclude by, first of all, asking the media to correct the impression that I differed with my party. My little principles are very well known. I also want to suggest that after this, we seriously consider the matter of consultation. A lot depends on what we are going to do this afternoon.

With those few remarks, I beg to abstain.

(Applause)

*(Several hon. Members stood
up in their places)*

Mr. Speaker: Order, hon. Members! Naturally, I will give the first chance to the Leader of the Official Opposition, if he wants!

Mr. Kenyatta, please, proceed!

Mr. Kenyatta: Thank you very much, Mr. Speaker, Sir.

The list that the Vice-President and Minister for Home Affairs has read, as far as the Official Opposition party KANU is concerned, contains the names of those we, as a party, submitted to the House Business Committee through the channels that are laid down before this House.

Mr. Speaker, Sir, those names were provided by KANU well over a month ago. For over a month, we have been waiting for the Government side to provide its list of names. As a party, we have always supported consensus for the realisation that a Constitution is not about a political party, a community, individual or any religion. It is about the people of the Republic of Kenya.

(Applause)

Mr. Speaker, Sir, all the way through Bomas of Kenya, we have constantly tried to engage our colleagues on the Government side with a view of reaching a consensus on the Constitution. This House will recall that, in conjunction with even our colleagues in FORD-(P), we tried to put together a consensus position with all the different view points. As a party, we have participated all the way through, up until the Naivasha Accord. It is unfortunate that all those attempts at consensus have been defeated by the very same Government and party that promised a new Constitution within 100 days.

(Applause)

It is abundantly clear to all of us that there is still a problem on the Government side. It is most unfortunate that for the first time - and you can correct me if I am wrong - decisions that are supposed to be made by the House Business Committee based on individual party strengths as we nominate our Members, cannot be made and arrived at, without consensus. That has gone to the extent that we are now bringing our different problems to the Floor of this House. I am pained to say that, if we fail as a House to arrive at a consensus, we are taking it to the streets and people of Kenya a further division. Those are a people whose only desire is a new Constitution. As a party, we have always stood for consensus. We should realise that we are beginning to go down a very slippery road. As a party, we have nominated our members with the desire of reaching out to all. It is, indeed, my hope that this

House and we, as leaders of this Republic, can truly come to our senses and agree on vital issues. The Constitution is one of those issues. We need to provide leadership and not division. We need to provide healing and not opening wounds.

(Applause)

Mr. Speaker, Sir, as a party, our desire is for Kenyans to be given the Constitution that they yearn for. As a party, we are fearful that, if the divisions on the Government side are not resolved, they can rip this country apart. We call on our colleagues to join us in that spirit of understanding.

Mr. Speaker, Sir, yesterday, you yourself said that, the path that we are following as a House is both unprecedented and, possibly, would lead this country back to a movement.

We should ask ourselves if we are capable of making a new Constitution and respecting it. The decision-making, which is before this House, is something which does not belong here. It resides in the political parties. We have failed, although, it is not we who have failed, but the NARC Government. It is the NARC Government which has failed to reach out to its Members. By extension, we fail if they take this fight to the nation.

My party names are clear. They have been agreed upon. We are desirous that the next few steps we take bring healing and not division. We have read in our local newspapers that some of our own colleagues, namely, on the Government side, have decided to walk out on this process. We need to ask ourselves if we should walk out on the people of Kenya, or if we should sit and dialogue for the sake of this nation. We, as leaders, have a responsibility of pulling together, for, and on behalf of Kenyans who sent us to this august House. Unfortunately, I cannot discharge that responsibility. I have discharged my responsibility. That is the responsibility of getting names which the Vice-President and Minister for Home Affairs has read out to this House. The confusion is on the Government side. As my colleague has said, we should leave room for dialogue, consensus, healing and understanding, that the Constitution does not belong to us, but to the Kenyan people. We, as KANU Members, gave a notice to the Government that we have our options open. We leave our options open as we watch what kind of situation will prevail in the next few days.

Hon. Members: The situation will prevail in hours!

Mr. Speaker: Order, hon. Members! Hon. Kenyatta is one of my clearest speakers. So, let him say it the way he knows.

Mr. Kenyatta: Thank you, very much, Mr. Speaker, Sir. It is, indeed, my hope that reason will prevail. That is the reason that will keep our beloved country united and not divided. That reason will see hon. Members, not extending their wars to the streets, but finding room within this Floor, or within our own political parties, to reach a consensus and understanding. Let us save our country and not destroy it. That is a challenge to the NARC Government; KANU's position is clear on this. The KANU's position, while it sits on the Opposition side, is to ensure that the NARC Government delivers its promises to the people of this Republic. One of those was, indeed, the Constitution.

I have been clear in my mind from the day I conceded defeat to President Kibaki. I do not intend to be the Leader of a destructive Opposition that criticises issues for the sake of it. I made it very clear that I intend, when issues are brought to this House, and are important to the people of Kenya, to support what is good and reject what I believe is not good for this country. I stand by that and call upon my colleagues to understand that the issue before us, the Constitution, is not about our various constituent parties, it is about the people of this Republic. The responsibility and consequences of whatever happens lies squarely on the Government side.

The names of KANU Members, which were supplied by the hon. Vice-President and Minister for Home Affairs, are the ones he was given by KANU.

The Minister for Energy (Mr. Nyachae): Thank you, Mr. Speaker, Sir. First, I would like to

be very brief. I will start by endorsing the statement which has been made by Mr. Kenyatta. We have been discussing this matter together, as leaders of parties. I and my party Members have no problem.

Ms. Abdalla: Which party do you belong to?

(Loud consultations)

Mr. Speaker: Order, hon. Members! This is a serious matter. Please, show respect, hon. Members. Do not shout.

Mr. Mwandawiro: On a point of order, Mr. Speaker, Sir. Whatever we are discussing is a very serious matter indeed. Maybe, some of the problems we are facing today arose from our dishonesty. When we say that there are no problems in political parties after poaching has taken place, is there really no problem? I am sitting on the Opposition side, while some of my party colleagues are sitting on the Government side.

Mr. Speaker: Order, hon. Members! Mr. Mwandawiro, I think you had better be serious. Next time you attempt to rise on a frivolous point of order, you will face the consequences.

The Minister for Energy (Mr. Nyachae): Mr. Speaker, Sir, I do not want to respond to the hon. Lady. If she wants to know which party I belong to, she could visit the Registrar of Societies and she will get the correct information. I know that everybody is entitled to their own interpretation of things. However, I know to which party I belong.

Mr. Speaker: Let me put it on record; that, I am the custodian of the various parties upon which you all came to this House. Mr. Nyachae comes from the Ford(P) Party.

Proceed, Mr. Nyachae!

The Minister for Energy (Mr. Nyachae): Mr. Speaker, Sir, thank you for that help. We are discussing a serious matter. Let us not have simple interpretations and perceptions on the basis of personalities or personal feelings. We are discussing about the future of this nation. I want to inform this House that the list which the Vice-President and Minister for Home Affairs, has read here, has been on the desk of the House Business Committee for a long time. KANU and FORD(P) Members have continuously stated that they have no problem with their lists. We have been giving time to NARC Members, more than twice, to sort out their differences. They have been asking for permission to do this. The Members are here. We kept on endorsing this until we found out that we were getting nowhere. We then decided that, as a House Business Committee, we had reached a stage where the list should come to this House for decision-making. That is why the list has been brought here. I stand here to state clearly that our party has no problem about the list. We have no problem in the discussions in the House Business Committee. Therefore, when the House is debating this matter, I request it to note that those parties which have no problems with the names in this list be given due respect. That is what we are appealing for. Let us be given due respect because we have no problems.

Mr. Speaker, Sir, as a contribution in the form of advice, we will go by the list if it is approved by the House. If NARC wants to ask for a review of the list later on, it can do so. They can bring their list here and present their requests for changes in the names of the hon. Members of their party. However, for us to continue waiting for one party and we do not know when they are going to resolve their differences, we are holding the whole country at ransom in completing the constitutional review. Therefore, my appeal to this House is that let us take a decision today. Let us move forward whichever way. Let us take a decision but we should have a committee.

Thank you, Mr. Speaker, Sir.

(Applause)

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, Sir, you have done a very good thing in urging the House to discuss this matter with sobriety because we are talking about a very grave issue indeed. We are talking about the creation of a new Constitution for our country. The Constitution is what creates nations. So, our Constitution is what has created the Republic of Kenya.

For a very long time, the people of our country have been crying that they want a new Constitution. Why have they been doing so? They have been doing so because they identified at some stage that it was the Constitution that was the cause of bad governance, misrule and the suffering that they have endured for a very long time. That is the reason why Kenyans said that they do not want a piecemeal amendment to the Constitution as had happened since the Lancaster House. They said they wanted a comprehensive review of the Constitution and they said that they did not trust Parliament to do it.

(Applause)

They also said that they did not want the Government to do it. The people make the Constitution by which they are governed and not the other way round, that the Government makes the Constitution for the people. The people said that they wanted to be consulted and that is why we talked about a people-driven constitutional review.

Mr. Speaker, Sir, we did argue that Wanjiku knew. Others said that Wanjiku knew nothing; that we should bring it to Parliament, but all of us at that time were in unison. We said that Wanjiku knew. We also said that we did not want the Government to interfere. We told President Moi to keep off.

Capt. Nakitare: On a point of order, Mr. Speaker, Sir. I need your guidance here. Is the Minister in order to refer us back to Constitution formation when we are actually discussing the committee that should meet to discuss this issue?

Hon. Members: No! Sit down!

Mr. Speaker: Order, hon. Members! I get a feeling that in spite of my request for sobriety there is a section of hon. Members on this side who cannot listen at any time; that there must be at some stage heckling. What is the matter with you? You must listen! Every hon. Member here has a right to be heard. No hon. Member is here at the sufferance of any other. Every hon. Member is here as of their right and they have a right to participate in the proceedings of this House. Hon. Capt. Nakitare is, indeed, entitled to ask the Minister who is on the Floor of the House whether, indeed, we are talking about Constitution-making or whether this list presented here should be accepted or not.

(Applause)

Minister, I direct that you concentrate on the Motion before the House which is: Should the House accept or not accept that composition?

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, Sir, we are debating on an hon. Member is perfectly in order to draw some inferences that give background to the point that we want to make and this is what I am trying to do. I am giving a historical background to this Committee because it is a very important Committee.

Mr. Speaker, Sir, I moved a Motion in this House that ended up by creating this Committee. I am speaking here as the First Chairman of the Parliamentary Select Committee on the Constitution. We have amended the Act to give this Committee a very onerous task of identifying the so-called contentious issues and proposing amendments to those issues. That is the reason why it is important for us to discuss this in the light of the list which has been presented here. I want to say the reason why

I disagree with this list which is presented here.

(Applause)

Mr. Speaker, Sir, I need to be given time to say the reasons why I disagree. Constitution making is about tolerance. Constitution making requires that you must be prepared to deal and dialogue with your opponents. You must be prepared to listen to the opposing views. You must not therefore try and attempt to fill the Committee only with those with whom you think you agree.

(Applause)

Mr. Speaker, Sir, I would like to urge you to be a little bit more tolerant and go the extra mile now as we are trying to bring some relevant issues which will basically help resolve this stalemate.

Mr. Speaker: Hon. Raila, let me tell you the following. To the extent that you will be within the law, the Chair is absolutely patient. If you are outside the law, the Speaker will not bend the law.

Proceed!

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, Sir, I want to talk about what lawyers call *de jure versus de facto*. *De jure*, we are a National Rainbow Coalition (NARC). We are one party here in the House and it is the only party which we recognise. However, within ourselves here, we do know the *de facto* situation and the *de facto* is that we are a coalition within our party. That is why we are called the National Rainbow Coalition (NARC). We did agree on a formula that we used when we were working out a list of members that will be send to the House here to represent us on various committees of the House. That formula provides for a 50-50 basis.

Hon. Members: Where? Where?

Mr. Speaker: Order! I think what has been happening on the Opposition side has now been transferred to the Government side!

(Laughter)

I will not tolerate some hon. Members to heckle others. I will protect all hon. Members who will contribute to this Motion. The Minister will be heard!

The Minister for Roads and Public Works (Mr. Raila): Thank you, Mr. Speaker, Sir, for protecting me.

Out of the 16 Members we had in this Committee last year, eight hon. Members came from each side. What has happened? Some of our colleagues who were in that Committee and went to a retreat in Naivasha, where we had dialogue and tried to resolve the differences which exist between us, have deliberately been removed from this list because they belong to another faction. This is not a sign of tolerance. This does not show that we are willing to accept opposing views in the Constitution-making-process.

As the Leader of the Official Opposition has said, we will transfer these differences to the streets and the entire nation. That is why I join my colleague in appealing for sobriety. I want us to go an extra mile because when we were in the House Business Committee, we refused to take a vote on this matter. The hon. Members of the House Business Committee said that they would have preferred to have a consensus because they did not want hon. Members of another political party to select for another political party Members who would represent it on this Committee. However, we drew the attention of the House Business Committee to the provisions of the Standing Orders which say that if the issue cannot be resolved by consensus in the Committee, then a vote shall be taken. We demanded that a vote be taken on this particular matter but some hon. Members refused. The matter

was then referred to this House. However, if the House Business Committee was unable to take a vote on the matter because some hon. Members of other political parties would have selected representatives for other political parties, I fear that what was being avoided by that Committee will happen on the Floor of this House. I do not want to see that happen here. That is why I urge the Leader of Government Business to move an amendment to this Motion to defer this debate to allow the Government side to go and consult further so that we can agree on a list which is representative of the various opinions which exist in the National Rainbow Coalition (NARC).

Mr. Speaker, Sir, Mr. Kalonzo Musyoka, Mr. Najib Balala, Mr. Oloo-Aringo, Mr. Kenneth Marende, Mr. Joe Khamisi and Mrs. Charity Ngilu, who were Members of the Constitutional Review Select Committee, have been removed. All the names of prominent Members of our party have been removed from that Committee. The names of the Members who have been provided here are not representatives of our party.

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Speaker, Sir. I hate to interrupt Mr. Raila, but is he in order to refer to himself as a more prominent Member than any hon. Member of NARC, when all of us were elected to this House and are equally entitled to serve in the Constitutional Review Select Committee?

(Applause)

Mr. Speaker: Order, all of you! I think you should recall what I said yesterday, that I am not the Chairman of any political party nor am I the Chairman of the NARC Parliamentary Group (PG) or KANU PG. In my view, the House has no interest in what happens in your PGs. You better address yourselves in your PGs and not here! So, could we debate the Motion before the House?

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, Sir, I did not refer to myself as a prominent Member of NARC because my name is on this list. However, this was done deliberately.

As I have said, the making of the constitution is not the work of the Government. We represent partisan interests in the Constitution making process. That is why I am perfectly in order to disagree with my colleagues on this list. We are making a constitution for the Republic of Kenya for now and the future generation and not for the NARC Government.

In conclusion, I urge my colleagues to look further ahead because we have come from the dark days when so many amendments were done to the Constitution, which enabled the Executive to have a lot of power to arrest people at will and take them to prison. I happen to have been one of those people who were imprisoned by the former regime. When you find yourselves in a detention camp, separated from everything which endears us to life and surrounded by every condition of existence that could excite and keep alive patience and resentment, it is a hard and equal struggle not to capture the spirit of hate and revenge. However, I asked myself: "If Mr. Nelson Mandela, after 27 years of imprisonment, could come out of prison and embrace De Klerk, who represented the apartheid regime, talk to him and agree to negotiate a new constitution for South Africa, what was wrong in us talking to KANU? That is what made me talk to former President Daniel arap Moi.

I urge my colleagues who are here to be prepared to talk to all of us here. They must be prepared to talk to Mr. Musyoka in the Constitutional Review Select Committee. They must also be prepared to talk to Mr. Balala and all the other Members they have excluded in this list, if they want to make a constitution which will be devoid of the pitfalls of the past. Mr. Speaker, Sir, with these few remarks, I would like to say that if our colleagues are so intolerant that they are not prepared to go an extra mile, we will not be party to the deliberations of this Committee.

(Applause)

Mr. Speaker: Order! I want to make it clear. I wanted to have this within a very short time. However, I want to get representative views; those for and those against, and to try as much as possible to capture political views from the different parts of this country. So, please, those who have heard representatives from their closest proximity may as well forget for the time being.

*(Several hon. Members stood
up in their places)*

Order, hon. Members! This is a difficult balancing act. However, I will attempt as much as possible and within a very short time, to give chance to hon. Members from various corners of this country and with various shades of opinion.

Dr. Godana: On a point of order, Mr. Speaker, Sir. I would like to plead with the Chair because this is definitely a matter which elicits a lot of passion. I fully understand your concern to allow every political opinion and region of the country to have a view. But I think this House has only two sides. Therefore, two major political opinions. There may be sub-opinions as well. I would wish that the Chair allows the House enough time, without necessarily compromising the rule that you do not allow repetition, but at least, to allow hon. Members to ventilate sufficiently, so that when the House arrives at a decision, it is with satisfaction that: "I lost, but I had the chance to be heard." Please, do not curtail the debate.

Mr. Speaker: Order, Dr. Godana! Who told you I was going to do that?

(Laughter)

Dr. Godana: Mr. Speaker, Sir, I thought I heard you say you want to allow a very short time for this. I just read an intimation that you intend to curtail debate.

Mr. Speaker: Order! Indeed, we do not have time forever to discuss this issue. I have served notice that I want to reach out as much as possible. By the time I reach out, I think I will sufficiently have let hon. Members to ventilate sufficiently.

Proceed, Mr. Wetangula!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Speaker, Sir, for the opportunity to contribute to this Motion. I have the privilege of having been nominated by my party to sit in the House Business Committee. We have gone through very agonizing moments in the House Business Committee over this matter. It is unfortunate that we had to go through that.

Mr. Speaker, Sir, be that as it may, I do want to say a few words. First of all, on 19th April, the House Business Committee did, with my learned friend, Mr. Musyoka dissenting, approved the list that the Vice-President has tabled here today. Subsequently, this list was repeatedly discussed. We agreed that, in accordance with the Standing Orders, the House Business Committee does the nomination and let the Floor approve or disapprove. That is where we are today.

Mr. Speaker, Sir, I want to go a little further on what others have said. I do not want to go into the history of the Constitutional making because we all know it and have read about it. The Committee we are trying to formulate here today, like all other House Committees, will only be, but an agent of this House. It will never become the principal. Whatever goes on in that Committee will be constantly and forever subject to the approval of this House. In a Committee of 27 hon. Members and out of a House of 210 Members of Parliament, it may not be practically possible for all of us to be there. But for those who have been given the opportunity to serve in this Committee, to do so diligently. I would want to urge the House to give them an opportunity to serve because we know they will be our agents. At the end of the day, we know every single decision they take will be subject

to approval by this House. I do believe we shall heed the advice you gave yesterday, that this Committee must go and work like other House Committees; not doing our work through the Press, but reporting back to the House.

Mr. Speaker, Sir, if you look at the Review Act, Parliament itself is listed as a review organ. I want to urge my colleagues who are not in the Committee, that we all the 210 Members of this House, plus the two *ex-officio* Members, have an opportunity to contribute towards the achieving of a new Constitution for this country. Let us give the small Committee that we have formed an opportunity to go and do our work on our behalf, and bring back here every product they produce, so that we can approve and give this country a new Constitution. In any event, if you look at the constitutional process, virtually all the work in terms of the content of the Constitution, has been done; starting with Bomas and the Naivasha Accord. The Committee we are formulating will not have the opportunity, either in law or in fact, to add or reduce anything on the existing draft and the Naivasha Accord. It is simply an agent of our House.

Mr. Speaker, Sir, I want to end by saying that, what we have passed in this country, through all of us without exception, rings as a shame to this House which ought to be honourable, representative and sober. For once, let us rise beyond partisan and parochial interests. Let us approve this list and supervise it, because the Committee is not independent, and make sure that whatever they do, they do it in the interest of the House and the people of Kenya. In that way, we will be able to deliver the Constitution within the timeframe we set in the Act.

Mr. Speaker, Sir, with those few remarks, I beg to support the list as tabled.

Mr. Speaker: Very well. Proceed, Mr. Biwott!

Mr. Biwott: Thank you, Mr. Speaker, Sir, for giving me this opportunity to also speak on my side as the representative of the "other" KANU.

(Laughter)

Dr. Godana: On a point of order, Mr. Speaker, Sir. You heard the hon. Member clearly say that he is standing to speak on behalf of the "other" KANU. It is a matter of public knowledge in Kenya, that there are hon. Members who were elected on particular party tickets, who have become renegades. It is for the Chair to recognise rebellion as a status in this House.

(Loud consultations)

Mr. Speaker: Order, hon. Members! As I said before, I am not the supervisor of your political management. I will not, therefore, be party to your partisan divisions. All I know is that, there is KANU, NARC, Ford(P), SAFINA and Sisi Kwa Sisi. I have no business with your factions, whether real or imagined. If you want to go and divide yourselves, please, do it outside this House. Do not bring it to the Floor!

Finally, Dr. Godana, I do not think you have a right to call other hon. Members renegades. I think it is terrible language. It is not befitting this House. If I were you, I would take remedial action.

(Laughter)

Dr. Godana: Mr. Speaker, Sir, as a senior and honourable Member of the House, you know I will always take the necessary remedial action. It is Mr. Biwott who provoked me when he said, "the other KANU." I, therefore, withdraw the use of the word "renegade."

Mr. Speaker: Order! Order! I will repeat this. I have said that I am not going to chair your party factions. I am now chairing the House. Can we now proceed on that line.

Mr. Kagwima: On a point of order, Mr. Speaker, Sir. In the same line, you forgot to mention some of the parties that are represented in the House, including FORD(A). I support NARC but I am here on a FORD(A) ticket.

Mr. Speaker: Order! In fact, you belong to the very minor Opposition. So, let us proceed!

(Laughter)

Mr. Biwott: Mr. Speaker, Sir, with that withdrawal from the honourable Member who was irresponsible and reckless, I would like to---

Mr. Speaker: Order! Order, hon. Members! Again, I am now giving you the final warning. I am not going to allow partisan quarrels to, somehow, take centre stage in this House. I will not allow very senior hon. Members like Mr. Biwott and his colleague who has apologised to use insulting language. Anybody who now attempts to do that again, I will take action. Mr. Biwott, you must withdraw!

Mr. Biwott: Mr. Speaker, Sir, as a senior hon. Member and the oldest member of KANU here, I take this opportunity to withdraw the word "recklessness" which I used.

(Laughter)

Mr. Osundwa: On a point of order, Mr. Speaker, Sir. The so-called senior Member of this House has not apologised! He has only withdrawn.

Mr. Speaker: Order all of you! Even you, you have begun by using the words, "the so-called"! I do not understand whether Mr. Biwott meant that he withdrew the recklessness in which he spoke. Is that what you meant? That you withdraw the recklessness in which you spoke?

Mr. Biwott: Mr. Speaker, Sir, with that break, I think the House is now in a mood to listen and discuss this matter with sobriety, which you had alluded earlier.

Mr. Speaker, Sir, this House is 42 years old and has a tradition. The tradition is such that when Whips of various parties forward the names to the House Business Committee, the names are deliberated and once they are agreed upon---

Dr. Godana: On a point of order, Mr. Speaker, Sir. I am not being frivolous. This week, your deputy ruled that an hon. Member who is not a Front-bencher on either side should not speak from the Dispatch Box. Would I be in order to ask Mr. Biwott to speak from the back?

(Loud consultations)

Mr. Speaker: Order, hon. Members! It is my business to apply the laws as they stand. Only Front-benchers are allowed to speak from the Dispatch Box. But according to the records that I have, Mr. Biwott is not a Shadow Minister! So, he must speak from the back.

(Mr. Biwott moved to the Back Bench)

(Loud consultations)

Mr. Speaker: Order! I do not want any further interruptions on that, unless he invites them himself.

Mr. Biwott: Mr. Speaker, Sir, as I was saying, this House has 42 years of existence. In those 42 years, traditions have been built. One of the traditions is that, once the Whips of various parties have brought the names to the House Business Committee, it deliberates on them and submits

them to this House for debate and approval. The tradition is that once the list has come here, it has almost been agreed upon. That has already happened. So, we are at the stage where we should be discharging the responsibility of this House by looking at these names, deliberating on them and, according to tradition, pass them.

Mr. Speaker, Sir, this list was deliberated in the House Business Committee. Therefore, the question of dialogue should have taken place prior to the list being forwarded to the House Business Committee. That is not a problem of this House. The House is to check and see whether there are any omissions which need to be included. Therefore, dialogue should have taken place prior to the bringing of these names to this House.

Mr. Speaker, Sir, whether that dialogue took place or not, it is not right to demand dialogue and consensus at this stage. In any case, what is important is the participation of the hon. Members who we are approving today. They should participate in every meeting that is necessary before the final draft, which will go for referendum, is finalised.

Mr. Speaker, Sir, a problem of participation was witnessed at the Bomas of Kenya. Many hon. Members did not participate fully. They participated partially. Therefore, I really urge this House to pass this list as it is and allow those Members do their job in that Committee. That Committee was created to act as a bridge between this House and the Constitution of Kenya Review Commission (CKRC).

Mr. Speaker, Sir, what Mr. Raila has said is true. At that time, it became necessary to create a Parliamentary Select Committee to interact with the CKRC because it had failed to function. That was the first time that the Bomas of Kenya talks collapsed and we needed to restart them. The second Bomas of Kenya talks commenced, but we did not complete the exercise. That project ground to a halt because there was an unhappy ending. Therefore, we should not repeat the same delay in creating obstacles like these. It is a pity that consensus did not work fully at the time of formulating these names. But now that the names have been brought here, it is up to us to support them.

Mr. Speaker, Sir, incidentally, the question of going to the streets, which came out from an hon. Member, should be something of the past. We should now be more responsible and concerned about the security and peace in this country. We should not even utter words that "we should go to the streets". If we want to go to the streets, let us do so through the words that we utter here. Let us convince everybody who is here and outside that, what we are contributing is good. I would like to end there. But before I do so, I would like to say that those who said that I cannot speak from the Dispatch Box, can now see that I have delivered all the points that I wanted. There is nothing that they have gained!

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Speaker, Sir, I stand to support this Motion and the list. I fully agree with the Leader of the Official Opposition and the sentiments of Mr. Nyachae regarding the role of political parties in constituting this Select Committee. It is unfortunate, that we in the ruling party, have our own internal problems. We know that these are not limited to us. They are also there on the Opposition side. It has been---

Mr. Speaker: Order, Mr. Murungi! According to the Leader of the Official Opposition, there has not been a contest on their names.

Proceed!

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Speaker, Sir, I said I support what the Leader of the Official Opposition said regarding the need for this House to respect the choices that political parties have made regarding this list. These are the same sentiments which were expressed by Mr. Nyachae. I also fully concur with your views that this House should not preside over the internal disputes of political parties. This House is a national institution and it should only deal with the parties which have brought hon. Members to this House.

Mr. Speaker, Sir, with regard to the list of NARC, as the Deputy Leader of Government

Business said, there are official well recognised channels through which these lists are prepared and forwarded to the House Business Committee. The NARC list was prepared and passed to the House Business Committee by the Chief Whip, Mr. Norman Nyagah. It is the same list which has been tabled in this House by the Leader of Government Business, the hon. Vice-President. So, it is not the business of this House to go against this list, since it came to the organs of the House through the official channels.

Mr. Speaker, Sir, we are pleading with the House to respect the NARC list the way the KANU and FORD(P) lists have been respected. Our internal disputes should be dealt with by the party outside this House. I do agree with my learned friend, Mr. Musyoka that we should never be tired of talking to each other, and that consensus is the key to the peace and stability that we enjoy in this country. Although I have been branded a man who loves confrontation and a person who is out to sabotage and derail this process, I would like to inform the House that I have a new name which is "consensus".

(Laughter)

Mr. Speaker, Sir, you will remember in 1997 I stood in this House and said that I was ready to talk even to snakes for the sake of this country. During the IPPG when I was in the Opposition I was one of those who sat down to negotiate with KANU so that we could have minimum reforms to enable us to have peaceful elections in December, 1997.

Mr. Speaker, Sir, I am ready to sit down with my colleagues; Mr. Raila, Mr. Musyoka and everybody else, so that if there is need for this list to be revised later, we can come back to the House and request that you accommodate us. For now, the list is before this House. The Vice-President invited us for a meeting in Room No.7 last week. We debated there the whole afternoon, but we were unable to agree. We cannot talk forever. We cannot hold Kenyans at ransom.

According to the Consensus Act which was passed by this House, Parliament has only 90 days within which to develop the national consensus on contentious issues, debate and forward recommendations to the Attorney-General which should be published as the new Bill for the new Constitution.

Mr. Speaker, Sir, the Committee we are creating today is one of the most important organs in the remaining phase of this Constitution Review Process, and we should not hold Kenyans at ransom any longer. Kenyans have waited for this Constitution for more than 15 years. We do not want, as a House and the ruling party NARC to be further obstacles to this Constitution Review Process.

We would plead to this House to constitute the Committee as per this list today. It might not be perfect, but there is room for improvement. I believe that way, we shall have done for Kenyans a good job. As the Leader of the Official Opposition said, the Constitution is not about NARC, KANU, FORD(P) or any other party. The Constitution is for the men, women and children of this country today, tomorrow and the day after.

With those few remarks, I beg to support.

Mr. Speaker: I must now look for somebody from North Eastern Province. The next in line will be Coast. I will go round that way. Eastern Province has had its share but I may want to re-look at it because it is not homogeneous.

Mr. M.Y. Haji: Ninakushuru sana Bw. Spika, kwa kunipatia nafasi ya kuweza kuchangia mjadala wa siku ya leo. Kwa kawaida watu wakiwa kwa nyumba moja hapakosekani kutosikizana. Wale watu ambao wanajiita NARC ama Rainbow Coalition ni ndugu zetu na hatuna haki ya kumshika yeyote mguu, kwa sababu ya siasa. Hatuna haki hata kuzungumza juu ya jambo hili, ila tu ni kwa sababu linahusu nchi yetu nzima ya Kenya. Sisi watu wa Mkoa wa Kaskazini hatukupata nafasi ya kutoa maoni yetu kuhusu Katiba ambayo inatumika wakati huu. Tulikuwa wapotovu wa nchi jirani ya

Somalia.

Kwa hivyo, tangu wakati mambo ya Katiba mpya yalipoanza kujadiliwa, tumekuwa na hamu sana ya kuweza kuchukua nafasi yetu kuzungumza juu ya mambo yanayotuhusu kama watu wa Mkoa wa Kaskazini na wananchi halisi wa Kenya. Wakati tulipoenda kule Bomas of Kenya tulitoa mapendekezo yetu. Tunafurahi kwamba wakati umefika wa kuweza kuzungumza juu ya Katiba. Vyama siyo dini. Chama ni kitu ambacho mtu hujiunga nacho. Usipofanya hivyo, utakuwa umepoteza uanachama wako. Kwa hivyo, tunachukulia vyama kwa namna hiyo. Jambo muhimu zaidi ni kujivunia nchi yetu na kuwatumikia Wakenya 33 milioni, ambao wamengojea Katiba mpya kwa hamu. Chama cha KANU kimesema msimamo wake, na mimi kama mwanachama wa KANU, tungependa kuona kwamba, yale majina tutakayopitisha hapa hii leo---

(Loud consultations)

Bw. Spika, hawa Wabunge hawasikizi!

Mr. Speaker: Order! Order! I am being asked by Mr. M.Y. Haji to tell the quarrelling side to listen. So, will you please, listen when you are getting advice on how to come together?

Proceed, Mr. M.Y. Haji!

Mr. M.Y. Haji: Bw. Spika, nilikuwa ninasema kwamba, yale tunayozungumzia leo, na majina haya ambayo tutapitisha, ni matumaini yetu ya kwamba halitakuwa jambo la kutugawanya sisi kama wananchi wa Kenya, bali kutupatia nafasi ya kuweza kuzungumzia juu ya maslahi ya wale watu tunaowawakilishi hapa Bungeni.

Bw. Spika, kama nilivyosema, vyama siyo dini. Vyama ni vyombo vya kutuwezesha kupata viti Bungeni. Kwa hivyo, tusishughulikie vyama, bali maslahi ya wananchi wa nchi yetu ya Kenya. Ni matumaini yangu ya kwamba, tukioka hapa, wale Wabunge waliokua wakizozana watasikizana. Sisi, kama chama cha KANU, kwa sababu tunaipenda nchi yetu, tuko tayari kuwapatanisha, ili watu wasizozane vile tunavyosikia.

Kwa hayo machache, ahsante.

Mr. Muite: On a point of order, Mr. Speaker, Sir. If you recollect, since we started debating this Motion, only a few hon. Members have stood up to oppose it. Every other hon. Member is in support of [**Mr. Muite**]

the Motion. Would I be in order to ask that the Mover be now called upon to reply?

Hon. Members: No!

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Sit down all of you! You cannot say "no". You will vote, if it were to be done. But let me say the following: First, as I said, very soon, we will have to make a decision. However, there is nothing wrong in listening to one another. In contentious issues like this, it helps to hear what people have to say. I intend to hear a few more hon. Members and then we can re-consider Mr. Muite's suggestion.

When you hear the views of one another, it has a healing effect; you become better. You feel you have said your piece. You may even convince. So, in this case, I want to hear four hon. Members from both sides of the House. Also, while contributing, please, do not be too lengthy. A lot of things have already been said. So, do not repeat them.

Mr. Kombo!

The Minister for Local Government (Mr. Kombo): Mr. Speaker, Sir, indeed, I will be very brief, because a lot has already been said. I stand to support the list as presented to the House by the

Leader of Government Business.

Mr. Speaker, Sir, matters of the Constitution are serious. This country has gone through a process of trying to make a Constitution for a very long time. When we were in the Opposition, our friends on the other side were a stumbling block to finding a new Constitution. We came to power and we have also found difficulties in giving Kenyans a new Constitution. Kenyans have spoken and said that they want a new Constitution. I think the Committee we are going to form today is just a tool assist Kenyans to ensure that we get a new Constitution as soon as possible.

Mr. Speaker, Sir, I would be the first one to admit that, on our side, as a coalition, we have had difficulties. But that be as it may, it should not be a good enough reason to stop us from working for Kenyans as a nation, and putting our differences aside. Part of the problem since we went to the Bomas of Kenya, has been because we have been wanting to write a partisan constitution. Individuals have wanted to write themselves into the new constitution. This has been the reason for the problems we have gone through.

Mr. Speaker, Sir, I, therefore, would like to appeal to all leaders, if you are not on this list today, it does not stop you from participating or contributing towards the making of the new constitution. So, on that basis, I think every hon. Member of this House has a responsibility. In any case, the process will still come back to the Floor of this House and we shall make a contribution. Therefore, I want to appeal to my colleagues from our side who may feel aggrieved, that the time to move on is now. We have quarrelled long enough. Let us move on and give Kenyans a new Constitution.

Thank you very much.

Mr. Muchiri: On a point of order, Mr. Speaker, Sir. You are aware that there is the rule against bias. We are trying to approve a list, and most of the hon. Members who have spoken are on the list. I have been counting, and so far, nine of them have now spoken. I am drawing your attention to the rule against bias. Am I in order, Mr. Speaker, Sir?

Mr. Speaker: Do you mean the list has been talking?

(Laughter)

Hon. Members: Yes!

Mr. Speaker: Order! Order! You know, I am not aware of the list. As Mr. Speaker, I only see hon. Members. So, I will give the Floor to Dr. Godana. In fact, as it is now, I may very soon close this debate.

Proceed, Dr. Godana!

Mr. Godana: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this debate.

Mr. Deputy Speaker, Sir, the matter before the House, on the surface, looks like a simple matter; approving the list of hon. Members of this House, who should serve on a particular Committee. It is, however, clear from the passions created today, and from the inordinate delay in producing this list, which was caused in the House Business Committee, on which I had the privilege of serving; recollecting that it was not a very pleasant privilege for that period, that we had to haggle over this list. This is a very grave matter. In a sense, it is really sad that the House, on a matter as fundamental as the Constitution - the most fundamental thing which should be unifying us as leaders and, indeed, the country that we represent - we should depict dispersions.

Mr. Speaker, Sir, the position of our side has been very eloquently put by our able party leader. It has been agonizing for us. In the House Business Committee, as the debate went on, as we gave the Government side time to sort out its House, we, in KANU and in FORD(P), repeatedly warned that this was not our business and, in fact, strode to minimise our own interventions.

Mr. Speaker, Sir, nonetheless, when the Committee is appointed, it will not have separate parts. The KANU hon. Members and NARC hon. Members will be hon. Members of the Committee and what the Committee decides, will be the collective will of that Committee. It is important, therefore, that as you appeal for sobriety, we really display that sobriety, not just for the debate, but in responding even to the complaints of some hon. Members on the Government side.

Mr. Speaker, Sir, you have, this afternoon and even yesterday, warned of a certain trend that was setting afoot in this House, which could discredit the Ninth Parliament with all its membership, the Chair included, for having set a very bad precedent for Kenyans. The House is run on an adversarial basis. There is the Government, whether it is a coalition or a unitary party, and there is the Opposition. The rules of the House have been designed to ensure that, the House operates on the basis that the minority will always be heard and the majority will have their way. That is why the rules of this House have at times stipulated, for example, with regard to the Public Accounts Committee and the Public Investments Committee, that their membership shall have certain minimal majority solely to the majority side.

The rules of our House are found in the Standing Orders; in statutes as has been demonstrated this afternoon, with reference to Section 10 of the Act and the way this Committee has been appointed, in past rulings of Speakers, and there is an elaborate and updated version, and indeed, even in unconsidered rulings of the Speakers, which are deduced as the customs and traditions of the House. Except for Select Committees which are appointed pursuant to a specific Motion, one of those cardinal traditions has been that the House selects the Members of the Committees in accordance with the proportions of the parties, and the Leader of Government Business reads the list here.

The tradition of reading the list has been based on the understanding that nobody would rise on the Floor of the House to contest, because parties would have done what they would have done. As it is in this particular case, we postponed from day one for nearly two months, precisely because it was clear that there would be Members, in particular on the Government side, who would say they are not satisfied as they have done today. That is why this matter, which could have come otherwise, as it has in the past, has come in the way of a Motion. Obviously, there is a major lacuna in our Standing Orders on this matter and many other matters.

Mr. Speaker, Sir, we have been told that we have a Government of national unity. We know that among those in the Government are people who have been appointed clearly in violation of the rules of the House, of the Constitution and the law. What we are doing now is very difficult. Having submitted our names, and having as a minority party, had its names included on that list, it is difficult for us to take a decision on anything but our own membership. That is why the Leader of Official Opposition said our names are clear and we can only wish that those on that side will agree. One of my colleagues is indicating to me that their own party, FORD(K), had also said their own names are clear. But as far as we are concerned, FORD(K) is just one of those arms of NARC.

Mr. Speaker, Sir, I think the message is clear. Kenyans are looking to this House. If we do not portray unity here on a simple matter such as constituting the Committee on Constitution Review, we will not display unity even when it comes to the referendum.

Mr. Speaker, Sir, the Minister for Justice and Constitutional Affairs said here in a style reminiscent of *sungura mjanja*, that "let us pass the list, we can always revise it." Of course, the list can always be revised. But I hope he is sincere. We hope the same Government will not show us on the one hand that they are supporting a list which they have brought here and on the other hand, they are going to sabotage whatever efforts we shall try to make.

Mr. Speaker, Sir, I want to appeal to you personally. I think this is an opportunity for you, as the custodian of the Standing Orders of the House, as the person charged principally with the responsibility of ensuring that the dignity, decorum and integrity of the House and its procedures are

observed, to seize the opportunity to guide this House. In particular, you should use the provision of Standing Order No.1, which provides that where the Standing Orders are silent and there is a problem to be decided upon, the Speaker shall decide. It is, of course, understood that the Speaker shall decide in accordance with reason and justice, which dictates that we do not, as Members of one party, appoint Members of another political party, or disappoint them from a particular Committee. I remember repeating this matter when the House came to debate the composition of the House Business Committee itself.

Mr. Speaker, Sir, posterity will consider our roles; each one of us as Members as well as the Speaker of this House. I think perhaps, that is the opportunity which you should seize to, at least, guide the House not to engage in things which are bound to be in vain before law.

With those remarks, I beg to support.

Mr. Speaker: I must respond to hon. Dr. Godana. You know, he is talking like he was not here in this House yesterday when I addressed at length the very issues he is now asking me to address. In his presence, I addressed my worries about what you, as the leaders of political parties, are doing, and that I have no control over you. I wish to repeat that I am not going to be a manager of political parties. Period.

The Minister for Water and Irrigation (Ms. Karua): Thank you, Mr. Speaker, Sir. I rise to support the Motion.

Mr. Speaker, Sir, I want to remind Members that as Members of this House, we are all equal. It is, therefore, not right for anyone to expect a Member nominated to a Committee to be stepped down in favour of another Member, unless we are suggesting that some Members are more equal than others.

Mr. Speaker, Sir, in the history of constitution-making in this country, and in the history of constitution-making by this Parliament, we have had several Members in and out of the constitution-making

Committee. I personally was involved in the process from the days of Inter-Political Parties Group (IPPG) to 2003 when I was stepped down from the Committee. I did not complain because I recognised that other Members can steer the process and I can contribute even though not as a Member of the Parliamentary Select Committee on Constitution Review. I would like to urge Members of this House who have been stepped down from this Committee to appreciate that other Members can steer and they too can contribute while not being Members of the Committee. Otherwise, we may seem to suggest that a few Members have a title deed to constitution-making while others do not have.

Mr. Speaker, Sir, we have been told repeatedly that the work of making the constitution is almost complete with the Bomas Draft and also the Naivasha Accord. What remains is for this House now to do its duty to look at the document and to ensure that what comes before the House is agreed, because we know that you cannot amend a Constitutional Bill once it is on the Floor of the House. This is a job that we will have to do collectively. Those of us not in the Committee can influence the Committee and the process by our membership of this House.

Mr. Speaker, Sir, we have been given the history of constitution-making, but only partially. I recall that when the Motion that introduced this Select Committee came in for the first time, my then party, the Democratic Party (DP), which was then the Official Opposition Party, together with other Opposition parties walked out of this House. I was left recording my dissent as the sole person on the Opposition Benches. At that time, one Opposition party had entered into a marriage with the Government. However, through dialogue, we later came back to constitution-making. The law was again amended and we took our positions in the Committee.

Dialogue in politics can never close. It is an on-going process. Those who have called for dialogue should be welcomed. But dialogue does not mean that we stop moving forward. I am

appealing to Members to pass the names as presented. There is no name of a person who is not a Member of this House. Let us honour these Members by giving them the task of being in the Select Committee. Let us support them. Let us continue with dialogue and inform the process through participation outside the Committee but within the House.

I want to finally say that there have been walk-outs and walk-outs in the constitutional process. But as dialogue continues, those walking out always come back and the process continues. We, therefore, invite serious dialogue which is not mixed with threats so that we continue in the constitution-making process. We have to dialogue even on the clauses. That is what we have done even in the past. But the reason why dialogue is not genuine these days is that constitution-making has been personalised by a section of ourselves.

Mr. Speaker, Sir, let us not personalise this process. We are trying to do what is good for our country. When we amended certain clauses of the Constitution during the IPPG, there are people who thought that we were sell-outs simply because we were negotiating with Government. However, the amendments we made then, are now serving us well today. They opened democratic space. Let us once again take up our duty and give Kenyans a Constitution that they can be proud of. We need a Constitution that will give us a level playing field to exercise our constitutional rights and to compete against each other in politics. Let us not try to influence the constitution-making process by raising personal points of view as a short-cut to power. Let us agree to pass this list and continue with the process of constitution-making.

Mr. Speaker, Sir, finally, we appreciate that we have party quarrels. Almost all our political parties have internal wrangles. However, there is a procedure in this House. Every political party is represented by its official spokesperson and the Whip. We cannot have dissenting voices within our parties coming to present different positions in this House. Fights within the political parties must be taken outside this House. Let us face each other in the political arena of our political parties, overthrow each other in our political parties, but let this House proceed with business at once.

Mr. Speaker, Sir, with those remarks, I beg to support.

Mr. Speaker: I think, I will now recognise hon. Mutula Kilonzo---

(Loud consultations)

Order, Members! Order! Actually, hon. M. Kilonzo is one of the hon. Members who thought that this matter is not properly before the House. Have you relented now?

Mr. M. Kilonzo: Mr. Speaker, Sir, with your kind permission---

(Loud consultations)

Mr. Speaker: Let us give him a chance to contribute. I must say that I am, from this moment on, receptive to the previous application by hon. Muite, if he is so interested in renewing it.

Mr. Mwandawiro: On a point of order, Mr. Speaker, Sir. You just said that you will give chances to hon. Members with regard to provinces. You have been looking at me, but your eyes have not seen me. Are you gagging me?

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Prof. Kibwana): On a point of order, Mr. Speaker, Sir. Some of us have been here since 3.30 p.m. and we have been seeking, religiously, to catch the Speaker's eye in order to address this matter. There are hon. Members here who also have a history of involving themselves in constitution-making. Is it, therefore, in order for one person to be allowed to talk twice when others have been sitting here since 3.30 p.m. with a view of catching your eye?

Mr. Speaker: Order, Members! Hon. M. Kilonzo was actually objecting and like everybody

else, I am really yearning to hear from him whether he thinks we are now in business.

Mr. M. Kilonzo: Mr. Speaker, Sir, I am very much obliged. My position is that I am trained to recognise authority when it makes its ruling. I was raising an objection on a point of law. I respect your ruling although I may not agree with it. However, allow me to contribute to this very important Motion.

Mr. Speaker, Sir, there is one simple reason why this Motion must be opposed. The reason is simple: I will not participate in a decision-making that has the potential of splitting this beautiful country.

The Minister for Lands and Housing (Mr. Kimunya): I rise on a point of order, Mr. Speaker, Sir, to seek your clarification. Two hon. Members whose names appear on this list have stood before this House to oppose the same list their names appear. Could they confirm to us whether their names should be deleted so that we know what kind of list we are discussing? They have actually opposed the list in which their names appear.

(Loud consultations)

Mr. Speaker: Order, Members! Order! There is no propriety right in one's name appearing in the list. I think what the House is discussing is whether we should appoint those hon. Members or not. In fact, even the hon. Members whose names are appearing in the list can say that they are rejecting their appointments. If they are defeated, they will still be appointed notwithstanding their opposition.

Mr. M. Kilonzo: Mr. Speaker, Sir, my position is that this Committee is being appointed by this House for purposes of "husbanding" and "housewiving" the creation of a new Constitution for this country. It is, therefore, instructive that we bear in mind what we are exactly trying to do. We are seeking to replace a Constitution that was negotiated in the Lancaster House conferences of the early and mid 1960s.

Mr. Speaker, Sir, it is ironical that during the Lancaster House conferences, this country nominated people evenly and there was equal representation. Even the smallest community in this country was represented. It is instructive, though ironical, that at a time when we are discussing the appointment of a committee to monitor, supervise and oversee a new Constitution, two Ministers---

Mr. Speaker: Order, Members! Order, hon. Mutula Kilonzo! We are debating. You are not debating. You are reading a written statement contrary to the rules. Could you, please, now debate?

Mr. M. Kilonzo: Mr. Speaker, Sir, as a matter of fact, the document I am holding is page 629 of---

Mr. Muite: On a point of order, Mr. Speaker, Sir. Except hon. Mutula Kilonzo, who as you have rightly observed is reading a speech contrary to the rules and he has already told this House that he opposes this Motion - only one or two other hon. Members have opposed this Motion. Am I really in order to ask the Chair to call upon the Mover to reply?

(Applause)

(Mr. Billow approached the Dispatch Box)

Mr. Speaker: Order, Members! Order, Mr. Billow! When did you become the Speaker of this House. The point of order has been addressed to Mr. Speaker and yet you rise up to answer for me!

Hon. Members: Out! Out!

Mr. Speaker: Order, Members! I think in all fairness, this is supposed to be a Procedural Motion actually. We have had more than three hours on a matter that would ordinarily cover Supplementary Estimates. I will, therefore, accede to hon. Muite's request.

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

The Vice-President and Minister for Home Affairs (Mr. Awori): Thank you, Mr. Speaker, Sir. I know that hon. Members are tired and, therefore, I will be very brief.

On the 19th of April, 2004, the House Business Committee agreed on the list that was presented to this House this afternoon. On the day of our meeting, there was only one dissension.

(Loud consultations)

Mr. Speaker: Order, Members! Order!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, you have just reminded us that we should allow the minority to have their say, but the majority to have their way. In the House Business Committee, there was one dissension on this list. That really means that if we go by that dictum, then the House Business Committee agreed on the list as presented this afternoon. That was on 19th April, 2005, and I had the option of bringing the list to the House the very next morning, but because I am a great believer in discussion and consensus, and having been requested by our colleagues, the hon. Members of KANU, I agreed to go back and have another discussion to see if we can have unanimity.

Mr. Speaker, Sir, the list as presented, as has been stated by hon. Karua, does not have a single non-hon. Member. These are all hon. Members and all hon. Members are equal. Who says that there is an hon. Member who is less capable than the other? Every hon. Member sitting here is capable of sitting on that Select Committee and making a contribution. The sickness that has gripped this country is the personalisation of the issue of the Constitution and we are no longer focused. A lot of people seem to see a Constitution only for themselves. This is a Constitution that should help this country now and for generations to come. The Select Committee is a mere channel that is going to bring hon. Members and other people together, to ensure that we have a Constitution. The Naivasha Accord has done almost everything. When we eventually finish with the Select Committee, everything will be brought here and when it is brought here, there will be opportunity for hon. Members to speak. We are not saying that the Select Committee has the mandate to do everything.

So, let us have sobriety and bend over backwards. I want to applaud the KANU hon. Members and the Leader of the Opposition for the eloquent way in which they presented their views. We need to do the same, so that we do not hold this country to ransom. We have already squandered away nearly two weeks out of the 90 days. We want to finish with this matter tonight and, therefore, rather than repeat what the contributors have asked, I want to appeal to everybody to accept this list and look forward to giving Kenyans the Constitution they want.

With those few remarks, I beg to reply.

(Question put and agreed to)

ADOPTION OF REPORT OF THE COMMITTEE
ON FAST-TRACKING OF THE EAST
AFRICAN FEDERATION

THAT, this House adopts the Report of the Committee on Fast Tracking East of the

African Federation submitted to the Sixth Summit of Heads of State of the East African Community - Arusha, Tanzania on 26th November, 2004, laid on the table of the House on Wednesday, 6th April, 2005.

*(The Minister for East African
and Regional Co-operation on 3.5.2005)*

*(Resumption of Debate
interrupted on 4.5.2005)*

(Loud consultations)

Mr. Speaker: Order, hon. Members! This House is still in session. So, those who are withdrawing, please, withdraw knowing that the House is on business.

Mr. Mwenje was on the Floor. He is not here and he is taken to have forfeited his chance.

Mr. Kipchumba: Mr. Speaker, Sir, I want to make my contribution on the Fast Tracking of the East African Community. I want to declare from the onset that I support the fast-tracking.

This country has all the advantages that will enable us to move faster. Kenya, Uganda and Tanzania have common factors that can enable them to move forward. We have common resources like the lakes and the tourist facilities. We have a common language; the famous Kiswahili. Therefore, we have a bigger comparative advantage in this union than the European Union. In the case of the European Union, there are a lot of disparities in terms of languages, distance and currencies. The East African countries have all it takes to establish a federation more faster than other unions that have been witnessed in the world. However, I want to give a word of caution. We must first examine the problems that we face in this country, that have left us where we are.

Mr. Speaker, Sir, the late Mwalimu Julius Nyerere used to refer to Kenya as "a man eat man society" in the sense that there is a lot of inequality in this country. The inequality that we witness in this country should be a cause of concern. There are a few people in this country who would like to enjoy our resources at the expense of others. If you look at the statistics, you will realise that the disparity in this country is about 0.5 per cent as opposed to about 0.37 and 0.38 in Uganda and Tanzania respectively. That tells you that, indeed, this country must address some of the factors that have caused these problems.

Mr. Speaker, Sir, the late Mwalimu Julius Nyerere used to tell his people that if they wanted to see London, they should come to Nairobi. We must address the problems that the former East African Community faced from its inception. For the three East African countries to be a federation, we must ensure that there is balanced development.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

If you have one country with a *per capita* income of 100 US\$, and another one with 1,000 US\$, it would be very difficult to integrate those countries. Therefore, those are some of the reasons that we must address at the onset. It has been very difficult all over the world to ensure that countries that have so much disparity are able to integrate well.

Mr. Deputy Speaker, Sir, that, therefore, brings me to one of the pet subjects that I have

always discussed in this House; that, Kenya acceded to ensuring that this country imports products from Uganda and Tanzania duty-free. But Tanzania and Uganda still have to tax our goods for the next five years. That is an issue we must address seriously, and I want the Minister concerned - I hope he is listening to me - to know that, Tanzania has a history because it was a Member of the Common Market for Eastern and Southern Africa (COMESA) at some stage, and without warning or respecting agreements and protocol, it pulled out of COMESA and joined the Southern Africa Development Co-operation (SADC). My fear is that, for the next five years, the Republic of Kenya will lose about Kshs45 billion in terms of lost revenue and taxes that would have been collected, had it not been for this treaty. My fear is; what happens if goods from Tanzania, which initially has a history of not respecting agreements and protocol, are imported to South Africa and then re-exported to Kenya? Nobody has addressed that issue in Kenya, and that has always been my fear.

My next question is; what happens after five years, if the same Tanzania, to which we have lost revenue to the tune of Kshs45 billion, would say: "We are today pulling out"? What guarantee do we have that, indeed, after the five or even six-year period that we have been given to phase down our tariffs, Tanzania pulls out because they would have had enough and are not any more committed to the East African Federation? What will we do? We would have lost Kshs45 billion; it would be too late and cannot go back, and that is why I have always asked the Ministers concerned: What guarantee will they give Kenya that, indeed, after five years, Tanzania and Uganda would be as committed to the East African Federation as they are committed today?

The Assistant Minister for Trade and Industry (Mr. Syongo): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to mislead this House that Tanzania did not comply with the rules of the union when they backed out of COMESA, yet Tanzania did give full notice in accordance with the treaty, and that goods coming from South Africa to Kenya enjoyed duty-free status, yet the rules of origin still apply?

Mr. Deputy Speaker: Mr. Syongo, I would have preferred you rising on a point of information, because you just informed the hon. Member without his consent.

So, Mr. Kipchumba, you can continue and ignore his information.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, in as much as we may comply with laid down regulations, it will be very difficult for this country to recover the Kshs45 billion that it would have lost. That is my fear. If you go to Tanzania today, you will realise that almost all businesses there are controlled by South Africans. Even though we talk about the country of origin, Tanzania would only add very little value to a product that they have imported from South Africa and then lay a claim on it. I would like the Minister for Trade and Industry and his colleagues from the other countries to address this issue before we move forward.

I know that we want to fast-track and we have said that we want to make this region a federation. It is a very good dream and I hope it will be achieved. We will pass that from the Customs Union, the common market and a common monetary union. If you travel to any of those countries, they will allow you to use the Kenyan shilling. However, if you attempt to use the currencies of those countries here, you will find a lot of hurdles. Nobody would like to use that currency. In as much as Uganda and Tanzania are very flexible in accepting our currency, this country has been a big obstacle. Just as I said before, there is all that it takes for us to ensure that we become a federation quickly. My observation is that Kenya will be the biggest obstacle to this fast-tracking. Whenever you travel out, you will find that Tanzanians are very nice people. In terms of trade and infiltrating to establish business in Tanzania, the requirements are very few. Therefore, it is easy to establish business there. However, when it comes to Kenya, it is quite difficult. That is why I said that Kenya, in my view, would most likely be the country that will delay the realisation of the federation. The faster that Kenya realises that it is, indeed, the obstacle, the quicker it should move.

Mr. Deputy Speaker, Sir, I appreciate that all over the world, all countries are establishing

trading blocks. It is no longer an issue that we would want to receive foreign aid from other countries. Foreign aid has been known to be unsustainable in terms of development. That is the reason why we must encourage trade all over the world. All over the world, companies are merging because there are certain advantages derived from it. I want to cite some examples. If you go to Europe and America, you will find that companies that make aircraft like Boeing and Macdonnell Douglas have merged. Those are very big entities. M/S Exxon-Mobil have merged to create a company that has a capital outlay of Kshs80 billion. You will argue that not all mergers are successful. There are mergers in the world like the one of M/S HP and Hewlett Packard which was a failure. However, most mergers in the world have been a success story.

There are reasons why organisations merge. Companies merge because of changing market needs. For example, companies that make aircraft have huge established fixed costs. That is why it makes sense for them to mass-produce. Since we require this market, we must ensure that the three East African countries form a federation. However, it does not make any sense for us to pretend that, of course, we have agreed on the Customs Union, one currency and a common market without the political will of the East African countries. Given a chance, I would like to suggest that even if we achieve the envisaged federation, Kenya should not be given a position of a Prime Minister or President immediately. Whether this will be done on rotational basis or not, Kenya has to wait a little longer. This is because we all know the political problems we have in this country. Indeed, it is better to give those positions to stable countries like Tanzania and Uganda. I know in terms of economy, they have not done as well as we have, but in the political aspect, Tanzania is more homogeneous than we are in this country. The political leadership in this country is insincere. It has bred tribalism. Tribalism is the greatest obstacle to development and peace in this country. It is a pity that tribalism thrives only in Kenya. If you go to Tanzania, you will be shocked because people there are not even aware of their tribes.

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

Mr. Deputy Speaker: What is it?

Mr. Mukiri: Mr. Deputy Speaker, Sir, is it in order for the hon. Member to mislead the House that Uganda is more homogeneous than Kenya?

Mr. Deputy Speaker: Mr. Mukiri, I do not think the hon. Member said that. He referred to Tanzania.

Mr. Mukiri: Mr. Deputy Speaker, Sir, he spoke of both Tanzania and Uganda.

Mr. Deputy Speaker: Order, Mr. Mukiri! I listened very carefully and I do not see the reason why you stood on a point of order. The hon. Member said Tanzania is more homogeneous than Kenya. In any case, what are the parameters? Even if he said Uganda, I do not think that is really a point of order. It is a matter of argument. You could put yours when you get a chance.

Proceed, Mr. Kipchumba!

Mr. Kipchumba: Mr. Deputy Speaker, Sir, many of us who have had a chance to travel, work or even interact with people in those countries, have better experience.

I was saying that for us to eradicate tribalism in this country, we need to merge the three East African countries. Indeed, this problem called tribalism will be a thing of the past. If we do not eradicate tribalism, it will be very difficult for a leader from a small tribe to become a President or a Prime Minister in this region. We will, of course, have the other advantage of having a country like Tanzania which does not recognise tribalism. That country has gone beyond tribalism. The late Nyerere may not have succeeded in many areas, but he succeeded in the aspect of uniting the people of Tanzania. Therefore, part of the reason that we want this federation is to ensure that there is peace and stability. There will be no cross-border cattle rustling that we have witnessed in the past. A group of people would come from Uganda, steal cattle from Kenya, and then hide in the neighbouring country. The security forces will have the authority to pursue any criminal to any destination within the region.

Therefore, that will ensure that those areas which have never seen peace will develop.

I listened to one hon. Member who happens to come from that locality. What hon. Members of that region have failed to address is--- It is not that the Government has failed to provide services. The Government cannot provide services if the people are fighting every day. No Government official would like to work in a region where his or her life is always at risk. Therefore, if peace and stability is ensured, development will be provided in that region.

Mr. Deputy Speaker, Sir, there is another problem that should be stopped; that is the carjacking in this country. Motor vehicles are stolen in Kenya and recovered in the Republic of Tanzania. If the three countries merge, it will be very difficult to steal a car from here and take it to a neighbouring country. There are certain commodities that attract high value in this country. Therefore, it gives reason for people to go and steal them elsewhere, and come to sell them in Kenya. But when all the countries have equal applications in terms of duty and taxes, people will have no reason to steal things from another country and bring them here.

Mr. Deputy Speaker, Sir, like I said earlier, the world has become a global village. I want to quote what *Papa* said in 1996:-

"There is no activity more intrinsically globalising than trade. There is no ideology less interested in nations than capitalism. There is no challenge to volunteers more audacious than the market."

Mr. Deputy Speaker, Sir, the world is a global village. That is because of the technology that exists today. If a country has become a global village, then why would we, as a country, want to stay in our own cocoon? The more reason why we should open up the East African region and trade as a block. I think the European Union (EU) has succeed because whenever they go to the World Trade Organisation (WTO), they negotiate as a block. You will realise that whenever they give us conditions in this country, they will tell you: "The EU would require the following conditions!" It does not matter whether it is France, Britain or Germany. You must meet those conditions to penetrate their market. They are very strict about the conditions. But everybody who wants to trade in this country will just walk in, and walk out. That is why, in as much as we would like to be a federation, we must establish strict regulations.

Mr. Deputy Speaker, Sir, we are the biggest exporter of horticultural products in the region. Tanzania exports a lot of minerals and Uganda exports a lot of coffee. If we combined all these resources, it would be very difficult to take East Africa for granted. We must not close our borders. We should ensure that once we establish the East African Federation, we allow Rwanda, Burundi and Malawi to expand. Ultimately, we want to have an African Union. An African Union will only be realised if we first establish our own small federations. These are like the SADC, East African Community, ECOWAS in West African and so forth. If we merged all these organisations, we would have an African Union. In terms of land mass and area, we would be equivalent to the United States of America (USA). However, this would not be in terms of value and trade, but in terms of the resources, which are buried beneath our continent. With our resources, we could easily be compared to the USA. Of course, we also need much more to develop and be like the First World countries.

As I said earlier, we must address the issue that led to the collapse of the East African Community. This is very critical. What led to this collapse was political leadership of the three countries. There was nothing more that led to the collapse. The problems emanated from Uganda. Political leadership is critical. That is why, as much as we may want to establish the micro and macro-economic factors that will help this country, we must also ensure that political leadership is taken care of.

I want to address the issue of our environment because Prof. Maathai is here. Probably, Kenya is the only country which is depleted in terms of environmental resources. Therefore, once we merge these countries, we should be able to borrow a lot from a country like Uganda. Uganda has preserved

its environmental resources to the extent that we are now importing timber from it. It has managed to preserve its environmental resources because it does not have companies like the Panafrican Paper Mills (EA) Ltd.

Uganda is endowed with natural resources, not because it embraces the *shamba system*, but because it does not have companies like the Panafrican Paper Mills (EA) Ltd., of this world. The timber company, if taken to Uganda, would destroy that country in one year. The *shamba system* has worked there and in other countries. It is the only system that can alleviate poverty. Therefore, we must ensure that we borrow what is good and discard what is unacceptable in our country. I would want us to have this federation because after it is formed, it will not be necessary for each of the East African countries to have its own refinery. Kenya requires only one refinery to process all petroleum products required in this country, something which promotes economies of scale.

I beg to support.

Mr. G.G. Kariuki: Mr. Deputy Speaker, Sir, it appears as if I do not have enough time to make my contribution.

Mr. Deputy Speaker: You have all the time. You have 15 minutes now, and if you will want to go on, you will still be left with 15 minutes for Tuesday.

Mr. G.G. Kariuki: Thank you, Mr. Deputy Speaker, Sir. I would like to thank the three East African Heads of States for having committed themselves politically, to initiate the East African Federation. I will also congratulate the Attorney-General who worked very hard to make sure that the fast-track document was ready for the review by the three Heads of State. To me, that matter is very important because it shows that the three Heads of State of East Africa are now aware that it is high time that we got to know our future within the globalised world. Through that way, I am convinced that the three gentlemen will push this initiative up to the end.

Mr. Deputy Speaker, Sir, however, I think we should not forget the first East African Community. Hon. Members of Parliament are talking as if they do not understand what was there many years back. The East African Community was working within the environment of the cold war, where the two international opposing forces were fighting and it was not possible to last long because Kenya had its own perception of international economic life, and Tanzania also had its own way of survival. I remember that is the time when Tanzania had the village system or communism. It is also the same time that we had African Socialism in Kenya. Uganda had the Common Mans Charter.

All these systems could not have taken the Community far because they were created with the full knowledge of the former colonial masters. Therefore, this can be blamed on the cold war and also on lack of experience by leaders of these states during that time, because we cannot effectively confirm that they were experienced people during that time. However, this time, I think our three Heads of State have gone through the process of understanding how the world is and, therefore, they know that if they gave an opportunity to countries like South Africa, Nigeria and Egypt, we will be overrun economically.

Mr. Deputy Speaker, Sir, the time when people of different states used to brag about their boundaries or territorial integrity is going to fade away. The boundaries of states are becoming irrelevant internationally. We will have economic boundaries which have been regionalised. If you looked at Europe, you will find that it did quite a lot during the period of the cold war. They were not very much affected because tribal infighting did not exist. So, what we are doing here today, we might claim that we have discovered something new in this world. Africa must unite and, therefore, East Africa has no choice. We must unite.

By uniting, what are we saying? We are saying that we are freeing our people from the bond of imperialism by getting rid of all these boundaries, where people should be allowed to transact business and interact freely because we have a problem on the Kenya/Tanzania border. You find so many Maasais in Tanzania. In Western Kenya, you find so many Luyias in Uganda than we are in

Kenya. What are we saying? We are saying our people should be free to interact and do business.

What is the duty of this Parliament and the Government? It is to provide those facilities and make sure our people feel free that they can reside anywhere and do any business wherever they want. We pretend very badly, without shame, that we can afford to protect our 8,000 kilometre boundary from Tanzania, Uganda, Sudan and Ethiopia. It does not matter the number of armed personnel we have because we cannot control those people. The Governments of East Africa and other parts of Africa have been great pretenders by saying that they can afford to protect their land. For example, in Kenya, we are having the biggest problem one can ever think of; trafficking of small arms which are used by criminals to terrorise Kenyans. The small arms infiltrate our country from governments which have collapsed. In our current situation, I find it unwise for our Government to speak about disarmament. The Government should not disarm the Turkanas and Pokots when Ugandans are armed.

(Applause)

Mr. Deputy Speaker, Sir, the unity we are seeking will bring peace among the people of East Africa. This is because Tanzanians, Ugandans and Kenyans will ensure that their countries are not used by criminals as it is the case today. However, it is also not true to say that criminal activities will come to an end if we form the East African Federation (EAF). I am saying this because, today, if robbers steal a car from Nairobi, they drive it to Kiambu District where it is dismantled and then sold as spare parts. So, we have to look into many things. The EAF will bring a lot of benefits to the people of East Africa.

Mr. Deputy Speaker, Sir, Rwanda and Burundi have appealed to our country to ensure that they are included in the East African Community. This is taking too long. I do not understand why we are hesitant to allow Burundi and Rwanda to be members of the EAC. The two nations are also members of a regional trade, but it is another issue when it comes to the EAF. What is the difference between the Rwandese and Ugandans? These people are neighbours.

Mr. Deputy Speaker, Sir, we should move very fast and be updated on what is happening in Southern Sudan and the eastern part of the Democratic Republic of Congo (DRC). For the information of the Chair, my Committee travelled to the DRC, Burundi, Rwanda, Tanzania and Uganda. We have also requested the Chairman of the Liaison Committee to ensure that we visit our brothers in the Horn of Africa because that is the only way we can bring people together. During our visit to Tanzania, we were surprised to hear that the people of that country misunderstand Kenyans. They perceive us as very proud people. Kenyans think that they are very important, and yet we know that some countries are moving faster than we are doing. For example, if an investor from Uganda or Rwanda wants to build flats here in Nairobi, the red-tape of the Nairobi City Council's (NCC) will take him or her six months. Even Kenyans are subjected to those red-tapes. It has taken the NCC six to seven months to process my application. Why do we rejoice our hopelessness, incapability and systems which do not work? Why do we rejoice in things that do not work? Hon. Members should know that these countries are moving very fast. If you go to Rwanda, for example, you will be surprised. You cannot believe that there was genocide unless you see mass graves. If you go to Uganda, the security in Kampala City is 100 per cent. I think it is important for us now to realise that our neighbours see us as people who are not going anywhere.

During our visit to one of the East African countries, one of the Heads of State asked us: Why should Kenya be proud? Kenya has got a Gross Domestic Product (GDP) of US\$15 billion. Uganda has a GDP of US\$5 billion, while Tanzania's GDP is US\$7 billion. But Kenya has never faced any war. So, it cannot brag of having done much. In the next few years, therefore, Uganda and Tanzania will by-pass Kenya. It was not a surprise to me, although we were really brought down to our knees. This

was because what he was saying is true. Kenyans have to pull up their socks and know that the competition is great. We need to ask ourselves: What do we have in this country? The climate of Uganda and Tanzania is similar to ours. Why do we think we are more important than them?

I think it is important that we take the advantage of the relatively quiet world, where the political competition has gone a little down because we have got only one superpower. This is the time we can consolidate ourselves and make sure we take advantage of this environment. Otherwise, if we are not careful, another "ism" will be propelled by international people who decide for the world. It will come through terrorism. We have to be careful because if that "ism" gets into us, our Government could face a coup. There were a number of *coup d'etat* between 1960 and 1975 in Africa. We hope this thing will not be repeated. We can only prevent it if the people of Africa, particularly in Kenya, decide to do what we are trying to do. So far, they have done a good job. The African Union (AU), for example, has established an emergency force that can respond to any situation in any country. A similar thing should happen in Kenya, Uganda and Tanzania. In that way, we will be prepared to deal firmly with those leaders who may think of inciting people to go to the streets. We have just been warned that because of the Motion we have just passed here, people may go to streets. Let us be prepared to respond to that kind of situation.

Mr. Deputy Speaker, Sir, I can see time for the business of the House is coming to an end. I have a lot to say about this Motion.

ADJOURNMENT

Mr. Deputy Speaker: Order! Mr. G.G. Kariuki, you will have 15 minutes to continue on Tuesday.

Hon. Members, it is now time for the interruption of business. This House is, therefore, adjourned until Tuesday, 10th May, 2005, at 2.30 p.m.

The House rose at 6.30 p.m.