

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 17th March, 2005

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:
Mr. Anania Mwasambu Mwaboza

NOTICE OF MOTION

APPOINTMENT OF HOUSE BUSINESS COMMITTEE

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

THAT, the following hon. members be appointed as members of the House Business Committee:-

The Hon. Moody A. Awori, MP, (Chairman),
The Hon. Prof. George Saitoti, MP,
The Hon. Daudi Mwiraria, MP,
The Hon. Raila Odinga, MP,
The Hon. Martha W. Karua, MP,
The Hon. Musikari Kombo, MP,
The Hon. John N. Michuki, MP,
The Hon. Moses Wetangula, MP,
The Hon. Charity Ngilu, MP,
The Hon. Kalonzo Musyoka, MP,
The Hon. Simeon Nyachae, MP,
The Hon. Henry Obwocha, MP,
The Hon. Joseph J. Kamotho, MP,
The Hon. Norman M.G.K. Nyagah, MP,
The Hon. Uhuru Kenyatta, MP,
The Hon. Justin B.N. Muturi, MP,

The Hon. Dr. Bonaya Godana, MP,
The Hon. Henry Kosgey, MP,
The Hon. Chrisanthus Okemo, MP,

The Hon. Major Marsden Madoka, MP.

POINT OF ORDER

Mr. Speaker: Just before we go to the next Order, there is a Member who wanted to seek a Ministerial Statement. Mr. Mukiri! He is the only one who has sought my indulgence.

RESETTLEMENT OF TRIBAL CLASHES VICTIMS IN NAKURU

Mr. Mukiri: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister in charge Internal Security in connection with the task force that was formed to look into the resettlement of victims of tribal clashes. The task force is presently camped at Nakuru. There has been a lot of apprehension that the people they are dealing with in Nakuru are not the real tribal clashes victims.

I would like to know whether they will visit Molo and comprehensively deal with the people who were affected by the tribal clashes.

Mr. Speaker: Mr. Minister, are you ready for it?

The Minister of State, Office of the President (Mr. Michuki): Mr. Speaker, Sir, we have that committee, and although we will issue a Ministerial Statement, I think it should suffice to say that those are internal committees. The committee is not executive; it is a committee that will report. No decision has been made in one way or the other.

MOTION

APPOINTMENT OF HOUSE BUSINESS COMMITTEE

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

THAT, the following hon. Members be appointed as members of the House Business Committee:-

The Hon. Moody A. Awori, MP, (Chairman),

The Hon. Prof. George Saitoti, MP,

The Hon. Daudi Mwiraria, MP,

The Hon. Raila Odinga, MP,

The Hon. Martha W. Karua, MP,

The Hon. Musikari Kombo, MP,

The Hon. Jonh N. Michuki, MP,

The Hon. Moses Wetangula, MP,

The Hon. Charity Ngilu, MP,

The Hon. Kalonzo Musyoka, MP,

The Hon. Simeon Nyachae, MP,

The Hon. Henry Obwocha, MP,

The Hon. Joseph J. Kamotho, MP,

The Hon. Norman M.G.K. Nyagah, MP,

The Hon. Uhuru Kenyatta, MP,

The Hon. Justin Muturi, MP,

The Hon. Dr. Bonaya Godana, MP,

The Hon. Henry Kosgey, MP,

The Hon. Chrisanthus Okemo, MP,
The Hon. Maj. Marsden Madoka, MP.
With those few remarks, I beg to move.

The Minister for Roads and Public Works (Mr. Raila): Mr. Speaker, Sir, I beg to second the Motion.

(Question proposed)

Mr. Oloo-Aringo: Mr. Speaker, Sir, you will recall that last year, about the same time and on the same Motion, we did reject the Motion, but because of the maturity of Parliament - I want to say this Parliament is very mature - we rescinded that Motion. Our basic argument at the time was that this House must equally reflect the democratic culture which has engulfed the country. That means that the over-representation of the Cabinet and the Front Bench on both sides in this Committee negates that culture. We pleaded that the Leader of Government Business and his team look into this issue. The next thing we had was a purge of the hon. Members of the Liberal Democratic Party (LDP) from all Committees.

Mr. Speaker: Order! Mr. Oloo-Aringo, this House does not have hon. Members of the Liberal Democratic Party (LDP). That may be a territorial arrangement.

Hon. Members: We are here!

Mr. Oloo-Aringo: Mr. Speaker, Sir, let me rephrase differently. A large number of hon. Members were removed from Committees on their sheer political allegiance. I am sure that captures what I wanted to say. This is wrong. Even if satan was the leader of a political party and was an hon. Member, he must be allowed to sit in all Committees of the House. That is what parliamentary democracy is all about. We must learn to accommodate each other, regardless of whether we differ or not. This is a culture which we must plant from the beginning.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Prof. Kibwana): On a point of order, Mr. Speaker, Sir. Is it in order---

Hon. Members: Sit down!

Mr. Speaker: Order, hon. Members! I will not have any of that! Every hon. Member given the Floor by the Chair will enjoy the full rights.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Prof. Kibwana): Mr. Speaker, Sir, thank you for your protection.

Hon. Oloo-Aringo was talking about democracy just a while ago. In a nation where we are a religious people, is it in order to say that satan should sit in our Committees?

(Loud consultations)

Mr. Speaker: Order! Hon. Members, you must respect the order from the Chair. As far as I know, and I stand to be corrected, satan is not a resident of Kenya.

(Laughter)

Mr. Oloo-Aringo: Mr. Speaker, Sir, I am underlining and emphasising the culture of Parliament. We are here because we have accepted dialogue and discussion as the foundation of resolving conflicts in our society. The fact that you hold different views from me does not make you my enemy for you to purge me from a Committee or the Commission. We must begin to respect each other. We must learn to talk until we agree or disagree. Therefore, what took place at the time was anti-democracy and an anti-parliamentary culture. It must be condemned in a Motion such as this, so that we can move forward with mutual trust.

Mr. Speaker, Sir, we rescinded the Motion in respect of His Excellency the Vice-President and Minister for Home Affairs because we love the *Mzee*. He is a good friend of all of us. Uncle Moody is a great friend of all of us, but the Chief Whip of our party went on to remove a large number of hon. Members from Committees. It was a purge. It looked like an ethnic cleansing. If you bring ethnic cleansing in Parliament, there will be no end to it and everybody will suffer. It is parochialism and stupidity!

Mr. Speaker: Order, Mr. Oloo-Aringo! You cannot have it both ways. You cannot seek for respect, and insult others. That language is unacceptable in this House and you must withdraw your remarks.

Mr. Oloo-Aringo: Mr. Speaker, Sir, I want to withdraw the words parochialism and stupidity, but let us be careful when we are handling matters of this National Assembly. We should respect each other. This is the only institution that represents all the people of Kenya; majorities and minorities, to come here to discuss what is to be done. It is very important, therefore, that we lay the foundation.

Mr. Speaker, Sir, I want to bless the House Business Committee, but my suggestion is that we adjourn and consult on the names and come back here as a united group. It is my sincere wish, and I am saying this because of my great respect for the Leader of Government Business, that rather than block the adoption of the names, we should adjourn and go and consult with each other in our respective parties. We shall come here ready to give you the names that are acceptable to all the hon. Members of this House.

With those few remarks, I beg to oppose the Motion and request for adjournment, so that we can have further consultation.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, I want to acknowledge the appreciation, wisdom and experience of Mr. Peter Castro Oloo-Aringo who is my friend and a very eloquent Member of this House. I share the sense that the tempo of business in this House during this Session will depend on how well we set up the foundation of consensus-building and mutual understanding. I think it is our duty to do everything to build foundation of mutual respect as we start this critical Session. I say this with a sense I have very strongly that we, as Parliament, are under siege. Everything we do in a faulty way is an excuse to be picked upon by those who are demeaning this critical institution of governance, and we have a collective responsibility to protect it.

To my mind, as I listened to Mr. Oloo-Aringo, I think there are two separate issues here; one, is fair representation of all tendencies and groups in Parliamentary Committees. I share his sense that a wrong was done in the last Session and it should be corrected this time. We have the procedures with the Whips about structuring fairness in those Parliamentary Committees. I am sure that is the next business after the setting up of the House Business Committee. However, that should be separated with the constituting of the House Business Committee. I share his sense that "satan" must sit there so long as he is the party leader. But when I look at that list, I think "satan" is there!

(Laughter)

Dr. Galgallo: On a point of order, Mr. Speaker, Sir. A little while ago, you reminded us that satan is not a resident of this country. But now the hon. Minister says that satan is on the list of the House Business Committee. Could he tell us in what capacity?

Mr. Speaker: Order! I now firmly order and direct that satan will not participate in any Committee of this House, or any business. So, will you, please, take satan away?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, over the past 13 years, under your tutelage, I have learnt that sometimes a bit of positive humour is allowed. I was only meaning that to the extent that a leader of any political party or group in this House is actually a

Member of the House Business Committee, that first hurdle is passed. So Satan is not on the list of that Committee because Satan is not in this House. I want to suggest that unless the leaders of the political parties here present and who can speak for themselves, feel that their parties are not adequately represented on that Committee, we, the Members of this House, should concern ourselves with membership of the other Committees. A Committee which is constituted by the Leader of Government Business, Leader of Opposition and the Whips of the two sides should not be the subject of consultation by Back-benchers.

Mr. Speaker, Sir, with those few remarks, I rest my case.

(Applause)

Mr. Wario: Bw. Spika, asante sana kwa kunipa fursa hii. Ili haki na demokrasia idumishwe katika nchi ya Kenya ni lazima haki na demokrasia kwanza idumishwe ndani ya Bunge la Kenya. Kamati tunayopendekeza sasa hivi inaonekana mbinu iliyotumiwa kuiunda ilizingatia cheo cha mhe. Mbunge katika chama cha KANU au Serikali.

Bunge hili halijapiga hatua kubwa ya kuunda Kamati hii. Ni kweli sote hatuwezi kuwa upande wa Serikalini ili kuleta Hoja ya Serikali ndani ya Bunge hili. Hata hivyo, waheshimiwa Wabunge wanataka siku itakayotengwa kando ili wajadili Hoja zao za Kibinafsi. Hii, itawezekana tu iwapo waheshimiwa Wabunge, bila kujali vyeo vyao, watakubaliwa kuketi katika Kamati hii.

Bw. Spika, natumai tutaahirisha kikao cha leo ili twende tujadiliane juu ya orodha hii ya majina. Kwa hayo machache, naomba kuipinga Hoja hii.

Mr. Speaker: Order, hon. Members! Just a thought. You know, I have sat here for almost 14 years now as the Chair; long enough experience to know what happens.

(Loud consultations)

Order! I do not want hecklers! It is demeaning, actually. So, please, be honourable! Now, these things should be in-house political arrangement. Your parties must organise themselves. You do not expect the Chair to come and organise you. So, could I hear from the leaders themselves, what their feelings are. Mr. Vice-President, have you consulted?

Dr. Ali: On a point of order, Mr. Speaker, Sir. On this side of KANU, there are two groups. There is KANU "A" and KANU "B". Now, if you want fair representation, the two groups in KANU must be represented. The other issue which is there is that FORD(P) is in the Government and now they have taken our slots in the Opposition.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Hon. Members, you can see clearly that you are asking the Chair to be the manager of your own political party; a job which is not specified under my job description and which I am totally unwilling to take. That is your baby. Hon. Members, you have an onerous responsibility to maintain what the Kenyan people have strived for a long time to obtain, which is a working and vibrant multiparty Parliament. You could very easily kill this. You can easily kill the multiparty system as it is understood around the world. I beg you, the Members of the Ninth Parliament; let it never be written in our political history that we killed the working of the multiparty system. So, it is up to you.

Yes, Mr. Kenyatta!

Mr. Kenyatta: Thank you very much, Mr. Speaker, Sir. I just beg to follow on the words that you have used yourself. We, as Members of this House, have a responsibility to ensure that we follow

the rules of this House.

Mr. Speaker, Sir, it is the responsibility of political parties, and through the respective Whips of both sides, to appoint Members of the House Business Committee. Each political party is expected not to consult within this Chamber, but outside it and bring the names that it believes will best represent the interests of their sides in the House Business Committee, which is the most important Committee of this House. I believe that consultations have been done and that the names that have been read out by the Leader of Government Business are the correct ones. I call upon Members of this House not to bring here, extraneous matters that do not belong to the Floor of this House. They should leave those issues for discussion where they belong, and allow Members to conduct the business of the people of this Republic, in order to put the interests of the people of this Republic first.

I beg to support.

The Vice-President and Minister for Home Affairs (Mr. Awori): I would like to confirm what the Leader of the Official Opposition has stated. We are governed by the rule of law. It is stated here quite clearly that it is the parties which will consult, and that the Chief Whips will give the Leader of Government Business the names to bring here. The recognised parties here have given us the names that I have read.

(Loud consultations)

Mr. Speaker: Order! We must discuss in an orderly fashion. I urge hon. Members to be orderly.

Capt. Nakitare: Mr. Speaker, Sir, I stand here to bring to light what has been spoken. This list is mainly composed of the Front-Benchers. The argument has been that even the Back-Benchers are celebrities. They need to be represented in this list. The list should not necessarily contain Ministers or Cabinet Members because, tomorrow, a Back-Bencher might be appointed to this same cadre and as such, we will have inexperienced Committee Members. I suggest that the Back-Benchers also be included.

The Assistant Minister for Finance (Mr. Obwocha): Mr. Speaker, Sir, I was in the meeting that consulted extensively on this. First of all, I want to congratulate Mr. Oloo-Aringo because, at one time, he was also sacked and the SDP came to his assistance. So, this is a normal practice in democracy. Consultations within political parties, and the Whips have been done and the names---

Hon. Members: Where!

The Assistant Minister for Finance (Mr. Obwocha): I cannot speak for the other political parties but I can speak for the FORD(P).

(Loud consultations)

Mr. Speaker: Order! There is something wrong with that corner. I now warn the hon. Members on that side. You must keep order.

Proceed, Mr. Obwocha.

The Assistant Minister for Finance (Mr. Obwocha): Standing Order No.33 gives the Government the leeway to have Ministers in this Committee, so that Government business can be prioritised by the Ministers in the Committee. I want to support what the Leader of the Official Opposition and the Leader of Government Business have said; that, extensive consultations have been done and I believe hon. Members should accept the list.

I beg to support.

Dr. Godana: Mr. Speaker, Sir, I want to echo the sentiments and the pleas that you and the Leader of the Official Opposition made. The House Business Committee is the first Committee of this

House, in the sense that it is the first to be appointed whenever Parliament is elected in every session. It determines the business of the House. In our constitutional set-up, the business of the House is primarily the responsibility of the Government. Since they have to bring forward their programme, they have to have a majority because they have the majority in the House. It is also part of our convention that the Front-Bench of that Government will be predominant in the membership of the Committee. I think the Standing Orders of this House are found both in print as well as in the conventions which we have established. A cardinal principle of that convention is that we never submit this Committee's membership to a vote on the Floor of the House. I think it would be terrible if we were to depart from tradition.

There are only two parties in this House; the Opposition and the Government. We hope that each party, whether it is the Opposition or the Government, has done appropriate internal consultations and ensured fairness internally. I can speak for KANU. We had a Parliamentary Group meeting at which the nominations were made. They were not just made at random. They were made on the basis of clear principles. We said: What principles do we use? Using both continuity and established offices as well as the need for rotation, we do hope that internal differences between the Government party do not really make us to depart from our traditions.

I beg to support.

Mr. Muite: Thank you, Mr. Speaker, Sir. I would like to express and place my surprise on the HANSARD of this House. The "ruling party, KANU", has agreed to this--

(Laughter)

Mr. Speaker, Sir, quite often, we wonder whether there is any difference.

(Laughter)

I want to place my surprise on record of the HANSARD that the ruling party NARC, has agreed to this composition. We have seen people who are supposed to be supporting the Government moving to that side. I express deep surprise that the ruling party has agreed to this composition.

Mr. Wamwere: Bw. Spika, ningependa kutoa shukrani kwa kunipa nafasi hii nichangie kwa ufupi, nikiunga mkono Hoja ya mhe. Oloo-Aringo inayotaka tushauriane juu ya majina ya Kamati hii. Ni imani yangu ya kwamba shughuli yetu kubwa kama Bunge ni kukuza na kutukuza demokrasia. Ni imani yangu pia ya kwamba wakati Bw. Oloo-Aringo anapouliza nafasi ya Wabunge kushauriana ili tuweze kufikia uamuzi wa pamoja ya kwamba majina fulani yanatosha, nadhani anafanya hivyo kwa kulitakia Bunge hili na nchi yetu mema.

Bw. Spika, ukweli wa mambo ni kwamba ukiangalia majina yote yaliyoorodheshwa hapa, ni majina ya Mawaziri aidha wa Serikali iliyopo, au Mawaziri wa Serikali ambayo inafikiria itakuja kesho au kesho-kutwa. Lakini ukweli wa mambo ni kwamba Wabunge wote tuko sawa. Mkiangalia hii tabia ya kufikiria ya kwamba kwa sababu mtu amekuwa Waziri, aidha kwa upande wa Serikali au wa Upinzani yamaanisha kuwa ana akili kuliko wengine, ni fikira mbovu. Wabunge wote ni sawa na wanaweza kufanya kazi hii kwa namna sawa. Kwa hivyo, ninapinga wazo hili la kusema ya kwamba sisi Wabunge tunaokalia viti vya nyuma hatutoshi kukaa katika hii Kamati. Tunatosha sana.

Tumeona shughuli zetu zikipuuzwa katika Kamati hiyo. Tuna Hoja ambazo tunataka kuleta hapa Bungeni, lakini zinapuuzwa. Nina Hoja ambayo imechukua miaka miwili kuletwa Bungeni. Kwa nini imechukua muda huo wote? Kwa sababu Mawaziri hawaipi umuhimu wowote. Ningetaka mimi pia niwe katika Kamati hiyo, au Mbunge mwingine ambaye ataniwakilisha, ili wakati shughuli za Serikali zinasukumwa mbele, shughuli za Wabunge wanaokalia viti vya nyuma pia zisukumwe mbele.

(Applause)

Naunga mkono tuahirishe shughuli hii mpaka tuketi na tukubaliane juu ya orodha ya Wabunge watakao jumuhishwa katika Kamati hiyo. Hakuna ushauri umefanyika na ikiwa ulifanyika, mimi sikuhusishwa! Ningetaka kuhusishwa.

Kwa hayo machache, naunga mkono tuahirishe shughuli hii.

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

Mr. Speaker: Order, hon. Members! I think you will make the decision for yourselves now.

(Question put and agreed to)

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

All right! That ends the story!

Mr. Oloo-Aringo: On a point of order, Mr. Speaker, Sir. We are deepening democracy and we are saying we must begin to live with dissent. Nobody took time to count our numbers!

ADJOURNMENT

Mr. Speaker: Order, hon. Members! We wish to develop democracy. Democracy means the majority have it.

So, that ends the business of the House. Those hon. Members now elected will proceed to the usual Room No.7 for the meeting. May I congratulate all of you for a good session in the afternoon.

Hon. Members, with that, the House stands adjourned until Tuesday, 22nd March, 2005, at 2.30 p.m.

The House rose at 3.15 p.m.