

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 28th October, 1997

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.678

MEASURES TO STABILIZE PRICES OF PETROLEUM PRODUCTS

Mr. Kiliku asked the Minister for Energy:-

- (a) why the oil companies recently increased the prices of petroleum products;
- (b) whether he is aware that following the increase, the prices of essential goods and services have also been increased; and,
- (c) if the answer to "b" is in the affirmative, what measures the Government is taking to stabilise the prices of petroleum products.

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

(a) Oil companies in Kenya have often increased prices of petroleum products by citing the following reasons:-

- (i) fluctuation of the Kenya Shilling against the US Dollar;
- (ii) increase in excise duty;
- (iii) increase in the spot prices of the MURBAN crude oil at the international markets.

(b) I am not aware. The increase in prices of petroleum products is not the only factor contributing to the increase in prices of essential goods and services.

(c) The Government has taken the following measures to stabilise the prices of petroleum products:-

- (i) It is sensitizing consumers on the need to buy products from petroleum stations offering the best prices by regularly publishing retail prices of petroleum products from different local oil companies.
- (ii) The Ministry has encouraged more investors into the petroleum market in order to increase competition, thereby reducing petroleum prices.
- (iii) The Government will also consider introducing a non-recoverable tax against any oil company found to be over-charging consumers on its petroleum products.

Mr. Kiliku: Mr. Speaker, Sir, will the Assistant Minister assure this House that those new oil marketers will be given access to oil refineries? This is because the five traditional oil marketers, that is Caltex, Esso, Kobil, Total and Kenya Shell have formed a cartel-like club and they have denied the in-coming oil companies access to the oil refineries, so that we can have a successful price stabilisation of oil in this country. It is unfortunate that this Government is quite incapable of controlling these companies.

Mr. Nang'ole: Mr. Speaker, Sir, it is not true that we, as a Government, have denied these companies the chance to use the refining. It is because of the over-loading which we are not capable of sustaining at the moment. But I want to assure the hon. Member and the House that we have done the registration of about 15 local companies which will very soon to bring their crude oil and be able to compete with the other companies.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, in his main reply, the Assistant Minister did say that the oil companies have increased the prices of petroleum products because the Kenya Shilling was recently devalued. Can he tell us of any incidence where the oil companies have reduced petroleum products when the shilling has appreciated in value?

Mr. Nang'ole: Mr. Speaker, Sir, they have not done so.

Mr. Leshore: Mr. Speaker, Sir, can the Assistant Minister confirm or deny that the quality of Kenya petrol,

that is premium, regular and diesel, is quite below the standard of European standards?

Mr. Nang'ole: Mr. Speaker, Sir, I am not aware of that, unless the hon. Member has any information which he can give me.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, the Assistant Minister has just told us that he does not know of any incidence when the oil companies reduced the prices of petroleum products because the shilling had appreciated. Does he not think that the oil companies are pulling our legs? They make profits when the shilling appreciates and they also want to make money when the shilling depreciates. What steps will he take to ensure that if the oil companies have to vary the prices at all, they do it both ways; when the shilling is appreciating and when it is depreciating?

Mr. Nang'ole: Mr. Speaker, Sir, the Government will also consider a recoverable tax against any oil company found overcharging consumers on its petroleum products. We are also trying to liberalise the industry and encourage many other companies to come in and compete.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to say that the Government will ensure that the oil companies do not overcharge when he has not explained to this House what leverage the Government has over the oil companies in controlling the prices of petroleum products?

Mr. Nang'ole: Mr. Speaker, Sir, it is the duty of the Government to control the prices of petroleum products. But what the hon. Member said is not the only factor that leads to the overcharging.

Mr. Kiliku: Mr. Speaker, Sir, there is a condition that every oil marketer must have 4 per cent of the imported product processed by the Kenya Oil Refineries. But Kenya Shell, Caltex and Esso have refused to allow new oil companies to process petroleum through the Kenya Oil Refineries. Could the Assistant Minister relax the condition and allow these new oil marketers to bring into the country products which have been refined 100 per cent, without using the Kenya Oil Refineries, in order to have price stabilization in the oil industry?

Mr. Nang'ole: Mr. Speaker, Sir, indeed, that is a very good question. I would like to assure hon. Kiliku, that what is preventing these companies from bringing in their refined products is the construction of the LPG pipeline from Mombasa to Nairobi which the Kenya Pipeline Company is working on. Hopefully, by next year they will be through, and there will be adequate petroleum products everywhere on a competitive basis.

Mr. Speaker: Next Question!

Question No.613

ALLOCATION OF NAKURU BUS PARK WAITING ROOM

Dr. Lwali-Oyondi asked the Minister for Local Government:-

(a) if he is aware that the only waiting room in Nakuru Bus Park has been allocated and converted into a kiosk, thereby causing a lot of inconvenience to night travellers; and,

(b) if the answer to "a" above is in the affirmative, what steps he is taking to correct the situation.

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

(a) I am aware that the Municipal Council of Nakuru allocated the waiting room in question because it had cracked beyond economical repair and the Council did not have sufficient funds to undertake the renovation works required.

The allottees were willing to undertake the renovation work on the waiting room after which they were to convert it into a passenger booking office.

(b) The situation is in order.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, apart from the fact that now travellers in Nakuru do not have any place to stand particularly at night and when it is raining, the Assistant Minister has been misinformed that this waiting room which was constructed in a manner similar to the way bridges are constructed had cracked at all.

Mr. Speaker, Sir, is the Assistant Minister aware that it was the present Deputy Mayor of Nakuru Town who took this house and gave it to somebody else by the name of James Mutahi. After that, they divided it into two; one side for Mutahi and the other one for the Deputy Mayor?

Dr. Wameyo: Mr. Speaker, Sir, I am not aware about the Deputy Mayor taking this house, but at least I am aware of Mr. James Mutahi who has built a small hotel nearby. I am also aware that Greenland Travellers have made a passenger booking office there. But I would be very pleased if the hon. Member would give me the information about the Deputy Mayor.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, the Assistant Minister is aware that matatus and buses are very highly charged by the Municipal Council in order to facilitate the travellers. The office of the Municipal Council claims that

they have no money and yet they are charging the bus and matatu operators so highly. That some of the matatus and buses are even by-passing Nakuru Town. Where does the money go to?

Dr. Wameyo: Mr. Speaker, Sir, I will find out from our office why they are charging so much money and yet they do not have enough money to do the repairs.

Mr. Speaker: Very well! Next Question!

Question No.603

INCREASE OF MALARIA CASES IN NAIROBI

Mr. Speaker: Is Mr. Nthenge here? We will leave that Question for the moment! Next Question!

Question No.671

INTERRUPTION OF PROGRAMMES

AT PUBLIC UNIVERSITIES

Mr. Mak'Onyango asked the Minister for Education:-

(a) what steps he is taking to ensure that the fourth year students at the Maseno University College, who were due to complete their studies in September, 1997 but were sent home on 21st August, 1997, are allowed back to the college to do so; and,

(b) what steps he is taking to ensure that programmes at the public universities are not interrupted and students sent home as it occurred in Maseno on 21st August, 1997.

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

(a) The University's Academic Board promptly instituted the disciplinary process as empowered and prescribed by the relevant Acts of Parliament. My Ministry is working closely with the University College to ensure the process is concluded and students recalled by April, 1998.

(b) My Ministry recognizes the universities Acts and regulations that empower University Councils and Senates to run their institutions independently. My Ministry will, however, encourage the universities to continue using closures only as a last resort in resolving issues of students' unrest.

Mr. Mak'Onyango: Mr. Speaker, Sir, arising from that grossly misleading answer, we have this unfortunate situation whereby these students are going to lose nine months of academic education time. How is the Assistant Minister going to recover this time?

Mr. Komora: Mr. Speaker, Sir, the students had very little time remaining to complete their studies. For example, the first year students had only three months to go. Unfortunately, these are the consequences of the behaviour of the students themselves.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, arising from the Assistant Minister's very inadequate treatment of this Question, and Maseno University College is in my constituency, something very serious is happening in this country. Students are sent away from the universities for periods of as long as nine months; we now have the case of the Kenya Polytechnic students, yet these students pay fees. It means that when they are away, the money they paid to the universities is being used by somebody else, yet when they are recalled, they are not credited for the time they have been away. It is very serious.

Mr. Speaker, Sir, is the Assistant Minister aware that parents and students are complaining, that the time they are away and have paid fees should be computed and they are credited with the money, because the universities and colleges are closed? What is he going to do to ensure that the money that the university students pay in universities is credited to their accounts when they are out? Secondly, what is he going to do to ensure that the time wasted when they are out of the university is properly catered for with regard to preparing them for examinations?

Mr. Komora: Mr. Speaker, Sir, the money is related to the course each student is taking and the question of credit therefore, does not arise. Secondly, the time they lose is related to the time they are required to cover the course before the examinations and we will ensure that, that is done when they return.

Mr. Achieng-Oneko: Mr. Speaker, Sir, the House would like to know the reasons why these students were sent away? Could the Assistant Minister give us the details of the offences that the students committed that made them to be sent away?

Mr. Komora: Mr. Speaker, Sir, there was a dispute over the money that was supposed to have been received by the students through their district accounts and the college. The students maintained that there was Kshs4,000 that they were yet to receive from the college and the Higher Education Loans Board (HELB) insisted that the money was

sent to the students through their respective districts. The students, instead of resolving this matter with the college and then continuing with their studies, went on riot. When you go on riot and you are not interested in discussing and resolving issues, what happens?

Mr. Mak'Onyango: Mr. Speaker, Sir, could the Assistant Minister confirm or deny that what is actually happening is that the university authorities use these closures as a means of having extra funds for themselves in that the money that the students would have used while continuing with their normal lessons is saved and ends up in the pockets of the university administration officials and, of course, Ministry officials?

Mr. Komora: Mr. Speaker, Sir, I assumed that the hon. Member knows that some calculations are done on the time the same students take to complete their courses to ensure that they are going to pay nothing extra. So, there is no question of money being saved for any purpose other than to cater for the students.

Question No.663

SELECTION OF MUSSO AS GOVERNMENT OFFICIAL CAR

Mr. Maore, on behalf of **Mr. Munyasia**, asked the Minister for Public Works and Housing:-

(a) what have been the Government's considerations in selecting MUSSO, the four (4) wheel drive vehicle, from the Ssangyong Motors of South Korea as its official car for 1997 and 1998; and,

(b) how much money the Government will spend on this contract.

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Speaker, Sir, I beg to reply.

(a) The Government has not selected MUSSO, the four wheel drive vehicle from Ssangyong Motors of South Korea as its official car for 1997 and 1998 and the issue of its selection basis does not arise.

(b) The Government does not have any contract with the company that is the subject of this question nor is there any money intended for payment to the company for supply of any vehicle.

Mr. Maore: Mr. Speaker, Sir, the Assistant Minister seems to be doing some donkey work for the Office of the President. The decision seems to have been made by the Office of the President, through the Accounting Officer and the Head of the Public Service to acquire the said vehicles. The said information on the selection of MUSSO as the official Government car has appeared in Kenyan and South Korea newspapers simultaneously. Why has the Government not refuted that information? Could it be that, maybe you are not aware that the deal has been concluded by the Accounting Officers?

Mr. Mwamzandi: Mr. Speaker, Sir, my Ministry and the Central Tender Board are not aware of that allegation and it should have been proper, perhaps, if the hon. Member had channelled the Question through the Office of the President. Otherwise, my Ministry is not aware.

Mr. Maore: Mr. Speaker, Sir, I am asking the question because this kind of deals are usually done by the Accounting Officers without making any reference to politicians. The politicians come and do the "frying" here in Parliament. What we are saying here is that the same Asian who was involved in this deal with the Office of the President is the same one who did organise the procurement of the Mahindra vehicles which have been grounded in industrial area. It is the same Asian who was involved in the tear gas equipment deals. So, is the Assistant Minister aware of what he is answering or not?

Mr. Mwamzandi: Mr. Speaker, Sir, I told the hon. Member that I am not aware of the allegation on MUSSO. The contracted suppliers will remain in the records of the Ministry for that particular tender until 1998. Otherwise, we are not aware of that deal.

Mr. Kapten: Mr. Speaker, Sir, now that the Assistant Minister has been made aware, can he go back to his office and investigate this matter and then bring us a proper reply?

Mr. Mwamzandi: Mr. Speaker, Sir, there is no reason why I should go back. I said that if the hon. Member has any information regarding the allegations that he is putting forward he should avail that information to us. Since he says that this question concerns the Office of the President, then he should re-route that question to the Office of the President and not my Ministry.

Question No.654

NON-REMITTANCE OF WORKERS
CONTRIBUTIONS TO NSSF

Mr. Onyango asked the Minister for Labour and Manpower Development:-

(a) if he is aware that National Social Security Fund (NSSF) deductions from employees of

Burgerhouse and Burgerland restaurants in Nairobi are not being remitted to the Fund as required by the law; and,

(b) if the answer to "a" is in the affirmative, what action the Ministry is taking to ensure that the said deductions are remitted in accordance with the NSSF Act.

The Assistant Minister for Labour and Manpower Development (Mr. Komen): Mr. Speaker, Sir, I beg to reply.

(a) The management of Burgerland and Burgerhouse restaurants has been remitting the statutory NSSF deductions and contributions on a regular basis. Between 1995 and September 1997, the company lapsed in making payments for only five months totalling to Kshs44,141.

(b) A demand letter dated 17th of October, 1997 has been sent to the employers giving them seven days to remit the outstanding deductions, failure to which the appropriate legal action will be taken as per the provisions of the NSSF Act Cap. 258 of the Laws of Kenya.

Mr. Onyango: Mr. Speaker, Sir, can the Assistant Minister explain to this House why he did not write the letter until the Question was brought to this House? Can he explain whether there was collaboration between the Ministry officials and the Burgerhouse and Burgerland restaurants?

Mr. Komen: Mr. Speaker, Sir, no, there was no collaboration.

Mr. Ndicho: Mr. Speaker, Sir, there are so many factories and companies in this country which are not remitting their employees NSSF deductions to the headquarters and most of the employees come to learn about it either upon retirement or dismissal and at that particular moment, it becomes very difficult for them to be paid their benefits. What punishment will the Ministry mete on these companies which deduct money from their employees and refuse to remit that money to the NSSF headquarters since they are subjecting workers to a lot of problems? What punishment are you going to mete out on such companies and there are so many? In Thika, we have got about 20 of them. Several of such companies do exist in Nairobi, Kisumu and everywhere. What punitive measure are you going to take against these factories?

Mr. Komen: Mr. Speaker, Sir, the hon. Member is generalising. At the moment, we are talking about Burgerland and Burgerhouse restaurants. They have remitted the NSSF deductions and we are satisfied. We have also issued them with a letter requesting them to remit the balance. The hon. Member should not generalise issues, but he should be specific and give us examples.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to refuse to answer my question? What hon. Tom Onyango has done is that he has only given a specific example. I am saying that there are so many companies and establishments which are committing this offence. What step will he take to punish the owners of these kind of establishments like Burgerhouse and Burgerland restaurants for refusing to remit NSSF deductions?

Mr. Onyango: Mr. Speaker, Sir, I asked the Assistant Minister to explain why they had to wait until the Question was brought to this House before writing a letter to those two restaurants. Could the Assistant Minister explain why these companies did not remit that amount until a letter was written to them? I just mentioned the two restaurants as an example. Even Mugoya Construction Limited is not remitting its NSSF deductions and I hope the Ministry has officials who are checking whether NSSF deductions are remitted to the head office or not. Can you explain why you had to wait until I brought this Question here?

Mr. Komen: Mr. Speaker, Sir, I have replied that they have remitted all deductions except for the months of January, February and May, for which we have written a letter requesting them to remit. Otherwise, they have been remitting the deductions as required by the law. If there is any case relating to Mugoya, could you bring another Question?

QUESTIONS BY PRIVATE NOTICE

INVASION OF MR. MABETA'S FARM

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

(a) Is the Minister aware that a farm belonging to Mr. Haron Onchimu Mabeta, in Kamara Sub-Location of Mau Summit Location, Molo, has been invaded by Messrs. Tala, Telit Paulo; Kitui Paulo, Joel and Jane Paulo, who are not only cultivating, but also have sub-divided it among themselves?

(b) Is he further aware that this act is causing tension in Kamara Sub-location?

(c) If the answers to "a" and "b" above are in the affirmative, what urgent steps is the Minister taking to ensure that the dispute is resolved?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I beg to ask the indulgence

of the House. I have just discussed with the hon. Member and I informed him that we were not able to get the facts pertaining to this Question. I would appreciate it if the Question could be listed on the Order Paper for tomorrow afternoon.

Mr. Speaker: Is that okay with you?

Dr. Lwali-Oyondi: It is okay if he can get a proper answer.

Mr. Speaker: Very well. Question deferred.

(Question deferred)

ESTABLISHMENT OF MEASURES TO
CURB CATTLE RUSTLING IN NTONYIRI

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

(a) Is the Minister aware that cattle rustling incidents in Ntonyiri have increased since 15th October, 1997?

(b) What necessitated the exchange of fire between policemen from Maua Police Station and Administration police at Laare Market on 9th October?

(c) If the answer to "a" is in the affirmative, what concrete measures has the Minister taken to curb cattle rustling in Ntonyiri constituency?

The assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I beg to reply.

(a) There has been only one cattle rustling incident in Ntonyiri between 15th October and 26th October, 1997.

(b) Administration policemen and regular policemen exchanged fire on the night of 9th October, 1997, as each group thought the other was a gang of bandits.

(c) Arising from my reply to "a", part "c" does not arise.

Mr. Maore: Mr. Speaker, Sir, the question the Assistant Minister is not getting is that the group that caused the problem at the Market was a group of policemen coming from Maua Police Station and the Assistant Minister, being the boss of the group, should be able to reassure this country about the incident. This group from Maua Police Station did go to somebody's shop where they tried to take away goods by force. The owner of the shop raised the alarm and the other policemen came to his rescue, and that is how they thought they were bandits. It is true the group from Maua Police Station had come to steal and loot from this shop using guns. What disciplinary action are you going to take? Why did they go there? Did they have a search warrant to go to somebody's shop in the middle of the night?

Mr. Sunkuli: Mr. Speaker, Sir, I do not know whether the hon. Member is talking about this particular Question. He seems to have diverted to a question on shoplifting rather than cattle rustling.

Mr. Maore: Mr. Speaker, Sir, part "b" of the Question did state clearly that it was Policemen from Maua Police Station who did go to the place in Laare, which is 14 kilometres away, and there is another police unit which should be operating in that area; the Mutwati Police Station, and not the police from Maua. So, I am stating that these policemen went there to steal and when they realised that the other policemen had cornered them, they identified themselves as policemen. If they did not go to steal, what were they going to do at night with guns?

Mr. Sunkuli: Mr. Speaker, Sir, the incident the hon. Member is referring to must be the one which happened on 16th October, 1997.

An hon. Member: Really?

Mr. Sunkuli: Yes, because that is the information that I have.

Mr. Maore: On a point of order, Mr. Speaker, Sir. On the 15th, which was a Wednesday, about a week-and-half ago, I did discuss this issue with the PPO Eastern Province and the OCPD Maua, the day the President was at Maua. That means that the incident happened on 9th, it has nothing to do with 16th. The incident on 16th is the one he has denied in his answer to part "a". So, could he answer the Question regarding the incident that took place on 9th October?

Mr. Sunkuli: Mr. Speaker, Sir, I am not aware of that particular incident.

Mr. Onyango: Mr. Speaker, Sir, cattle rustling has become a national problem nowadays because in Migori and Kuria Districts, we also have the same problem. In West Pokot and Turkana Districts, we have the same problem. What plans is the Ministry putting in place to curb that problem, so that we do not lose property and life?

Mr. Sunkuli: Mr. Speaker, Sir, I must admit here that cattle rustling is quite rampant in many parts of our pastoralist areas. The areas the hon. Member is referring to are areas where the Anti-Stock Theft Unit has been deployed. In some other areas, the residents have been provided with adequate police stations. However, we must admit that the problem is a very deep one and must be addressed deeply and widely.

Mr. Busolo: Mr. Speaker, Sir, I would like to agree with hon. Tom Onyango that cattle rustling is very rampant in this country. It is also becoming increasingly clear that policemen are involved in this kind of activity. For instance, in Webuye, the policemen have been involved in cattle rustling incidences. Now, the Ministry, instead of punishing these policemen, usually just transfers them from that particular Station. Could the Assistant Minister probably institute a different measure that is punitive enough so that you do not transfer a suspect policeman from one area to another?

Mr. Sunkuli: Mr. Speaker, Sir, indeed, it is not desirable that an officer who commits an offence is transferred. In some instances that I know of, some policemen who have been involved in criminal activities have been dealt with as ordinary citizens and taken to courts of law. Where there has been no sufficient evidence to prove their guilt beyond reasonable doubt, the Ministry has sometimes dismissed, on disciplinary grounds, these particular officers. I want to urge the hon. Member and other people who have information about the misbehaviour of police officers to report them immediately.

Mr. Maore: Mr. Speaker, Sir, I would really plead with the Chair to have some justice done on part "b" of this Question. The Assistant Minister admitted that the policemen from Maua Police Station were attacked by the administration policemen from Laare because they thought they were bandits. He did admit that fact. Could he explain further what he meant by that if he is not aware of the incident I am talking about? If he has not been given sufficient evidence, because the bosses who have given this answer want to cover up this incident, could he undertake to bring a statement tomorrow, not the day after, because we do not have another way of redress?

Mr. Sunkuli: Mr. Speaker, Sir, did the hon. Member say "the bosses who wrote the answer" or---

Mr. Maore: It is the district police bosses.

Mr. Sunkuli: But those are not our bosses! Those are civil servants.

Mr. Maore: On a point of order, Mr. Speaker, Sir. He has ignored my supplementary question!

Mr. Speaker: What do you want me to do, hon. Maore? Do you want me to answer it?

Mr. Maore: Mr. Speaker, Sir, the Assistant Minister is required to answer a valid question. He cannot just avoid it by creating another story out of it. I am asking about this incident of policemen shooting at each other; whether there has been any disciplinary action on it. Does he want to be part of the cover-up?

Mr. Sunkuli: Mr. Speaker, Sir, I said that each one of them suffered from a case of mistaken identity. So, there was no question of discipline.

BREAKDOWN OF SEWERAGE SYSTEM IN MOLO TOWNSHIP

Mr. J. N. Mungai: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that the sewerage system in Molo Township has broken down, thereby contributing to cholera epidemic in the Town?

(b) If the answer to "a" is in the affirmative, what steps does the Minister intend to take to repair them?

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

(a) Between 7th October and 13th October, 1997, a few leakages, approximately 60 feet from the treatment points, were detected by the Council and repaired immediately. Since then, there have never been other cases of leakages. The sewer is flowing smoothly to the treatment points and it has nothing to do with the cholera outbreak in Molo.

Mr. J. N. Mungai: Mr. Speaker, Sir, it is very unfortunate that the Assistant Minister wants to run away from the truth. The truth of the matter, as far as this Question is concerned, is that the sewerage system in Molo has broken down and the residents of the township are aware of that. That same sewerage has been flowing into the river that caused cholera in that area. This happened because the local authority in Molo does not have conservancy attendants to check over its cleanliness. When I hear the Assistant Minister saying that a few areas had broken down and repaired--- In fact these areas broke down at the same time we had this cholera outbreak, which means it could not have been coincidental. Could the Assistant Minister assure this House that Molo Township is going to have conservancy attendants at all times, so that when we have such breakages, they will be detected quickly and taken care of?

Dr. Wameyo: Mr. Speaker, Sir, the hon. Member says I am running away--- It is not possible that a person of my learning and gravity can run away from an issue, a very serious issue as this one, because cholera is a disease that has killed many people in this country. The only thing I was talking about is the association with the sewerage system, but I would definitely consult the hon. Member to tell me a little bit more about the sewerage system and I will look into the matter.

Mr. J. N. Mungai: Mr. Speaker, Sir, one, the hon. Assistant Minister said that there were some leakages on that sewerage system and that they took immediate action to repair them. But all I know is that the cholera in Molo broke out in the month of October, about the date he is talking about. That is the time the sewerage broke and waste flowed into the river.

Dr. Wameyo: Mr. Speaker, Sir, the hon. Member said that I was running away, but it is not possible for a person of my calibre and gravity to run away from a very serious issue like this one. Cholera is a disease that has killed many people in this country. I will definitely consult the hon. Member to give me more information about that sewerage system and I will look into the matter.

Mr. J.N. Mungai: Mr. Speaker, Sir, the Assistant Minister has said that there were some leakages on that sewerage system and they took immediate action to repair them. What we know is that cholera broke out in Molo during the month of October, and that is the time when the sewerage system broke down and emptied its contents into the river. It does not matter whether the Assistant Minister has been informed of a different cause of the cholera outbreak, but we are convinced that it was as a result of the sewerage finding its way into the river.

Could the Assistant Minister ensure that in future, the sewerage system in Molo will be taken care of by special people who will attend to conservancy? So, the question of asking me to give him the history of the sewerage system in Molo does not arise. All we know is that the break down of the sewerage system was followed by an outbreak of cholera. In fact, sewerage was flowing into Muju Springs.

Dr. Wameyo: Mr. Speaker, Sir, I have said that I will consult with the hon. Member because he comes from the area and he knows much more about the river than I do. I said that I will consult with him and then take necessary action because I was not aware that sewerage had flown into a river in Molo Town.

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister, who is a doctor of medicine by profession, in order to doubt the fact that if a sewerage system is leaking, it can pollute a river and thus cause cholera?

Dr. Wameyo: Mr. Speaker, Sir, I have already said that I had not been aware that sewage had flowed into a river. I said that I will consult with the hon. Member so that I can know which river had been contaminated.

Mr. J.N. Mungai: Mr. Speaker, Sir, now that the Assistant Minister has been made aware that as a result of that outbreak, about 15 people have died, what action is he going to take against his officers so that they are fully disciplined?

Dr. Wameyo: Mr. Speaker, Sir, I have said that I am going to look into the matter and instruct the officers on what action to take.

Question No.603

INCREASE OF MALARIA CASES IN NAIROBI

Mr. Speaker: For record purposes, I had not disposed of Question No. 603 I will defer it. Next Order.

(Question deferred)

POINTS OF ORDER

DEATH OF JULIUS MWANGI NJORGE

Mr. Michuki: Thank you, Mr. Speaker, Sir. On 8th October, I requested for a Ministerial Statement on the death of the late Julius Mwangi Njoroge from the Minister of State, Office of the President. I am wondering when this Statement is going to be made. I requested for an explanation as to the circumstances under which Julius Mwangi Njoroge died in September. This death was caused by the Flying Squad which was based at Makuyu and about which we now hear from various sources that it is going to be reconstituted. We had been relieved when the Commissioner of Police announced that the unit had been disbanded, but all he did was to remove two people and retain 28 people of this very feared squad. There is a lot of apprehension in Murang'a, Maragwa, and to say the least, Nairobi. There are reports from newspapers; the *Daily Nation* and the *People*, which I am going to table---

Mr. Speaker: It is unnecessary!

Mr. Michuki: Could the Minister clarify as to whether this squad has been disbanded and, if not, why it has not been disbanded despite the complaints from the Members of Parliament and the public in general?

(Mr. Michuki laid the newspaper cuttings on the Table)

Mr. Speaker: Very well, you can take the newspaper cuttings from the Table. They are unnecessary.
Mr. Michuki: Mr. Speaker, Sir, I thought I had tabled them?
Mr. Speaker: That is against the rules of this House. Ministers do not respond to newspaper cuttings.

(Mr. Michuki withdrew the newspaper cuttings)

Is there any responder from the Government to respond to Mr. Michuki's worry?

Hon. Members: Awori is there! Sunkuli!

Mr. Speaker: Very well, maybe they will read the HANSARD.

DEATH OF MICHAEL ONYANGO OBIGA

Prof. Ouma: Mr. Speaker, Sir, I rise on a point of order on something very grave in my constituency. A close friend of mine and somebody whom I have competed with several times, by the name of Michael Onyango Akiro---

Mr. Speaker: Prof. Ouma, could I just get you right? Are you standing to debate or what are you standing to do?

Prof. Ouma: Mr. Speaker, Sir, I am standing to ask for a Ministerial Statement on something important. It is important because I know this person very well. He is called Michael Onyango Obiga alias "Akiro East Africa." He is not a small man, he can set my constituency on fire. On the morning of 21st October, reports have it that Mr. Akiro was driving his car from his home to Homa Bay when he was shot dead by policemen who were waiting for thieves near a lorry which was carrying stolen coffee. There are very many conflicting stories about what actually happened, but the fact is that Mr. Onyango Akiro, the Chairman of NDPK in Rangwe Constituency and an aspirant for my seat in Rangwe Constituency, was shot dead. I am very grieved over this because he was a person I knew very well.

I am asking the Office of the President to clarify under what circumstances Mr. Akiro died and possibly if an inquest could be held into his mysterious death, otherwise, there are too many and sad rumours going on. I feel very grieved at the death of somebody I have known for the last 40 years; a very humble man. Even during the campaigns, we used to greet each other and eat together. The late Akiro was a gentleman.

Mr. Speaker: Very well, is there anybody who wishes to respond?

An hon. Member: Sunkuli is there!

CLASHES ALONG GUCHA-MIGORI BORDER

Mr. Aluoch: Mr. Speaker, Sir, last week, on Wednesday, I rose on a point of order seeking a Ministerial Statement on the conflict between Gucha and Migori districts, where people are killing each other continually. Up to now, I have not had any response from the Office of the President. Can I know what is going on from the Office of the President?

(Loud Consultations)

Mr. Speaker: Order, hon. Members! I recall the point of order raised by hon. Aluoch. I think he raised it last week. There was an undertaking by Mr. Sunkuli that the Office of the President would issue a Ministerial Statement today. I hope Mr. Awori has taken note of this and will respond appropriately.

MINISTERIAL STATEMENT: WHEAT PRODUCTION IN THE COUNTRY

The Minister for Agriculture, Livestock Development and Marketing (Mr. D.M. Mbela): Mr. Speaker, Sir, I wish to make a statement on the wheat situation in the country.

This country, annually produces between 3 million and 3.5 million bags of wheat depending on the prevailing weather conditions. The demand for wheat in the country is around 6 million to 7 million bags annually. This, in effect means that about half of the country's wheat needs to be met through imports. Since 1993, the wheat sub-sector in the country was liberalised. This means that the Government does not set prices for wheat and wheat products. In

this regard, the prices are determined by the market forces of supply and demand. Domestic wheat producers are free to sell their wheat to any buyer within the country, assuming that there is adequate competition in the sub-sector.

At the advent of liberalisation, it was assumed that farmers would organise themselves into viable groups which would take up wheat marketing. This would strengthen their bargaining position with other wheat buyers. Unfortunately, farmers are yet to organise themselves into strong groups.

Mr. Speaker, Sir, it is Government policy to protect our farmers from unfair external competition and also to promote local wheat production as a food security measure. In this regard, the Government has always imposed tariffs to protect local producers. The tariffs are imposed at levels that ensure fair competition between imported and locally produced wheat.

During the 1997/98 Budget, the tariffs on imported wheat and wheat products was pegged at 25 per cent. This level of duty is considered adequate to protect the local producers and has since been effected for that purpose. Since harvesting this year's wheat crop, the Government has revised the tariffs on imported wheat to 50 per cent as per Gazette Notice No.72, Legal Supplement No.48 of 22nd October, 1997. This has been prompted by the fact that the intervention of wheat prices have been falling. This arrangement is expected to adequately protect local producers. For the information of the House, the price of imported wheat which landed in Mombasa is Kshs1,100. But with the revised tariffs, it will now be Kshs1,500.

Mr. Speaker, Sir, I have noted that despite the underlying disagreement between the wheat farmers and wheat buyers, a process of dialogue for purposes of determining prices for local wheat has started. However, the farmers and farmers groups are called upon not to take the law into their own hands but instead, enter into healthy price negotiations with the buyers.

Finally, we appeal to the farmers to keep the Ministry and other arms of the Government fully informed of the trends of the commodity prices. Once this is done on a regular basis, we shall avoid last minute rush.

Mr. Kibaki: Mr. Speaker, Sir, the Minister has talked about raising the price of imported products. The Minister should agree that, that is one side of the story. The true cause of the problems facing the farmers in this country is that the farmers no longer have access to credit to be able to plough the land and finance the very highly priced fertilizers and to be able to pay all the other costs. The farmers cannot borrow money from commercial institutions because the rate of interest is nearly 32 per cent and there is no farmer who can pay the money which he borrowed at the rate of 32 per cent. That is where the problem is. We should either restore the Guaranteed Minimum Return system (GMR) or revive the system of financing the farmer. That is where the true problem is. We planted too little an acreage for lack of finance. None of these other things will solve any problem. That is where the problem is.

The Minister for Agriculture, Livestock Development and Marketing (Mr. D.M. Mbela): Mr. Speaker, Sir, I do not disagree with the assessment by hon. Kibaki. But based on the current cost of borrowing, the fair return to the farmer would be Kshs1,581.10 per bag of 90 kilograms of wheat. With the revised duties, it would not be possible to take a bag of wheat for less than Kshs1,700 to Eldoret. We have raised duties sufficiently to protect local farmers.

Mr. Moiben: Mr. Speaker, Sir, the farmer in this country today is a very frustrated person. He cannot go to any bank for a credit facility. There is nowhere to sell maize or wheat. The duties which the Minister has talked about do not hold any water. The farmers have incurred a lot of expenses. Could the Minister assure this country that he will protect the Kenyan farmers from the invisible importers who frustrate farmers in this country every year? The Kenyan farmers should be encouraged to produce crops for this country. How can the Minister tell us here that the price of one bag of 90 kilograms will be Kshs1,700; from Mombasa to Eldoret. I want the Minister to be serious and kindly accede to the request by Kenyan farmers, so that they can be able to sell the crop which is rotting now.

The Minister for Agriculture, Livestock Development and Marketing (Mr. D.M. Mbela): Mr. Speaker, Sir, the importers are not unknown. In fact, I can inform the House that up to last week, 2.5 million bags had come in, against our requirement of more than 3 million bags. I will even table in the House a copy of the Government's controlled facilities and information regarding who has imported what. Most of what the millers import is hard wheat which we hardly produce locally. With your permission, I would like to table that document.

(Mr. D.M. Mbela laid the document on the Table)

Mr. Speaker, Sir, the production of hard wheat is less per hectare than soft wheat. That is why the farmers prefer to go for soft wheat.

Mr. Shikuku: Bw. Spika, namshukuru mhe. Waziri kwa kujibu swala hili vizuri. Lakini kama vile mhe. Kibaki ameuliza, anaweza kurudisha Guaranteed Minimum Return system (GMR) kwa wakulima? Je, ni juhudi gani ambazo anafanya kuona ya kwamba wakulima wa mahindi, miwa, kahawa na ngano wanaendelea? Tuko tayari

kuunga mkono Hoja itakayowawezesha wakulima kupata pesa ili waweze kukuza chakula kingi. Je, anaweza kufanya hivyo? Pili, ni aibu kuona kwamba baada ya miaka 34 ya Uhuru, tungali tunaomba chakula. Ni utaratibu gani anao ili kuwawezesha wakulima kukuza chakula cha kutosha nchini? Kwa mfano, katika sehemu ambazo zilikuwa zimetengewa ukuzaji wa ngano wakati wa ukoloni, wakulima wanapanda mahindi ambayo hayakui zaidi ya futi tatu au zaidi. Je, mhe. Waziri anaweza kuleta Hoja ambayo itatenga sehemu za ngano na mahindi, ili tuweze kuzalisha kiasi cha kutosha kuliko kuagiza chakula kutoka nje? Anaweza kuleta Hoja hiyo ili tuiunge mkono?

The Minister for Agriculture, Livestock Development and Marketing (Mr. D.M. Mbela): Mr. Speaker, Sir, I welcome that positive comment. It is a lot more expensive to import food than to produce it locally. We badly need credit for the farmers. I am reminded of the fact that, recently, when we had to import maize, we spent three times more than what we would have spent if we had credit of only Kshs1 billion. Eventually, we had to spend about Kshs3 billion to import food. On the other hand, unless the money is availed to the country and made to trickle down to the farmers, there is nothing I can do. I have been making that request for credit for the farmers. Until, it is available, we can always expect to go out begging, which is very embarrassing.

Mr. Speaker: Very well, next Order.

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(The Attorney-General on 15.10.97)

(Resumption of Debate interrupted on 23.10.97)

Mr. Speaker: Mr. Osogo, was on the Floor.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Osogo): Mr. Speaker, Sir, when the House rose last Thursday, I was winding up my speech. I was allaying the fears of my friends on the other side of the House. I was wondering aloud at the remark made by the hon. Member for Kikuyu, that the appointment of the Electoral Commissioners should be made by churches and the civil society, not by the President. My question is: Who will gazette these names in the Kenya Gazette? Somebody must sign the appointment. The Constitution says that the person to sign the appointment is the President. So, the civil society and the churches cannot jointly gazette those commissioners.

My advice to the opposite side is that they should select ten of the commissioners now allowed in this Bill and present them to the person who is entitled to appoint them. But my information is that the Opposition has not yet agreed on this. They might submit more than ten names, and then the President will select ten commissioners from those names.

Mr. Shikuku: Jambo la nidhamu, Bw. Spika. Je, mhe. Osogo ana haki kupotosha Bunge hili kuwa waheshimiwa Wabunge wa Upinzani hawajawahi kukubaliana juu ya majina ya makamishna wapya na hali sisi tumependekeza majina? Kwa mfano, chama changu kimependekeza majina matatu na hatutaongeza zaidi ya hao watatu. DP na FORD(K) watapendekeza makamishna wao na kadhalika.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Osogo): Mr. Speaker, Sir, I said my understanding was--- However, if that has happened over the weekend, then I do apologise and I hope they will speed it up.

Mr. Speaker, Sir, at the Committee Stage of the Bill that was passed, I was very encouraged when I saw hon. Muite proposing an amendment. I wished that he had sat with us on the IPPG talks to bring the wisdom he brought. In fact, he should be relieved that the House accepted one of his amendments as very genuine. I wish he had been with us all along to propose the wisdom he had brought.

Before I conclude my contribution, I would like to express my concern about statements issued by the Secretary-General of our party on this side. He is reported to have said over the weekend that hon. Members of this House are tired and that Parliament should be dissolved. He knows as I do, that we are debating a very important package of the IPPG. Much as we agree that everybody has his own opinion to express, it is unfortunate that the Secretary-General of the ruling party, and a Cabinet Minister, could go to a market place and make the pronouncements that he did, if the reports we read are true.

(Applause)

Lastly, I would like to advise the party Whips that this is an important Bill and it could easily be manipulated or handled at the time when we had a single party system. I would like to advise the Whips to find out where each hon. Member, particularly, on this side of the House, is. If some hon. Members are in hospital, the hospital should be identified by the Whips. If some hon. Members have travelled overseas, the countries where they are should be identified so that at the voting stage, they can all be brought here. Even the sick ones will have to be carried here on stretchers to vote. The same advice goes to the hon. Members opposite so that we can pass this Bill as it is required by the statutes.

With these remarks, I beg to support.

Mr. Kapten: Mr. Speaker, Sir, thank you for giving me this opportunity to contribute to this very important Bill.

Last week, it was unfortunate that one of the hon. Members tried to terminate the debate of this House. I say "unfortunate" because what we agreed upon in the IPPG talks was that hon. Members should be given the opportunity to deliberate on this Bill. After every hon. Member who wants to speak on it has spoken, we will then have the proceedings terminated. We will accept the apology from the Vice-President, but I hope, in future, before such a step is taken, there will be full consultation.

As I said, I am a member of the NCEC. As a member of the NCEC, we actually met at Limuru and deliberated on matters touching on constitutional and legal reforms of this country. What we agreed upon in Limuru is basically what the IPPG came up with. It is, therefore, in my view, dishonest on the part of some of the members of the NCEC to claim that what the IPPG came up with is not what we agreed upon in Limuru. In fact, in Limuru, we agreed that what we wanted are minimum reforms. We never talked of comprehensive reforms. It is, therefore, not true for any member of the NCEC to claim that we agreed to have comprehensive reforms. We know we do not have time for everybody or every Kenyan to give his views so that we can talk about comprehensive reforms.

There has been a suggestion that the life of the Seventh Parliament should be extended so that we can debate comprehensive reforms. When we went to the last General Elections, we all asked for a contract of a maximum of five years. Wananchi gave us that contract of five years---

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to say that hon. Members wanted the life of Parliament to be extended due to comprehensive reforms, when we know that they wanted an extension so that the facilitative reforms can be made use of by those who have been deprived?

Mr. Speaker: Order! Dr. Lwali-Oyondi, you are giving your own argument. Hon. Kapten is giving his own opinion. He is also giving reasons for his opinion. So, please be patient. If you ever catch my eye, you can contradict him, and nobody will punish you for doing so. Proceed, hon. Kapten!

Mr. Kapten: Thank you, Mr. Speaker, Sir. Dr. Lwali-Oyondi may have his opinion, but I know of some hon. Members who have stated clearly that they want the life of Parliament to be extended, so that we can discuss comprehensive reforms. Dr. Lwali-Oyondi may have his own idea that what we have debated should be allowed take root. But I do not agree with either those who want the extension because of the comprehensive reforms, or an extension to enable what we have passed to take root.

Mr. Speaker, Sir, the life of Parliament is five years from the first time it met. This House met for the first time in January, 1993. It will go on up to about 25th January, 1998. After it is dissolved, it should then meet within a maximum period of three months. Between now and 25th January, 1998, there is ample time for us to pass all the legislation, and explain to the general public the meaning of what we have passed, for the legislation to take root. The law has been passed and Members of Parliament and civic leaders have the freedom to hold public meetings. If we can all go out in the field and educate wananchi about the passage of these laws, I do not think that two to three months is a short period. The people will be able to understand and comprehend the laws that we have passed within three months. In any case, what we are saying is: The President should not dissolve Parliament today or tomorrow. Parliament should be allowed to go on until sometime in January. If that is done, we do not need to extend the life of Parliament by amending the Constitution. As far as I am concerned, I am opposed to the extension of the life of Parliament through a constitutional amendment.

The other point that many hon. Members have touched on is the authority to appoint an extra ten Commissioners to the Electoral Commission. I think it is important that the appointing power of the ten Commissioners should not be the President. The reason is that once bitten, twice shy. Many hon. Members do not believe that the President does what he says. He has reneged on many of his promises, and one of them was about constitutional amendments. Most Members of the Opposition are not sure that if this power is given to the President, he will appoint the nominees of the Opposition. But be that as it may, if the President is prepared to appoint the ten extra Commissioners before the passage of this Bill, we can buy that. This is because once he appoints them, there is no way that he will go back to it. So, I am requesting the President that once he receives the names of the people

nominated by the Opposition, he should have them appointed immediately, so that they can begin work together with the Commissioners who are already there.

We have had a lot of problems with the present Electoral Commission. A lot of abuses have been levelled against the Chairman of the Electoral Commission. But I think it is unfair for hon. Members to target just the Chairman. The Chairman does not act alone. He acts with the rest of the Commissioners. In any case, the law is very clear. It says: "Any decision taken by the Electoral Commission must be a decision of the majority". So, I do not think Mr. Chesoni alone can dictate on what the Commission should do or not. When we begin targeting the Commission, it should be the whole Commission, and not just one individual in the name of the Chairman, who cannot do much on his own.

Mr. Speaker, Sir, I would like to touch on the Judiciary. Since Independence, we have had only one indigenous Chief Justice, in the name of the late Mr. Kitili Mwendwa. Why should we continue having foreigners heading a very important organ of this Government, 33 years after Independence? It is high time the Government appointed an indigenous Kenyan as the Chief Justice. It is unfortunate that when we talk about the appointment of an indigenous Kenyan, our Press always plays this matter down. It is something that our Press must highlight so that the public can know that for many years, Kenyan applicants have been refused the opportunity to head the Judiciary of this country. I know that when the late Kitili Mwendwa was the Chief Justice in this country, the Judiciary performed very well.

Mr. Speaker, Sir, I really do not see why we should not have another indigenous Kenyan appointed the Chief Justice. One anomaly in our Constitution, which the hon. Attorney-General must look into, is lack of stipulation that the Chief Justice of this country must be a Kenyan. When we look at the Executive arm of the Government, the law clearly states that the President must be a Kenyan. When we come to the Legislative arm of the Government, the law says that one must be a Kenyan in order to vie for a parliamentary seat. But when we come to the Judiciary, we find that there is nothing in the Constitution which stipulates that the Chief Justice of this country should be a Kenyan.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

This is an anomaly which the Attorney-General and the Government must look into so that it can be corrected. Even when you look at the law as amended, it states that the Commissioners to the Electoral Commission must be Kenyan citizens. Why should we continue having, in our laws, a provision which allows foreigners to head our Judiciary? Since Independence, we have had about nine to ten Chief Justices. Out of these, more than five have been foreigners; only four have been Kenyan citizens, and only one has been an indigenous Kenyan citizen.

Mr. Deputy Speaker, Sir, this is an anomaly which we must seriously consider and correct. We have said time and again that what the IPPG put in place were minimum reforms. We said very clearly that after the dissolution of this Parliament, the new Parliament will look into the issue of comprehensive Constitutional reforms. In fact, this Parliament is putting in place a law which will allow the appointment of Constitutional Commissioners or a committee which will go round the country to collect views of Kenyans on the type of the Constitution that we should have. So, we should not clamour for comprehensive reforms as if all the doors have been shut. When the time comes, anybody who wants to contribute, whether he is big, small, rich or poor, will be given an opportunity to decide on the type of Constitution this country should have.

Most of our colleagues in the NCEC are complaining about the IPPG recommendations, but who denied them a chance to contribute to the IPPG recommendations? They excluded themselves from the talks. We implored them to come on board, but they refused. They, therefore, have themselves to blame for not having come to contribute to the constitutional debate that we had.

Mr. Deputy Speaker, Sir, the IPPG did a commendable job which every Kenyan, in my view, should support. We had these meetings at the County Hall. Hon. Shikuku has been boasting of having been to Lancaster House and I believe this is our second Lancaster House. Hon. Shikuku should now respect the young generation which took part in the debate on reforms. In fact--

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. Is the Member on the Floor right to say that Mr. Shikuku is boasting, when he tells people that he went to the Lancaster Conference to re-write the Constitution during the struggle for independence? If I say I was born in 1927 in Japan, am I boasting? And if Mr. Shikuku and I remind people that we went to Lancaster House in Britain, will that be boasting?

Mr. Deputy Speaker: I would wish that you made your point of order from your Opposition side than from the Front Bench on the Government side. Proceed Mr. Kapten!

Mr. Kapten: Mr. Deputy Speaker, Sir, there is nothing wrong with boasting. I do sometimes boast if I feel I

have done something wrong. So, if Mr. Shikuku has been boasting for having gone to the Lancaster House, that is perfectly in order.

Mr. Deputy Speaker, Sir, what I was trying to say is that, we have our "Lancaster House" in Kenya which is the County Hall. That is where we all went and made important changes to the laws of this country. I suggest, with your permission, that the name of the building should be changed to "Reform Hall". That will show the important work done in that building.

Mr. Deputy Speaker, Sir, one last point which I should mention is that since we passed the Statute Law (Repeals and Miscellaneous Amendments) Bill last week, everyone has been calling for the extension of the life of Parliament so that these laws can take root. Now, I am requesting the Attorney-General to ask the President to give assent to this Bill, as soon as possible, so that it can take effect at the earliest opportunity. That should be done quickly because, if we delay, and it remains that way for a long time without getting the Presidential assent, Kenyans are going to begin doubting those of us in the IPPG. So, Mr. Attorney-General, we are appealing to you to ask the President to give his assent to this very important Bill.

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

Prof. Ouma: Thank you, Mr. Deputy Speaker, Sir. I will be very brief because it might take long for this matter to be discussed. I would prefer to look at the kind of political environment that these reforms have generated. I also want to look at the environment which reforms recreate and within which political activities in this country may take place.

Mr. Deputy Speaker, Sir, I am proud to have been a member of the IPPG. I am proud because I went into that discussion knowing fully well what was at stake. Having seen the kind of political environment we were in, since May, and especially after the *Nane Nane* strike when Kenya looked as if it was on the brink of a disaster, I think the achievement of the IPPG is a feat of political engineering.

Those of us in the Opposition who agreed to join the IPPG were called fools and cowards. But, I do believe that history will call us wise fools and brave cowards. We are wise fools because by meeting and discussing with KANU Members of Parliament, it has lowered the political temperature. Our discussions have given chance for many people to live than lose their lives in the imminent violence hanging over the country at that time.

Mr. Deputy Speaker, Sir, I prefer to be a wise fool and brave coward than to be an incorrigible person. The nation was drifting towards the abyss of chaos. We agreed at that time not to fear to discuss, but not discuss out of fear. We then agreed and went on with our discussions at the IPPG forum. Another thing which galvanised us to talk to one another was when the fate of the nation was at stake. It galvanised us into action, and by instinct we came together.

It was a kind of instinct that permeated through the whole national environment to try and bring about a process of self-preservation of the State, through those elected Members of Parliament who are its custodians. I am proud we agreed and discussed its fate. I am putting on record what we have spoken in other quarters, so that I may show, that we did not discuss it by accident. We went into dialogue as a means of preserving the national unity of this State. One should not play down the spirit of the IPPG because, through the IPPG, we have sent this country further along the road of political evolution. I call this a political evolution in the sense that the political environment today is more advanced than it was four months ago.

Mr. Deputy Speaker, Sir, I could liken the Constitution of any country to a growing organism that evolves. Other people will take over from where we have reached and go a little further, because there is nothing like a final Constitution. A Constitution evolves with society. Minimum reforms will enable us to carry on that evolution a little further. The spirit of the IPPG could be likened to a convulsion of minds. It helped our minds come together. It came about as a result of the old nationalism. There was a time - the younger generation may not be able to remember it - between the late 1950s and early 1960s when nationalism was in everybody's blood.

It is a kind of dynamic force that those who have experienced it will remember, but those who have not experienced it may not know what it feels like to be in a nationalistic mood. This IPPG dialogue actually brought us into a reverse of constructive nationalism, where the nation came first: Kenya was more important than any other little segment or any other interest. It is important to remember that the reverse of that nationalism, which prompted Members of Parliament to come together in the IPPG, was nothing short of a miracle. That spirit of coming together has enabled us to achieve a silent revolution.

There are things which have been achieved, which could not have been achieved if it was not a revolution. The amendments to the Chiefs Authority Act and other amendments which we have already passed - I am only looking at the environmental change - have been affecting the people for the last 50 years. The Chiefs Authority Act has been there since 1937. There are things which the younger people in this country, those who have not gone through them, may not know about. An example is the Preservation of Public Security Act, which we have already abolished. When we were in County Hall I spoke of the "university of despair" and the "department of sorrow". After what the IPPG has

done, never again will a Kenyan be locked in the "university of despair". Never again should we undergo these dehumanising conditions. I know that this has been passed already, but the environment which has been created is something nothing short of a revolution. We have seen the end of hell on earth. The "university" of despair has gone. The IPPG helped this Parliament to remove the keys of detention and throw them into the deep sea for ever and ever.

Mr. Deputy Speaker, Sir, if I will not speak on anything else on the reforms which the IPPG have enabled this country to have, I will speak on one thing alone: That we have already done away with detention. There is nothing more dehumanising psychologically, philosophically and spiritually than to undergo detention without trial. You need to go through it, and thank God nobody will put you in it again now. You need to go through it to know what it is. I underwent ten years of incarceration while incommunicado with every inconceivable dehumanising devices that anybody cannot think of. There will be no more penal medicine, penal philosophy, and penal diet.

Many Kenyans have been deformed permanently spiritually, mentally etcetera. I am proud I have been part of that team of this Parliament, which has made sure that is now a part of history. Those who will come later on, should know that even if, the IPPG achieved only that one thing, it is worth our efforts. The key to the "university" of despair has been thrown into the deep sea for ever. I thank God, I have lived to see that Bill.

(Loud consultations)

Mr. Deputy Speaker, Sir, we have achieved many things through the IPPG. We have achieved a huge spirit of consensus. Could I tell the Parliament, Mr. Deputy Speaker, Sir, through you, that for the first time I felt I was part of the national think tank. We have been only part of the national think tank, but for the first time constructively, I was a proud member of the national think tank which was the IPPG which is being viewed by our people as a think tank. That think tank has brought a change or a silent revolution.

It was through that IPPG that we had hopes because, when NCEC and other forces had closed the doors of sanity, that was only a window of hope. It is that window of hope which IPPG used to bring back hope to Kenya. These reforms have brought us an environment of hope. These things has got many implications. Speaking as a Christian, I do believe that if any of us, like my recent brother who left us, the late hon. John Mutere, who participated so effectively during the IPPG discussions, for example, was to visit the gate of Heaven or Hell today, will have something to report. I personally, would say; "Lord I have not achieved much in the world, but look at the efforts made through the IPPG so that no more of your children can die in detention". We have achieved things with many implications beyond this world and one of us must have reported the effects of IPPG to the Lord up there. We have started something that will remain as a legacy that the Seventh Parliament brought about dialogue which should be emulated in later years.

Mr. Deputy Speaker, Sir, after all this, what we now need is for the hon. Attorney-General---

(Loud consultations)

What I was saying before the famous corner disturbed me was that, I will now ask the Attorney-General that after all the good will that went in, since some of us agreed to discuss, let him ensure that this country will say "We were not fools; we were wise; we were not cowards; we were brave". We were brave enough to discuss things which others shied away from. May the Attorney-General and Office of the President help us by ensuring that what has been passed is signed into law, and that this law is made known through out the country so that down to the grassroots, the police and the Provincial administration, and even the youth-wingers, may know what the law is. So, we may have election with a difference. Some time should be given and that time is now for the ordinary mwananchi to understand what these reforms are. The reforms are so fundamental. For instance, the Chiefs Act is so fundamental that unless there is time or practical education, it will take too long for the people at the grassroots to understand, and we would find very little difference between the forthcoming general elections and the previous ones where violence was the order of the day. What now remains, therefore, is the translation of this law into action, and here is where the Attorney-General and Office of the President could help us to ensure that people down there know what is happening.

Mr. Deputy Speaker, Sir, great minds met and great minds made great decisions. Let it be translated into great action at the grassroots where the action should be. I am coming to the end almost so that somebody else may continue, but the spirit and purpose of reforms are to change the environment in which people work. The spirit and purpose of reforms are to translate this miracle into daily life of Kenyans. I call it a miracle because, short of a miracle, what would have saved us from a blood bath? To the east, north, and to the west of this country, we have seen countries which go apart or where things fall apart. They fell in Somalia; they have fallen in Rwanda; and they have fallen in many other places, but the IPPG helped to keep this country together. Whatever the shortcomings of the IPPG dialogue, or whatever the shortcomings of these reforms, we should be thankful that we succeeded, at least, in

achieving 90 per cent of what we wanted. What now remains is to ensure that these reforms are now translated into actions. What now remains is to ensure that the Attorney-General and the Office of the President make sure that these things are known in places where they ought to be known.

We have also done something more. Africa and the Third World have something to copy from us. When the national unity is at stake, when the future of the State is at stake, we came together and discussed, as brothers and sisters, and out of this we pulled Kenya out of the prospective chaos. This is something which the rest of Africa may copy from us. And if that is good, then I think IPPG is worth respecting.

Mr. Deputy Speaker, Sir, in conclusion, I would say that the IPPG has helped us to bridge the big gap between the 20th Century and 21st Century. On the brink of the next Century we were either going to disappear into the abyss of chaos, as many other countries are disappearing, some of them being without Government for nearly five years, but this spirit of reforms has helped us to bridge this gap. We have crossed the rubicon of problems and the bridging of the gap between the 20th Century and the 21st Century, I think it is an important environmental development in the evolution of the political environment in this country.

Mr. Deputy Speaker, Sir, I am not going to speak on any specific part of that Bill, because I support it. I wanted to stress the environmental change that the IPPG has brought about. It is a silent revolution that will sail Kenyans across the gulf of despair which was before them. Therefore, we will move from the 20th century to the next century in "one piece" and not "in pieces". I thank God that the Members, who participated in the IPPG agreed to be "foolish" enough to discuss with one another; a folly which is now wisdom and a cowardice which will turn into the bravery of the century. I am very grateful that I was a Member of the IPPG and I thank my colleagues who participated in it.

With these few remarks, I support the Bill.

Mr. Deputy Speaker: Members are advised to be as brief as possible. They should also be succinct and to the point as far as the Bill before the House is concerned. The IPPG Bill is a very "tired" issue. In fact, we have heard too much from the Members who participated.

The Assistant Minister, Office of the President (Mr. Shamalla): Mr. Deputy Speaker, Sir, I will try to be very brief. I am not going to repeat points that have already been made by the Members who have spoken before me.

One point I want to underscore is the fact that, the Constitution as we have it now is a culmination of forces that existed immediately before the Independence of our country. It is a Constitution that was sort of a compromise, to accommodate the fears and demands of many pressure groups at the time of Independence. We had KANU and KADU as the main players, when you consider the Africans who fought for Independence at that time. On the other hand, we had the Europeans who thought that Kenya was their permanent home, therefore, they would never have to leave the country again. We had even the Asians who played a middle role and who thought that with the coming of Independence, their future was threatened. So, we had a Constitution that took into account all those factors and it served us well immediately after Independence and also somewhere in the middle when, of course, every one was assured of his place in the future of Kenya. We now begin to address other issues that are more common in a country that has enjoyed democracy for along time.

I am proud to have been one of those in the forefront in the fight to remove Section 2A, in the early 1990s, which brought Kenya back to being a multi-party State.

Mr. Nthenge: Congratulations!

The Assistant Minister, Office of the President (Mr. Shamalla): Thank you. Mr. Deputy Speaker, Sir, he was my vice-chairman at one stage and I know that as things go, we will probably have him fully back in KANU. He is a sober man; more sober than many other leaders of his party, whom they struggle hard to sustain.

(Laughter)

The changes we have been addressing as far as amending the Constitution is concerned have been very slow and few in coming. We have been conscious of undoing, so much of what our Constitution was at the time of Independence. As time went on, we came to this stage, but not suddenly. I do not think that three or four months ago, anybody thought very seriously that this House would be addressing the issue of reforms in the manner and to the extent we have so far done. I am grateful, and I want to thank my colleagues, especially those from the Opposition, and also my colleagues on the Government side for taking the courage of addressing the issue of reforms and defying the forces that were bent on destruction and setting this country on fire. It is something that they will best be remembered for in the political history of this country. I think that, that notwithstanding, the future of the country depends more on our commitment to these reforms, the ones we have now and the ones we hope we will also add in the next two years when the Commission that we are going to set to effect further reforms gets going.

Mr. Deputy Speaker, Sir, I am saying this because there have been concerns and fears expressed in many

circles, especially, by members of the Opposition who seem to fear that some people in the Government may not be as committed as we would like them to be. I want to say that it did not take one person or two persons to get us where we are. It took a good number of courageous members of the Opposition as well as members of KANU to get the IPPG off the ground. So long as we all remain committed to that common goal, I personally do not see much of fear or doubt in the commitments that we have all vowed to undertake. But I would like to add that because of the Government being a Government of the day, and KANU being the party that has formed that Government, there is a greater degree of commitment required of the Government and KANU, more than is required from members of the Opposition. That should be particularly so, if we have to allay the fears that some people have. I am proud, as my other colleagues have said, to have played my part in the IPPG reform exercise, and I am fully committed to its success.

Mr. Deputy Speaker, Sir, I know when we shall meet here next year--- I am coming back here after the elections in two months time and I want to play my full role in ensuring that---

Mr. Nthenge: Two months is too short!

The Assistant Minister, Office of the President (Mr. Shamalla): I will be here.

Mr. Nthenge: Can you throw more light on that?

The Assistant Minister, Office of the President (Mr. Shamalla): Yes, I will throw more light on this. Since I left FORD(A), I have been doing my homework, and I am glad that I am assured of coming back. I will be taking my oath when it is administered in January, 1998, and I hope that I will be able to see some of you back in this House too.

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

Dr. Lwali-Oyondi: Thank you, Mr. Deputy Speaker, Sir, for giving me this---

Mr. Deputy Speaker: Dr. Lwali-Oyondi, please be as brief as possible. Avoid repeating what has already been said.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I do not repeat things. I just want to make certain things clear about the IPPG. The history of IPPG started with the history of the Inter-Parties Parliamentary Group (IPG). This should be very clear, because some people think that the NCEC came out of the air. The genesis of the NCEC began the Opposition parties met and formed the IPG, which shows a committee of ten members called the Inter-Parliamentary Committee (IPC), charged with the duty of, among things, trying to review the Constitution, have a possibility of having one Presidential candidate and so on. We had been given them the mandate to co-opt anybody so that we fulfil these duties. First, we took the Citizens Coalition for Constitutional Change (4Cs) and together with them, we tried to work out ways of reviewing the Constitution and so on. We could not manage because we quarrelled and disbanded the whole thing.

Mr. Deputy Speaker, Sir, we then wanted a wider body and, therefore, we took the civil society in, for instance, the churches and so on. Also we had a lot of problems with some people in the Opposition like Messrs. Matiba, Raila and Muite, who were opposing us. To get away from all the political jealousies, we chose well known people who were non-political. So, we elected Bishop Nthamburi to be the chairman of what we called the National Convention Planning Committee (NCPC). We also co-opted people who were not known in the political field, like Kamau Kuria and Mutunga, so that we could avoid political jealousies. So, they went ahead and we stayed behind while things went on. They were, therefore, the ones who were left in the limelight. That did tricks because a lot of people joined us including religious organisations, the Catholics, the Protestants and even the Muslims. We even invited KANU, but we had a problem with them, because they said they would not talk to us. Therefore, we planned for the Limuru Conference, which took place and about 600 participants attended. It was during that conference in Limuru, that we passed the famous document that is being paraded here. From there, the National Convention Planning Committee (NCPC) was transformed into the NCEC. They told us we had done a good job and, therefore, we shall now not be called the NCPC. The Limuru Conference was turned into the National Convention Assembly (NCA), which now was our boss and the NCPC was transformed into the NCEC.

Mr. Deputy Speaker: Dr. Lwali-Oyondi, I think it is safe to remind you of Standing Order No. 87. We are discussing the Constitution of Kenya (Amendment) Bill.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I agree with you, but that was the beginning. I do not see why some hon. Members become nervous because this needs to be cleared by none other than ourselves. We are being derided out there because some people think the NCEC came from the air and it has got nothing to do with this Parliament. Therefore, it is better that we clarify this point, so that those who are making noise out there do not mislead people.

Mr. Deputy Speaker, Sir, KANU came to its knees when the NCEC began fulfilling everything. Why did we deflate the NCEC? The reason was that the NCEC had been invaded by people who had opposed the Limuru

Conference. Then they began trying to make this---

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Dr. Misoi): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Dr. Lwali-Oyondi to mislead this House that KANU came to its knees? There was no such time when this happened. He is misleading the House and the public at large.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, in the spirit of the IPPG, I would like to remind my friend that there had been statements from the KANU side, for example, that there would be no level playing ground since politics is not like a football game, and that they would never talk to the Opposition. But now that they have talked to us, at least, they have surrendered.

Mr. Deputy Speaker, Sir, the aim of the NCEC was to have dialogue with KANU which had been a bit reluctant. To cut the whole story short, Members who had not been in the NCEC joined in and began to create violence. They began a violent-like movement when we were at County Hall and when we went to Central Park, where I witnessed a man being murdered by members of the NCEC. Then, at Ufungamano House, there was this talk of guns and so on. We are not here to talk about armed revolutions. We know very well that nobody in Kenya is angry enough to take guns and fight. That is why we deflated the NCEC.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Your ruling is very good. Let us not be lectured so much about the NCEC and the IPPG, since we know about these organizations. Could you ask Dr. Lwali-Oyondi to go directly to the Bill so that every hon. Member can have, at least, ten minutes to contribute?

Mr. Deputy Speaker: You are right hon. Ndicho! Everything that Dr. Lwali-Oyondi has said so far has already been said by his own brother, hon. Shikuku!

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, that is my opinion and I am sure hon. Ndicho is nervous because he does not like the truth.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Is Dr. Lwali-Oyondi in order to mislead the House that I am nervous about the truth? I belong to FORD(A); a party which stands for "haki na ukweli." He is the one who is nervous because the truth of the matter is that, by him sticking to hon. Shikuku's FORD(A), he might not be re-elected in Nakuru. Let him not transfer that nervousness to me.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, if we have to talk about truthful Members, hon. Ndicho is the last. He has brought here a lot of untruths. It is even on record in the newspapers and as a result, he has even been sent out of this Parliament. Therefore, he is not fit to talk about this subject.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Could you protect me from Dr. Lwali-Oyondi? He has said that I believe in telling untruths here. Could he substantiate and tell one untruth that I have told this House and the newspapers?

Mr. Deputy Speaker: Dr. Lwali-Oyondi, you had better withdraw that!

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, he told an untruth in this House when he claimed - it is on record - that some people had stolen---

Mr. Deputy Speaker: Order! Order, Dr. Lwali-Oyondi! I will require you to withdraw and apologise because the rule against unparliamentary language, is a rule against unparliamentary language irrespective of the veracity of the allegations that you are making. For example, if somebody has been imprisoned for theft and it is on record that he served a prison sentence for theft, it would still be unparliamentary to refer to him as a thief. I am, therefore, asking you to withdraw and apologise and continue with the debate.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, what word do I withdraw?

Mr. Deputy Speaker: You should withdraw the allegation that hon. Ndicho has been bringing untruths to the House.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, it is on record that he brought papers here---

Mr. Deputy Speaker: Order! Order, Dr. Lwali-Oyondi! I am afraid I am giving you the last chance to withdraw and apologise, or I will have to apply the sanctions.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I do not think you like me very much! Despite all that, I beg to withdraw, so as to continue with the debate.

Mr. Deputy Speaker: And apologise!

Dr. Lwali-Oyondi: Mr. Speaker, Sir, I apologise, if you like!

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that he has really withdrawn and apologised?

Mr. Mulusya: It is just lack of courtesy!

Mr. Deputy Speaker: I think I am more inclined to think that hon. Mulusya is more to the point. Proceed!

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, this Bill has enabled us to do a lot of things and I do not want to repeat what other people have said. I would only like to say that the changes effected should be given time. When we talk about the extension of Parliament, we know that you cannot teach old dogs new tricks. This is because chiefs have been used to harassing people and Members of the Opposition. Therefore, we need time for them to get to know that these rules have already been changed, and that they should not harass people. Those chiefs who go against this new law should be punished as a lesson to the rest, so that they leave Opposition Members to do their business unhindered.

Mr. Deputy Speaker, Sir, I am speaking with my experience in Nakuru, where the PC was very adamant and not coping with the new changes. Another reason why I would like the extension of Parliament, as we had agreed in Limuru, is because the members of the Electoral Commission, who will be appointed will not have time to acclimatise themselves with the Electoral Commission rules, so that they can be effective members. It is not just a question of having a ritual of appointments, but effective members who know how the Electoral Commission goes about its business.

Mr. Deputy Speaker, Sir, I would also like to ask KANU Members of Parliament not to keep on saying things that are contrary to what we have agreed on. We are already being derided out there by those who are opposed to this Bill, but we are not very worried about them because we have done all that was passed in Limuru and they should have been talking here as Members of Parliament instead of going to Chester House and making noise in public rallies. If they have been sent to this House to talk, they should be here to talk. They should not refuse to be here and then go out to mislead wananchi.

Mr. Deputy Speaker, Sir, we know that multi-partyism will be here forever. We have had enough of the so-called one-party democracies all over Africa, whereby one person keeps giving himself very many votes, claiming that he has had 95 per cent of the majority votes and so on.

Mr. Deputy Speaker, Sir, we are lucky now in Kenya and we hope that nobody will change this Constitution and make this particular clause "inviolable". I would also like to ask my fellow Members of Parliament to desist from this old culture of telling untruths about others. We know a lot about these Members of Parliament. Many of them have committed things that are next to criminality and, in fact, they could pass as criminals.

Mr. Ndicho: Concentrate on the Bill!

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, protect me from the Member for Juja.

Mr. Deputy Speaker: Mr. Ndicho, stop heckling.

Dr. Lwali-Oyondi: Thank you very much, Mr. Deputy Speaker, Sir.

With these few remarks, I would like to leave the Member for Juja to continue heckling.

Mr. Mathenge: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to speak on the current Bill.

Mr. Deputy Speaker, Sir, I would like to take this opportunity to express my full support of the IPPG reform package because the recommendations made by the IPPG brought down the political temperature that had risen so high as to threaten the life of this nation. Although I support the proposed deletions and amendments, I would like us to look back and find out why the political climate had worsened as to threaten the life of our country. Political problems in this country begun in 1988 elections when without changing the Constitution of Kenya, KANU itself introduced *mlolongo* elections and the Provincial Administration was used to rig out those who KANU did not want elected to Parliament and to local authorities. It was the first time that Kenyans experienced unfairness from the Government and consequently people lost trust and confidence in the Civil Service and the KANU Government. That was followed by a clamour for constitutional and legal changes so as to stop the administration from rigging the elections in future.

Mr. Deputy Speaker, Sir, the Saitoti Commission was appointed to go round this country collecting views of wananchi so that the Constitution could be changed to include what people wanted. But instead, only Section 2(a) of the Kenya Constitution was changed to allow the formation of multi-parties in Kenya. Nothing else was introduced in this House in spite of the fact that valuable time had been spent by the Vice-President and Minister for Planning and National Development going round the country collecting the views of the people. The KANU Government ignored the wishes of the people and more voices were heard in relation to the clamour for changes including voices from bishops and leaders of different religious groups and muslims.

Mr. Deputy Speaker, Sir, when we came here in 1993, I myself while contributing in my maiden speech, called upon KANU to work in co-operation with us and I pledged to give my full support to KANU if it wanted this country to have good governance. President Moi himself, during the State Opening of Parliament, always has been advising that we Parliamentarians here should look into the welfare of the nation and pass legislations here that are beneficial to Kenyans. But contrary to that advice, KANU has remained adamant and we have been voting here on the basis of KANU and the Opposition. It was only recently, thanks to God, that we got together as Members of this Parliament to discuss how we could avert a looming crisis. Now, we are blaming the NCEC today as if it is a gang of bandits and wrongdoers. I want to say that the NCEC did its best to bring reason into KANU. So, people who are

blaming the members of the NCEC should remember that some members of the---

Dr. Lwali-Oyondi: Tell them that NCEC did the groundwork!

Mr. Mathenge: Yes, I am coming to that. I told you that I support that. I said that some of the members of the NCEC are reputable citizens of this country. If you take Dr. Gibson Kamau Kuria and Professor Kivutha Kibwana, as examples, you will find that they are patriots and you cannot dismiss them out of hand. This is because even some of these points that we have agreed on here at the IPPG meeting were prepared and written down by these people. They were taken to the Permanent Secretary in the Office of the President, and the Attorney-General accepted them and converted them into Bills that we are going to pass. So, I would not like those NCEC members to be condemned altogether. However, the mass actions recommended by the NCEC resulted in loss of lives and looting of property. No sensible leader will condone violence or looting of people's property. So, we cannot support such anti-social activities.

Mr. Deputy Speaker, Sir, now let me go back to what happened sometime back that contributed to the crisis. We started hearing before the elections, that we shall have *mlolongo* type of elections *tupende au tusipende*. My friend, hon. Shariff Nassir, was the advocate of the *mlolongo* system. He went on to say that: "Watu wapende au wasipende, *mlolongo* system had to come. The *mlolongo* system came and then we divided husbands and their wives and *ndugu na dada*. The *mlolongo* system is the one that violated the constitutional sections that said that elections would be carried through secret ballot. When people saw their wives voting against the candidates that they wanted and brothers saw their sisters queuing up behind the candidates that they did not like, disunity found its way into this country and you can see how public utterances can create confusion in this country.

Mr. Deputy Speaker, Sir, again we heard my great friend here, hon. ole Ntimama, telling people in his constituency that they were going to reduce the "Ibos" of Kenya to size, meaning that they were going to reduce Kikuyus to size and, indeed, that was done as proven by the Enoosupukia clashes. That created trouble in this country.

An hon. Member: Do you support reforms of IPPG?

Mr. Mathenge: I said that I support reforms. I am saying that, that led to what we are talking about today. I will stick to the debate but without removing the causes of trouble, you cannot just gloss it over and think you have dealt with the problem. We have to go into the depth of the matter to remove the root cause so that in future, we do not find ourselves in trouble. Statements like "Wabara warudi kwao Nyeri" can cause trouble. I was in Mombasa only a few weeks ago and I saw a writing on the wall saying "Wabara warudi kwao Nyeri" and it is not a KANU policy to support divisive politics---

The Minister for Home Affairs and National Heritage (Mr. ole Ntimama): On a point of order, Mr. Deputy Speaker, Sir. I wonder whether the hon. Member is in order to refer to matters relating to Enoosupukia when he knows that the Maasai were oppressed, subjugated and really made slaves in their own land by other people. He should know that people in this world these days have to fight for their rights, and if that was anything, they were fighting for their source of water which is their right.

Mr. Mathenge: Mr. Deputy Speaker, Sir, hon. ole Ntimama, in blood, is no more of a Maasai than I am.

An hon. Member: Are you sure?

Mr. Mathenge: If what he says as a Minister is correct, it shows that this Government failed to protect those he claims were marginalised. The Government should not allow any section of its people to be marginalised by another---

The Minister for Home Affairs and National Heritage (Mr. ole Ntimama): On a point of order Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Order all of you! Hon. Mathenge, this is why I think I warned you earlier to stick to the matter before the House. If you have nothing to say really on the Bill itself, I am afraid I will cut you short and give the chance to somebody else. There are many people who want to contribute to the Bill.

Mr. Mathenge: That is okay, Mr. Deputy Speaker, Sir, but I am telling you what led to what we are debating.

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir. As far as I know, the hon. Mathenge is the Member for Nyeri Town and he is a Kikuyu by blood. The hon. ole Ntimama is a Maasai from Narok. How are they related, because he said that one is no more of a Maasai than the other?

An hon. Member: Genetically!

Mr. Deputy Speaker: That is a frivolous point of order!

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, the rest of the House can back me up!

Mr. Deputy Speaker: The records will be interpreted by those who will be making use of them. Mr. Mathenge, I think you had better wind up!

Mr. Mathenge: Yes, I am just about to wind up. I want to suggest that utterances made in those days should have been dealt with by the Attorney-General's Office and the Kenya Police through enforcement of the provisions of the Penal Code. Unless we follow the law and interpret it to the letter, we are likely to come here again with similar

problems. So, I must call upon the Attorney-General, from now henceforth, to enforce the law as it is passed by this House. Even if I am cut short before I finish what I want to say, to clear my conscience, I want to say that unless the KANU Government restores the institutions of Government, the governance of this country will not improve. The systems of the KANU Government have gone haywire. The Civil Service which used to be regarded as second to none, is now in shreds because of the mismanagement by KANU and interference by politicians, to the extent that the civil servants live under intimidation and they are not allowed to implement this law. I do not want to be threatened or intimidated---

Mr. Chebelyon: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Mathenge, who was once the Provincial Commissioner, Rift Valley Province, in order to mislead the nation, when we know that he is the one who created all the problems in the Rift Valley, especially problems affecting his fellow Kikuyus, when he was the PC? When he was PC, he created the problems in Olenguruone and all the Kikuyus---

Mr. Deputy Speaker: Order! Order, hon. Chebelyon! That was definitely not a point of order; it was a contribution to the debate and I did not give you the Floor for that.

Mr. Mathenge: Mr. Deputy Speaker, Sir, ignorance is a disease of the mind and I would suggest that the hon. gentleman who has been speaking goes to sharpen his mind and his memory and see that as a Provincial Commissioner, particularly in the Rift Valley, you cannot hear any genuine complaint about maladministration. I administered the province under President Kenyatta and President Moi, and I have never been proven to be involved in injustices---

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member for Nyeri Town continues to mislead the House. The problems in Rift Valley were all of his own creation. Does he know Kondoo Farm, where Kalenjins were driven out of the farm by force, and Kikuyus, *Nyakinyuas*, brought in by him?

Mr. Mathenge: Mr. Deputy Speaker, Sir, this country had a President called Kenyatta whom we all remember with reverence---

Mr. Sambu: I do not!

Mr. Mathenge: If you do not, it is up to you because you are ignorant. We have had a President, President Moi---

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: He is responding to a point of order. No more points of order on this.

Mr. Nyagah: On a point of information, Mr. Deputy Speaker, Sir. I would like to give the following information to the hon. Member. We must not look back to where we have come from because it will never help this country solve the problems we are having. This country is unique and has its own problems. We have a Head of State who is the Chief Executive and if the people working under him will make any mistakes, the blame will go to the Head of State. Therefore, the information that I want to give to him with regard to the point he raised about intimidation by the powers that be, is as follows: Recently, two weeks ago, I went to a public meeting in Embu and I was giving my audience a run-down on the things that we have agreed upon in the IPPG. I---

Mr. Mathenge: *Niwarikia riu, ndugiikare thi!*

(Laughter)

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

Mr. Mathenge: You are consuming my time! You are giving me advice and I do not think I need such long advice. I do not deny or feel ashamed that I was a Provincial Commissioner and that today I am in this House as an elected Member of Parliament, not as a nominated Member of Parliament by President Moi. I served President Moi as his Provincial Commissioner in the Rift Valley and Eastern provinces and I obeyed his orders. So, whatever I did as a Provincial Commissioner was in obedience to what Presidents Kenyatta and Moi required me to do. I never did anything contrary to what the two Presidents wanted. Even if I was on the KANU side, and I was appointed a Minister by President Moi, I would obey him. Fortunately, I am not in that Government which has proved so incompetent and very unpopular everywhere.

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order! Order! I think I will not entertain such points of order and, hon. Mathenge, it looks like you have run out of material because you have not been contributing to the debate.

Mr. Deputy Speaker: Order! Order! Hon. Mathenge, I am afraid I cannot give you one more chance because you have not been debating the Bill. I have already warned you.

Mr. Mathenge: Mr. Deputy Speaker, Sir, I cannot be intimidated in this House. If you want to cut me short, you can do so fairly, but not through threats or intimidation. I am here exercising my right to represent the

electorate who brought me here. I must say what my people want me to say whether you want to hear it or not, because the truth is bitter. I stand here to continue contributing to this debate.

Mr. Deputy Speaker: The debate is on the Bill. That is all.

Mr. Mathenge: Mr. Deputy Speaker, Sir, you have heard people saying it before: "Tutakata vidole vyao vivili na tutashika wanawake wao kwa nguvu".

The Minister for Home Affairs and National Heritage (Mr. ole Ntimama): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Order! I disallow further points of order on this.

Mr. Mathenge: Mr. Deputy Speaker, Sir, I am now trying to wind up my contribution. What I have said here has incensed the wrongdoers who brought this country to near collapse, although not all of them. We know who contributed to the raising of the political temperatures in this country. You cannot confine me to only what is in the Bill because what is in the Bill proposes deletion and amendments in order to ameliorate a situation that was polluted by some of the people in this House. Unless we go to the root causes of our troubles, we are not solving the problem. We cannot just dismiss it as being irrelevant to the Bill. What I am saying is very relevant to this Bill.

Mr. Deputy Speaker, Sir, I am grateful that these amendments we have made have declared that Kenya will be a multi-party democracy. That is a very wise move, but we should try to live up to what we have agreed to pass here. We must have political goodwill to develop our country into a prosperous nation. Above all, unless the Civil Service is restructured and the interference from politicians is stopped, we are just pounding water in a mortar which will produce nothing.

With those few remarks, to make you, and the others who do not want to hear Mr. Mathenge happy, I support the amendments and deletions in the Bill.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Dr. Misoi): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to also support this important Bill. The evolution of the IPPG in this country has got no parallel in the history of the world because the IPPG came up at a time when Kenyans needed a sense of direction. It came up when other forces with no specific mandate, responsibility or authority were prophesying avenues of solving the problems of this country through unconstitutional means. Therefore, it is no wonder that many of our friends, foreigners and others are puzzled and have not understood what transpired among the Parliamentarians in Kenya.

Mr. Deputy Speaker, Sir, the history of multi-partyism in this country has been characterised by disagreement, confrontation and struggle to outmanoeuvre each other. But when, within two days, Members of Parliament rose up and said, "We are going to solve these problems", the country appreciated and Kenyans realised that they had leaders. It is a challenge to Members of Parliament to ensure that what was agreed upon is fully implemented and explained to the people in all our public meetings. Even when we are asking for votes, let us tell the people that this is the way to go forward. This is the only way we can peacefully transform this country politically and economically into a prosperous and peaceful nation.

Mr. Deputy Speaker, Sir, the dialogue process going on, the product of which we are discussing here, is a product of many Kenyans. It is a product of the clergy in their own way and it is a product of Kenyans who had prayed for dialogue for a long time in their individual capacities and also in groups. It is also a product of the Opposition and Kenyan leaders in their own specific ways. We must recognise those efforts. Even the NCEC tried to get dialogue in their own way. As we go ahead, we must take note of that. Even MODAN which we launched at one time to promote dialogue, contributed in its own way. It was the first time we had Members of all political parties meeting and having a dialogue in Inter-Continental Hotel. It has never happened before. This was all in search of a solution to the problems of the nation, and Kenyans are proud of all of us. Let us not let down this process by engaging in political rhetoric, tribal sentiments and other disruptive politicking.

Mr. Deputy Speaker, Sir, the amendments to introduce and concretise our multi-party democracy in the Constitution are very important. It was an oversight during those days when we deleted the single-party provision from the Constitution. That is the time everybody was saying, "Yes, everything will be okay". That is the time when politicians, both in the Opposition and the Government, thought that once you remove single-party mentality and single criteria in the Constitution, it would be easy to run the affairs of the land. They thought that democracy would be abundant and that all things would be okay. It was an oversight because everybody was on the run. Everybody was aiming for something higher. They thought they would succeed. It has taken us about five years to realise that there is more to institutionalised democracy than just removing and deleting some of the provisions in the Constitution.

Multi-party democracy means a lot. It does not mean preaching hatred or promoting tribalism, nor does it mean condemning situations and personalities without providing solutions to the problems we have.

Multi-party democracy does not mean inciting the people to mass action and destruction of goods. It does not mean preaching destructive politics. Multi-party democracy is essentially an environment where Kenyans can

exercise their freedoms and rights freely; where such freedoms and rights are respected by all. It also means a situation where Kenyans are tolerant, flexible and ready to compromise to get a consensus. It also means a situation where we should be ready to have political dialogue to solve the problems of the people. That is what democracy means. It does not mean any other thing.

Multi-party democracy means that when we are in this House, we should be ready to debate on Motions and Bills from both sides of the House; agree and have a national consensus which can serve the interests of this country. We cannot survive with a splintered multi-party system. That will not take us anywhere. We must have a sense of direction as country, where everybody in a broad sense, knows where we are going. It should not be in areas where other people organise themselves to create chaos. Some people should not think that they have the monopoly of knowledge to run the affairs of this country. It is not that way. All of us are stake holders in the destiny of this country. That is what Kenyans should know, irrespective of the parties that they belong to; the NGOs or civic societies. This is what the NCEC and all other NGOs should know and they should know their role. The NGOs and the civic societies should operate in an environment where democracy in multi-partyism is played on a level ground. So, let us implement democratic measures in that sense and build the nation.

Mr. Deputy Speaker, Sir, the other issue relates to the Government of national unity. This has been discussed and people have proposed that we need it for one reason or the other. We saw it in South Africa. It only survived for three years and then it collapsed. They have now changed the system and so, Kenyans should not imagine that when we have a Government of national unity, it is a solution to the problems of this country. There has to be more to it than that. In countries where we have had coalition Governments, most of them have not been stable. Israel, Italy, India and other places have not succeeded. So, Kenyans should not believe that when we say a Government will be formed from among Members of Parliament, then that is the end of the problem.

Mr. Deputy Speaker: Dr. Misoi, I would like to remind you to stick to the Bill, otherwise I will invoke the provisions of Standing Order No.87.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Dr. Misoi): Mr. Deputy Speaker, Sir, I am talking about that particular important point. When a Government of national unity constituting of all Members of National Assembly is formed, it does not necessarily mean that it is a solution to all the problems. It is also important that we respect all the provisions of the Constitution of Kenya. Once we pass the provisions, it will be our duty, wherever we are, to respect, act, behave and do all those things which appertain to the Constitution because we took an oath when we became Members of Parliament. If we act otherwise, then we are letting down the people and the institutions of this country. We must also remember that we are a developing country. We are building institutions of governance; the Parliament, Judiciary and the Executive. We should not pretend that since this happened in the USA or the United Kingdom, Germany and so on, then it should happen here automatically. We must relate every activity to the level of our development in this country; educationally, socially, scientifically, technologically and so on. Whatever we do in terms of democratising this country, it must be relevant to the needs and interests of this country. Let me also say that our destiny is in our hands. It is not in the hands of others. They can make comments, they can advise and do many other things. Foreigners might have ideas but Kenyans are masters of their own destiny. It is also a challenge to us to do the things which Kenyans want and not to be slaves of other people.

Mr. Deputy Speaker, Sir, this is a very important Bill which Kenyans are eagerly waiting for to be put in place and which has been debated at length during the IPPG meetings. We are now putting the final touches. It is not necessary to belabour on all the provisions because we have done quite a lot.

With those few remarks, I beg to support.

Mr. Nthenge: Mr. Deputy Speaker, Sir, I would like to thank all the hon. Members in this House and other leaders. We are here as leaders of this country. When all of us met, it was just like a meeting of all Kenyans. This Bill has been brought into this House because we accepted that responsibility. I am very thankful to all the Members of Parliament, even those who remained outside and are still remaining out. I know that it is either because of ambition or misunderstanding. Since God said that we have to forgive each other, we forgave them and ask them to join us.

I would like to advise people in this country to respect multi-partyism. When we entered politics during the colonial days, we had many parties. Europeans had their parties, and so had the Africans and the Asians and all sort of things. We have now reverted to that system and we should respect it. We should not create enmity. If the hon. Speaker and I are in one party, we should not be looked at by the other person who is not in our party as an enemy. Let us understand each other. The fact that I am dressed in a light colour does not mean that I am an enemy of the person who is dressed in a dark colour like the hon. Attorney-General. We are not enemies. So, when we differ in ideas, it does not mean that we are enemies. It is a way of solving a problem. Therefore, I want us in this House to support that amendment. I would also like to inform the hon. Members that when we are choosing Members of the

Electoral Commission, we should think of quality.

Mr. Deputy Speaker, Sir, when selecting Electoral Commissioners, let us go for men and women of quality. All people do not share the same qualities because God created us with different gifts. When we select people to be in charge of elections, let us have men and women of integrity who can make the country run well. So, let us have 21 Electoral Commissioners who are of unquestionable character. I have had the honour of being an Electoral Commissioner in the early 1960s. It is a very important job. The commissioners decide how elections in the country should be run. It is a very important institution and we should preserve that importance. We must also congratulate those hon. Members who participated in the IPPG talks. They were given a job to do by the House and they did it well. I would like to pay tribute to the Chair for having allowed us to adjourn the House in order to discuss the future of this country which looked quite bleak at that moment. It should be on record that we adjourned this House to deliberate on the IPPG proposals because of their importance.

Mr. Deputy Speaker, Sir, I would like to take the shortest time possible because I know that more hon. Members would like to contribute to this Bill. There are some hon. Members who are doubting the seriousness of the Head of State as far as this Bill is concerned. I am one of the few hon. Members of Parliament who went to see the President over these issues. We talked to him and I can confirm that he is serious about the IPPG proposals. I can make this confirmation because I have known him for many years. Up to now, he is still supporting this Bill. So, as we debate this Bill, it should not appear as if we are wasting time because we know that the President will assent to it. Therefore, we should not doubt the Head of State because he has confided in us that he is serious. We are amending the Constitution, so that the President-elect can pick men and women of integrity of this House to form a Government. No single person can be elected unless he is a leader. However, we do not possess equal abilities because we have different gifts from God. So, when the President-elect

appoints his Cabinet from among us, we should do a good job and assist him in running the Government. The Kenyan public would like to see a Coalition Government or a Government of national unity, so that they can trust it. The more a Government is trusted, the more its laws are obeyed. So, with that provision in this Bill, then this Bill is worth supporting. I would also like to thank the Attorney-General for drafting this Bill. The Attorney-General did a very good job of sending his officers to come and sit with us, so that they could advise us. I would like to thank him in particular and his staff for working even on Saturdays and Sundays, to see to it that this Bill was drafted.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I would like to conclude my contribution by saying that the Government is not made up of a single person. A Government is not the Head of State, an hon. Member of Parliament or anybody else. It is made up of all of us because for the Government to function well, it has to collect taxes from all its citizens. If we are all contributors to the running of the Government, then the Government is us. So, in future, whoever is appointed to the Cabinet should listen to the people because a Minister is a representative of the people. Whenever we have grievances, we expect him to listen to us.

I would also like to thank hon. Falana who initiated the IPPG talks. I would also like to thank hon. Shikuku who guided us in sorting out our differences and finding out what their source was. We all agreed to converge and sort out our differences. I thank all those who contributed to the success of the IPPG talks until we came up with this Bill. Fights are not the best ways to solve problems. But there are times when we resort to fighting in order to solve our problems when dialogue fails. However, this should be the last thing to happen in a country. Those hon. Members who think that they cannot lead without fighting are not born leaders. The last thing we would wish to have in this country is fighting. Instead, we should always advocate for dialogue.

Mr. Temporary Deputy Speaker, Sir, I support this Bill wholly and I call upon all hon. Members of Parliament to support it, so that we can pass it and allow this country to have a Coalition Government or a Government of National Unity. But if one party can get enough hon. Members to form a Government on its own, it is welcome. We require peace in this country. I am a grand father, both biologically and politically. I joined the Kenya African Union (KAU) political party in 1950. It was banned in 1952. What I am urging everybody here is that we should have unity and view each other as Kenyans. Without unity, we will not develop. We got our Independence because we were united. We were united and forgot our tribal differences such as Kamba, Kikuyu, Maragoli and so on. We agreed that we were all Kenyans and fought for our Independence. Through unity, we managed to get Independence. Now, through unity again, Kenya should prosper and become a peaceful country. Kenya can develop within a short time if we pass this Bill and become a united nation.

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

Mr. Obwocha: Thank you, Mr. Temporary Deputy Speaker, Sir. I will also be brief so that my colleagues can get a chance to contribute to this very important Bill. I would like to join my colleagues by saying that the Constitution is so fundamental, that it should never be changed on the whims of any one individual. It should be changed according to the wishes of the people. While I congratulate the IPPG, we should not over-congratulate ourselves. This is because on the bit of constitutional reforms, particularly the request from the Opposition document, we were not able to agree on the six points that were outlined in it. Therefore, we should not over-congratulate ourselves.

Mr. Temporary Deputy Speaker, Sir, Clause 2 of the Bill is on the Republic of Kenya being a multi-party State. I wish to say categorically that some of us would never have seen this Parliament, if it was not for multi-partyism. In 1988, I left my studies in the United Kingdom (UK) to contest in the elections. I was not allowed to contest in the elections in 1988. Everybody in this country knows what happened in 1988, where people were barred from contesting without any reason. The tragedy about it is that the person who was in charge of KANU then, is in FORD(K) with me now. He was the Secretary-General of KANU and a colleague of the Attorney-General from Western Province. I wish to inform the Attorney-General that over the week-end, we had a meet-the-people tour. There is an Act that we have already passed in this House, and we are waiting for him to have it signed. I plead with the Attorney-General to have the Statute Law (Repeals and Miscellaneous Amendments) Act given the normal assent, so that its provisions can be put in place. If the Minister of State, Office of the President in charge of internal security was here, I would have told him that there is a District Officer (DO) at Kenyena who does not hear at all. The DO arrested five *chang'aa* brewers and put them in a cell. We, together with the Leader of the Official Opposition, pleaded with the DO to release them, but the DO was adamant. That is why I plead with the Attorney-General to have the Act signed immediately, so that Kenyans can take us seriously. It is so bad!

Mr. Temporary Deputy Speaker, Sir, on the life of Parliament, we know that the President was sworn in on 4th January, 1993. The other hon. Members were sworn in on 25th January, 1993. Therefore, officially, five years expire on 4th January, 1998 for the President, and 25th January, 1988 for the hon. Members of Parliament. The Attorney-General should also advise the Government that, according to the Constitution, we have another three months to do the elections and reconstitute another Parliament. From now until that time, we can utilise that period to have some of these reforms that we have discussed effected, so that Kenyans can feel that what we have done is beneficial to this country. Currently, there is an air that Parliament should be dissolved very soon and the people should go to an election. The kind of statement that we heard from hon. Kamotho is really worrying. It is worrying because we should be able to draw our programme as agreed in the IPPG package. I do not know why we are being pushed and yet, according to the Constitution, we can go up to March, 1998. Why does everybody want the elections today?

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. What hon. Obwocha is saying is contained in Section 9 of the Constitution of Kenya which reads:

"The President shall hold office for a term of five years, beginning from the date on which he is sworn in as President".

Then Section 9(3) says:

"The President shall, unless his office becomes vacant by reason of his death, resignation, or ceasing to hold office by virtue of Sections 10 or 12, continue in office until the person elected as President, after a subsequent Presidential Election, assumes office".

Mr. Temporary Deputy Speaker, Sir, an erroneous legal interpretation has been given to some senior KANU officials, who are making misleading Press statements, that there is going to be a constitutional crisis unless the elections are held by December this year. As a matter of fact, what Section 9 says is that unless the President's Office has become vacant by the mentioned reasons, which are not applicable in this case, the President must continue in office for exactly five years. The five-year period, in this case, ends on the 3rd of January, 1998. So, we expect the President to continue in office until 3rd of January, 1998, and then after that, a new election is called, and a new President is in office. Until that new President is in office, President Moi continues to be the President. There is no reason why elections cannot be held in March, 1998.

An hon. Member: It is only the KANU people who do not know that!

Mr. Murungi: They had better read the Constitution!

Mr. Obwocha: Thank you very much, hon. Murungi! That was a constitutional lawyer advising the Attorney-General of the Republic of Kenya!

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Obwocha in order to mislead this House that the President can continue beyond his constitutional term, which ends on 3rd of January? What is the Opposition fearing about the elections, to extend them until March, 1998, against the Constitution of Kenya?

The Temporary Deputy Speaker (Mr. Kariuki): Order! That is not a point of order! You heard what hon. Murungi read!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, if there is a man in this House who fears elections, it must be hon. Angwenyi because he has been here for only two months! Hon. Obwocha is ready to defend his seat in West Mugirango. All that we are saying is that the nice work that has been done by this House and the IPPG should be given time to sink into the minds of the people. The Provincial Administration should be told what we have enacted in the House, for the benefit of hon. Angwenyi and other Kenyans. The interpretation by hon. Murungi is the proper interpretation of the Constitution, unless KANU has a different agenda.

Mr. Temporary Deputy Speaker, Sir, Clause 5 deals with the Electoral Commission, which is provided for under Sections 41 and 42 of the Constitution. We agreed to have additional ten Commissioners. The Opposition should give only ten names. It is their interests that are supposed to be taken into account in the new Electoral Commission. The problem with the current Electoral Commission was bias. It lacked the confidence of the people. Therefore, to be able to instill the confidence, the Opposition should give the President only ten names to be gazetted. It is very sad to have heard over the radio that the President had re-appointed Commissioner Kivuitu, and went ahead to re-appoint him as the Vice-Chairman. I do not know whether I am quoting that correctly or not. This is because we agreed that since we were not able to remove Mr. Chesoni as the Chairman of the Commission, the Opposition will have the Vice-Chairman from the ten new Commissioners. This is what we agreed on, and I do not know whether Mr. Kivuitu, indeed, is the Vice-Chairman again following his re-appointment. If that is true, then we are going astray.

Mr. Mulusya: On a point of information, Mr. Temporary Deputy Speaker, Sir, Commissioner Kivuitu was elected the Vice-Chairman of the Electoral Commission by the other Commissioners. There is no provision in the Constitution for the President to appoint a Vice-Chairman. The Constitution only allows him to appoint and nominate the Commissioners and the Chairman of the Electoral Commission. But the trust with which we took the Attorney-General's word that the position of the Vice-Chairman should be left to one of the Members who would come from the Opposition, should have been respected.

Mr. Obwocha: Indeed, hon. Mulusya, all that I am saying is that there is bad faith to that end; that they should not have rushed to re-elect Mr. Kivuitu as their Vice-Chairman. Two, we would like the 10 Commissioners, who will be appointed by the Opposition, to review two very fundamental issues with that Commission. One, the computer programme at the Commission. We would like the software of that computer programme to be availed to those Commissioners. For those who do not know what software is, it basically concerns how a programme has been designed. We would like that availed to the new Commissioners so that we may have a look at it because we have our own fears. Two, the new Commissioners must review the issue of the registration of voters. We are not sending these ten people there to sleep or get allowances; we are sending them there to make sure that free and fair elections are held in Kenya.

Mr. Temporary Deputy Speaker, Sir, the third thing is that although our committee was not able to recommend that we have transparent ballot boxes for the polls, Sweden has offered to give Kenya some, but the authorities in Kenya are drugging their feet. They are very reluctant to take this offer for reasons I do not know. This is the truth of the matter. They do not want free and fair elections. If this offer has, indeed, been given to the Kenya Government, we would like it taken up. We want this year to have free and fair elections.

Mr. Temporary Deputy Speaker, Sir, the IPPG was trying to avert chaos. In the event of the country not holding free and fair elections, we will go back to square one. In such a case, we will not have done anything and people should be taken seriously. You must make sure that the forthcoming elections are not going to be like those of 1988, where people were dragged into this House without anybody's mandate. By the way, the man who came into this Parliament from West Mugirango in 1988 had more votes than the total number of registered voters in the constituency. The reason was that in a polling station where there were only 1,200 voters and the candidate got 700 votes, the riggers would add another zero to make the figure 7,000. So, by the time they totalled up the figure, he had over 70 per cent of the votes and was declared the winner, but the votes were more than the registered voters.

(Loud Consultation)

Mr. Temporary Deputy Speaker, Sir, I am still talking about the Bill. Am I going astray?

Mr. Mathenge: Mr. Deputy Speaker, Sir, I would like to give hon. Obwocha some information, in case he does not know that a Member by the name "GG" lost his seat because of that kind of rigging in 1988!

(Applause)

Mr. Obwocha: He was defending the Chair. Now, Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Kariuki): Order! Order! That Member called "GG" did not contest in 1988. So, the information is inaccurate.

The Assistant Minister, Office of the President (Mr. Shamalla): On a point of order, Mr Temporary Deputy Speaker, Sir. Can hon. Mathenge substantiate that---

The Temporary Deputy Speaker (Mr. Kariuki): Order!

Proceed Mr. Obwocha.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, this is the problem with Members who do not pay attention to what is going on in the House. The Chair has already corrected that information and I do not know why hon. Shamalla is taking my time. I said earlier that I wanted to be brief so that others can contribute. I think the voters in Shinyalu Constituency will say "bye bye" to this Member.

(Applause)

The Assistant Minister, Office of the President (Mr. Shamalla): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Obwocha in order to doubt the assurance I gave to my fellow colleagues during my contribution to the Bill, that I will be here in January to resume my ministerial post and occupy my seat in this House as the representative of Shinyalu people?

Mr. Obwocha: I wish to continue with my contribution, but it is known that hon. Shamalla refused to protect the late student leader from his constituency, the late Solomon Muruli of Kikuyu Campus, Nairobi University, from being murdered, which is an important issue---

The Temporary Deputy Speaker (Mr. Kariuki): Order! Order, Hon Obwocha. Why do you not continue with the matter on the Floor?

Mr. Obwocha: Back to the Bill, Mr. Temporary Deputy Speaker, Sir, the list---

The Temporary Deputy Speaker (Mr. Kariuki): Are you sure it is a point of order?

The Assistant Minister, Office of the President (Mr. Shamalla): Can hon. Obwocha substantiate or withdraw the allegation that I, as the Member of Parliament for Shinyalu Constituency, refused to protect the late young Solomon Muruli from being killed?

Mr. Mulusya: You conspired; that is what he means.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, lastly, I wish to comment on the Electoral Commission. The integrity of those nominated to be presiding officers and returning officers is an important matter. What is there at the moment is that, retired civil servants are being appointed to these positions. I think the new commission of 21 Commissioners should review this issue of who should be appointed returning and presiding officers in the forthcoming general elections.

Mr. Mulusya: On a point of information, Mr. Temporary Deputy Speaker, Sir. I wish to inform hon. Obwocha on the issue of the computer software. The software and the computers belong to the Kenya National Examinations Council (KNEC). Up to today, the Chairman of the Electoral Commission does not know who designed the software or how to manage those computers in case they break down. The Electoral Commission was told by somebody, who is very highly placed in this country, not to accept some computers which were to be donated to them. If they had accepted them they would not have continued relying on the computers belonging to KNEC. This is very important. For the purpose of being independent, they must acquire their own computers and software.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, let me finish on the Electoral Commission. What worries me is that the head of the computer section in the Electoral Commission is Dr. Maritim from Kenyatta University. The top positions in that section in the Electoral Commission are being manned by people from his own ethnic group. How sure are Kenyans that they will handle this issue properly? That is why I said that the issue of the software of the computers is so fundamental to the forthcoming general election. For the election to be free and fair, that section must be completely re-organized. In fact, we have not even been told how Dr. Maritim and his group were hired. The Commission should have used the open tender system to get computer software from a reputable firm like M/s International Computer Limited.

Mr. Temporary Deputy Speaker, Sir, I only want to comment on two issues and then give the other hon. Members a chance to contribute. This is on the issue of nominated Members of Parliament (MPs). We agreed that the nominated MPs would be proportionate to the number of MPs of various political parties in Parliament. I think that is a very good idea; nomination of MPs should reflect the special interests in Kenya. There is one group that was evidently left out, namely, the disabled. The only thing that we can do is to appeal to the political leaders to be sympathetic to the disabled as much as they are going to be sympathetic to the issue of gender. Therefore, the 12 nominated MPs should really be representatives of special interests in Kenya. Nominated MPs should be

representatives of people who cannot make it on their own to this House. We should recognise those special disabilities. These people are valued in our society. This House, which is the highest institution in the country, does recognise the fact those people exist and have a role to play in the society. On independent candidates, I will just want to say that since the Attorney-General promised this House that all political parties would be registered and now realising that he has not registered, all political parties; he will allow independent candidates to stand for elections according to the IPPG resolutions. I hope that he is going to come up with good news.

The Attorney-General (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that I promised all political parties would be registered when I did not so promise? I promised to go by the letter and spirit of the IPPG recommendations, which were that all applications must be considered by a particular date and registered, and where there is a refusal, reasons must be given for that refusal. That has been complied with.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I was a member of the Constitutional, Legal and Administrative Reforms Committee. The Attorney-General was not a member. Now, what we agreed on was that all political parties should be registered. If they were not registered, then this provision of having independent candidates should be put into force. That is what we agreed upon. This has not been done. SAFINA has not been registered, and there---

Mr. Murungi: On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to give this information as the co-chairman of the Constitutional, Legal and Administration Committee. Our recommendation was that all parties which comply with the law should be registered. We recommended that all the parties which have applied for registration and complied with the law should be registered. Those which are not registered should be notified of the reasons of refusal within 14 days. What the Attorney-General would have to say was whether SAFINA complied with the law or not. I think this is the issue that should be raised.

The Attorney-General (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir. It will not be proper for me to state that because the Registrar of Societies refused and did give reasons for his refusal. As we are talking now, the appeal is now lying on my desk. So, I would rather not comment on this issue.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, that brings me to the real point on this issue and then I will conclude my contribution. This Government is the one that is building individuals who even do not matter. The Government is making a party like SAFINA look like a hero. If they registered SAFINA, these individuals would go to the field, contest, run around, compete like ourselves and we would see who wins---

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

Mr. Obwocha: I must finish this point before you can inform me. When you build people by just refusing to register their parties, you are then building certain individuals who would not have otherwise been built, including certain lawyers in this country. One of my colleagues here who is a living SAFINA Member, I cannot equate him properly with lawyers who have gone through our education system right from primary school, secondary school, high school, the University of Nairobi and then to Oxford University. That is good education. Now, how can somebody who was a clerk in one of the law firms here, and went to the School of Law and then started making noise in SAFINA and said that he was going to be the SAFINA Presidential candidate, be feared by us?

(Laughter)

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I was not a clerk who went to the law school. I have got a masters degree from the University of Nairobi and a masters degree from Havard University. So, I hope my "learned" friend is not referring to me.

(Laughter)

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, even without naming names, you can see how the House is laughing. They know that person is a member from this other side. He is a prominent SAFINA member, and everybody knows about him. Obwocha does not have to name him. He is just a clerk in one of the law firms, but you are building him and he will be President of Kenya.

Mr. Mulusya: On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to inform the hon. Member for West Mugirango that the reason why SAFINA was not registered is none other than the reason given by hon. Shariff Nassir, as to who should rule this country. Those are people with money, those people who have acquired money from whatever sources, whether through stealing or what. Those SAFINA Members are being feared as Presidential candidates just because they have sources of money which the Attorney-General himself, the Head of State of this country and the people in the Front Bench in KANU do not have. They are only fearing money; they are

not fearing the people behind the money. That is their problem. They are not fearing the party because they think people without money would never remove them from power. But it is unfortunate, they are going to be removed by the people without money.

Mr. Obwocha: That is a good point from hon. Mulusya, the Member for Kangundo.

Mr. Temporary Deputy Speaker, Sir, finally, I want to talk about implementation; that all said and done, you can do wonderful things, the way we have done. We have enacted all the constitutional, legal and administrative reforms. We have repealed and amended the Statutes but if there is no implementation, then it would come to naught. It would be useless; the people of this country would not benefit, and we would see them in the streets. I wish to warn the Government that the moment they will take this other side of the House for a ride, of those of us who faithfully participated in these things, I, Obwocha, would be the first person to go to the streets with my other colleagues in the NCEC. That umbrella has been folded, but we can unfold it and things continue. So, the Government should never be mistaken that we have abandoned the quest for proper reforms and free and fair elections. That is fundamental. We want a good country. These houses or buildings we have put here, have taken many years. If we want to get them down, it would take only an electric fault and we get them down in a day. But it would take four or ten years to build them again. We do not want that. We averted chaos and the Government should faithfully put reforms into effect.

Mr. Nyagah: On a point of information, Mr. Temporary Deputy Speaker, Sir. It is very important that I inform the hon. Member of one thing. We have a saying that "charity begins at home". Indeed, we, as Members of the Opposition who were in the IPPG, would have expected the Attorney-General to do one thing, and I would like the Attorney-General to listen to this. In the spirit of reforms of working together, we have a group called COTEPa. The membership of COTEPa is solely by the Members of the Opposition. It talks about coffee and tea issues. It is not political and it cannot hurt the Government in any way. We would want the Attorney-General to instruct the Registrar of Societies that this is one organisation that ought to be registered immediately and also remind the Attorney-General that an appeal has already gone to his office for him to look into this matter. When he comes to answer, we hope he is going to give a positive answer, even before Thursday, so that we are registered. Thank you.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, if KANU is planning to rig the next General Elections so that they can have a two-thirds majority in the 8th Parliament and then do away with the two terms restriction that we have imposed on the current President, the result of that will not just be a return to the streets. I can assure you that there will be a civil war and, in fact, I, Obwocha, will join the fighters in the forest. This is the last and final term for the current President. KANU will not succeed in its rigging manoeuvres because we are confident that we will remove President Moi through the ballot.

An hon. Member: No way!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, with those many remarks, I beg to support the Constitution of Kenya (Amendment) Bill, 1997.

Mr. Sambu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support these constitutional amendments. Those of us who supported the IPPG package, did so in the spirit of ensuring that peace prevails in our country. I wish to request the Attorney-General to make sure that the Statute Law (Repeals and Miscellaneous Amendments) Bill which was passed here recently is enacted immediately into law.

Mr. Temporary Deputy Speaker, Sir, after the enactment, the administrative officials should be re-trained in accordance with these new amendments. As I said last time, workshops and seminars should be held for chiefs, administration police, regular police, DOs, DCs and even PCs, so that they can know that change has come. The Executive itself, right from the top, must change its attitude so that the ones below will know that a change for the good of this country has come. That change has come through the reforms which the IPPG proposed.

Mr. Temporary Deputy Speaker, Sir, I do not want to repeat what has been already passed by this House. During the IPPG meetings, we proposed some amendments to the Chiefs Authority Act, but these amendments were never passed at the Committee Stage. When the Constitution Review Commission sits next year, we should further review the Chiefs Act. A chief may be appointed by the Government when he is 30 years of age and then he continues to rule the people for the next 25 years. He should be elected by the people so that as he rules them, he has their mandate.

Mr. Temporary Deputy Speaker, Sir, in the spirit of the IPPG, which is the spirit of co-operation, I want to support what the previous speakers have said. In the IPPG meetings, we recommended that all political parties should be registered and some have not been registered. We proposed that if they will not have been registered within 14 days, then the provision for independent candidates should be allowed. I am surprised that this did not appear in the Bill. This will make some of us who believe that independent candidates should be allowed feel that we are not dealing with some of the IPPG reforms fairly. The respect for individual rights and freedoms should not be limited to the issue of freedom of association. There are a lot of individual rights which are contravened by other laws. Since the Constitution is the overall body of all the laws of this country, there are certain Acts which need to be looked into

urgently. Some of these are laws which contravene an individual's right to the use of his property. Some Acts like the Coffee Act, the Tea Act and the Dairy Board Act limit the farmers' freedom to use their land, be it leasehold land or freehold land. At the moment, farmers cannot grow coffee or tea without acquiring a licence, even though the land is freehold. Some of these Acts should be looked into.

Mr. Temporary Deputy Speaker, Sir, the spirit of the IPPG was to make sure that peace prevailed in this country. I believe quite strongly that Kenyans should continue living in peace. I condemn anybody who wants to promote violence, whether in Nairobi or anywhere, even in my own district. At this juncture, I want to assure the people living in my district of Nandi that those who are circulating leaflets, threatening others, particularly the Kipsigis community--- I want to tell the people living in Nandi District, like the Kipsigis, Luos, Luhyas and any other community, that those circulating those leaflets are a few individuals and political misfits who think that, by threatening other communities, they will succeed. Let me assure them that they will not.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I want to assure this House that the Nandi people are living with other communities in peace and they will not accept those few inciters who go round at night circulating the leaflets. It is not the work of the Nandi people; it is the work of a few individuals who are fearing defeat, come the next general elections. Those are the ones who are used to rigging and have always come to this House or local authorities through such a system. Now they fear the power of the people, who will vote them out.

Mr. Temporary Deputy Speaker, Sir, many Acts which contradict the individual freedom must be looked into as well, including the Lands Act. The Trust Lands are guaranteed in the Constitution, but they have been interfered with grossly. The people who are now being referred to as "squatters" are the people who have been deprived of the ownership of their land through interference with the Constitution. The Trust Lands have been interfered with grossly, and that is why we have many squatters. We cannot say that we are a happy nation when very many people are squatting in land which was theirs by their birth right. The Trust Lands Act must be strictly adhered to, as those lands are protected by the Constitution. The squatters living in various parts of the country, particularly in my district, must be taken care of immediately before the coming general elections.

Mr. Temporary Deputy Speaker, Sir, we want free and fair elections. Free and fair elections can only be there if individuals' rights and freedoms are also assured. I hope that before we go to the general elections, the Executive, right from top to bottom, will make all the officers know that the IPPG spirit of reforms is there, and that some of them have been enacted into law, and they have to accept that law has been made from the IPPG reforms.

Thank, you, Mr. Deputy Speaker, Sir, and with those remarks, I support.

Mr. Mwiraria: Thank you, Mr. Temporary Deputy Speaker, Sir. First and foremost, let me start off by congratulating the NCEC for doing the groundwork which led to the reforms we are discussing here.

Hon. Members: What did they do?

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, I can hear some hon. Members asking me what the NCEC did. I think it goes without saying that most of the groundwork was done by the NCEC and they deserve congratulations for a job well done. I would also like to go on and congratulate those Members of Parliament who participated in the IPPG for the bold move they took, and for also devoting a lot of time in working out the reforms.

Mr. Temporary Deputy Speaker, Sir, right from the outset, I would like to state that a lot of discussions have taken place, and I would like to address one aspect of the reforms we are discussing here, that is, implementation. In Clause 4 which deals with the amendments to Section 14 of the Constitution, we are giving the President the powers to appoint a Cabinet from Members of the National Assembly, subject to provisions of any written law. I have difficulty in accepting this, because the Constitution of Kenya is very explicit. In Section 3 it clearly states:-

"If any law is inconsistent with the Constitution, then the Constitution prevails, and the other law is void to the extent of the inconsistency".

Mr. Temporary Deputy Speaker, Sir, the fact that we have had the Public Order Act in existence, being ruthlessly applied by the Kenya Government, notwithstanding this proviso, is a clear indication that we really need to get constitutional provisions which make certain sections of the Constitution not changeable or amendable, even by the House, because of their importance.

Mr. Temporary Deputy Speaker, Sir, the question I would like to pose to the Attorney-General is: What guarantee can we give, that once we have got provisions in the Constitution, they cannot be overridden by other laws? The Attorney-General is aware that I spent eight months going to court for having held a meeting of party officials to elect somebody to stand for the post of a councillor. The provision of the Constitution under Section 3 was in force, and yet the Public Order Act was allowed to prevail. So, what guarantee can the Attorney-General give this House, that as we look forward to an amended Constitution, situations like those that have been happening with the Public Order

Act in force, will not happen in future?

The Attorney-General (Mr. Wako): On a point of information, Mr. Temporary Deputy Speaker, Sir. The hon. Member is right in that I am aware of the case under which he has suffered. But he is also aware that the Attorney-General terminated that case because it was the Attorney-General's views that Section 3 of the Constitution applies to the extent to which the Public Order Act was in conflict with the Constitution. To that extent, it was null and void and, therefore, I terminated your case. That is the point of information I wanted to give you which shows the usefulness of Section 3 of the Constitution.

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

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

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, the Attorney-General has only omitted one fact, and that is that I had made a constitutional reference to the High Court to challenge the law under which I had been accused. So, really, what I am saying is that a proviso like the one that we are being given under Clause 4, in my view, is not adequate under the circumstances, or rather in the circumstances under which we have been operating. I am really wondering, that since we are going to amend this Constitution for posterity, what do we need to do, for instance, to ensure that the proviso under Clause 2 which says: "The Republic of Kenya shall be a multi-party democratic state" stays?

This cannot just be changed at the whim of a Parliament and that should we have a proviso that, for instance, certain clauses cannot be changed unless we have a referendum because Section 2 (a) was also changed rather haphazardly. I am seeking information or assurances from the Attorney-General that in future, these things will be taken seriously.

Mr. Temporary Deputy Speaker, Sir, I also find myself in a lot of problems regarding Section 47 (4) which clearly states that:-

"Once a Bill has been brought to Parliament, it cannot be amended."

What is the purpose then of bringing it here? Is there a fear that the hon. Members of Parliament cannot think clearly and suggest amendments which the Attorney-General can work on? I must say that I find that clause rather unusual because it is almost saying that the Attorney-General is infallible once he prepares a Bill since it cannot have any fault and, therefore, it should not be amended. I do not think really we should accept such a provision in our future Constitution. But I would like to hear what the constitutional practice is elsewhere. Maybe, I will be satisfied after hearing a reply from the Attorney-General. I also wish to suggest, in all seriousness, that in Kenya we need to provide for a Constitutional Court which will not only interpret the Constitution, but will also enforce it.

Mr. Temporary Deputy Speaker, Sir, let me now talk about the implementation. Personally, I must say categorically that I will only conditionally support this Bill. First, I will look at the situation of insecurity. A lot has been said about the problems down at the Coast and particularly in Likoni and I just want to refer to one aspect which has been bothering me. After a few days, we were informed through the Press that 30 individuals out of the people who had been arrested as part of the troublemakers in Likoni were ex-servicemen.

Mr. Temporary Deputy Speaker, Sir, I come from North Imenti and the Executive Officer for KANU has been telling people who have applied to vie for elections on a KANU ticket, both on civic and parliamentary seats, to submit names of dismissed and retired servicemen from the Army, Air Force, the Regular Police and the Administration Police. There have been people who have been moving around in four-wheel drive vehicles asking these ex-servicemen if they want to have their jobs back. We are all aware of *Jeshi la Mzee*. The fact that people were picked from the Army, the Regular Police and the Administration Police and sent for special training and then given special duties plus two salaries does not bother us. The problem is: What is the intention behind the picking of people who have been sacked for misconduct or for murder and taking them back for training in the Magadi GSU Training Centre? What are they being trained for? If I was the Commissioner of Police, I would worry if I was asked to reinstate officers who had been sacked for misconduct.

North Imenti is experiencing a lot of problems of insecurity and we have got two locations which are virtually empty because people have become refugees after losing all their property, cattle, and after having their wives and daughters raped time and again. I wonder whether there is a scheme to create another Likoni in other places like North Imenti. If so, does the Government genuinely want free and fair elections? I have spoken about this insecurity in this House many times and I have asked the Minister of State, Office of the President, in charge of internal security to authorise the establishment of armed homeguards or even to appoint police reservists so that people can protect

themselves. It is easy to form a police reserve for people to protect themselves.

I am posing this question and I do hope that where signs of insecurity are already showing, the Government will take corrective action to show the world that they genuinely mean business; that by accepting the IPPG reform package, they want to level the playing field and to conduct free and fair elections in this country.

The second point I want to raise regards the work of the Electoral Commission. I was happy to read that the IPPG had agreed that there would be an additional 10 members to the Electoral Commission who would be appointed by the Opposition parties, but it is sad to note that the amendments, with due respect to the Attorney-General, do not say anything like that. They provide for a broader Electoral Commission, and do not state that the additional persons will come from the Opposition. The question I want to pose, and that is why I said I will only support this Bill conditionally, is: What guarantee do we have on this side that the 10 additional members will be appointed so that we can pass this Bill? Here, I support the sentiments expressed by hon. Obwocha when he stated that our parties should present to His Excellency the President the 10 names of the people we have selected. In my view, we should not enact this Bill before those names have been taken and the appointments made.

Mr. Temporary Deputy Speaker, Sir, I would also like to draw the attention of the Electoral Commission to an issue that is being spoken about freely, namely: the fact that there is an attempt to alter the Voters Register. The people are saying that there was no good reason why the old identity cards were taken back by the Government. They should have been, perhaps, defaced and handed back to the owners. That is what happens to the passports---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Members, it is now time for the interruption of business. The House, therefore, stands adjourned until tomorrow, Wednesday, 29th October, 1997, at 9.00 a.m.

The House rose at 6.30 p.m.