

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 8th April, 1997

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## QUESTIONS BY PRIVATE NOTICE

### ISSUANCE OF NEW GENERATION ID CARDS

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

(a) How many people have been issued with the new generation identity cards in South Imenti Constituency?

(b) Is the Minister aware that most of those identity cards bear numbers of Tigania East Constituency?

(c) Will the holders of these cards be registered as voters in South Imenti or Tigania East Constituency?

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

(a) A total number of 67,686 people have so far been registered in Imenti South Constituency.

(b) No, I am not aware.

(c) Holders of these identity cards will be registered as voters in constituencies of their choice as provided for by the Constitution.

**Mr. Murungi:** Mr. Speaker, Sir, I am surprised that the Assistant Minister is not aware of this matter, yet on 27.1.97, I wrote a letter to the Registrar of Persons concerning errors in the registration of persons in South Imenti Constituency. The letter consisted of only paragraph and in it I said:-

"I have received numerous complaints that the new generation identity cards being issued in South Imenti bear a serial number of a different constituency. I attach herewith a list of 57 people and their identity card numbers, which are subject matters to the complaints. Kindly, scrutinise the identity card numbers and let me know whether they bear the serial numbers of South Imenti Constituency".

To date I have not received a reply to this letter from the Registrar of Persons. I would like to lay on the Table the letter and the list of the 57 persons who complained that they have serial numbers for Tigania East Constituency.

*(Mr. Murungi laid the letter and the list of names on the Table)*

In the light of this information, could the Assistant Minister seek further information and report back to this House? He appears not to be informed!

**Mr. Awori:** Mr. Speaker, Sir, in view of this information, I will most certainly carry out investigations and return to this House with a report.

**Mr. Speaker:** Just for the purpose of setting the record straight, there appears to be something that I was not aware of when I approved the Question. Does a constituency called "Tigania East" exist?

**Mr. Murungi:** Mr. Speaker, Sir, Tigania East is a new constituency. Tigania Constituency was divided into Tigania West and Tigania East Constituencies.

**Mr. Speaker:** Order, Mr. Murungi, for the purpose of setting the record right, the creation of any new constituency will come into effect after, and not before, the dissolution of Parliament.

*(Mr. Murungi stood up in his place)*

Order, Mr. Murungi! I was misled by hon. Members, but now I have seen hon. Maore.

**Mr. Maore:** Mr. Speaker, Sir, could the Assistant Minister clarify his statistics? Are these the people who have applied for the new generation identity cards that he has talked about, or are they the ones who have actually been issued with the identity cards?

**Mr. Awori:** Mr. Speaker, Sir, those are the people who have actually been issued with the second generation identity cards.

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. I think it is important for the Assistant Minister to clarify something. People who are already registered in their old constituencies will find themselves in new constituencies whose creation will take effect, as you said, after Parliament has been dissolved. How will people know which constituency they belong to? I think it is important for this point to be clarified.

**Mr. Awori:** Mr. Speaker, Sir, when you hold a national Kenyan identity card it does not matter where you got it from. You can register as a voter anywhere within the Republic of Kenya.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Speaker, Sir. It is just a bit confusing for the House. The Assistant Minister should tell the House whether there is really a constituency serial number in the identity card. As far as I know, there is not. That matter is causing concern. I do not think there is something like a reference number for each constituency.

**Mr. Speaker:** Well, I thought you were sitting next to Mr. Murungi, who made that assertion! Any how, Mr. Awori, what is your reaction to that?

**Mr. Awori:** Mr. Speaker, Sir, the code number that appears on the identity card seems to be confusing hon. Members. That code number refers to the centre at which a person was registered. It does not refer to the constituency.

**Mr. Murungi:** Mr. Speaker, Sir, the hon. Assistant Minister is famous in this House for making empty promises. Can he tell us when he is going to bring to the House the information that he is required by the Chair to provide?

**Mr. Awori:** Mr. Speaker, Sir, if my hon. friend is trying to reach my voters through misrepresentation I am sorry to say that he will have to apologise. I always fulfil my promises.

#### DEATH OF STUDENT LEADER

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

(a) Could the Minister inform this House what caused the death of Mr. Solomon Muruli, a student leader at Kikuyu Campus of the University of Nairobi?

(b) How many people have been arrested in connection with this ghastly affair?

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

(a) The late Solomon Muruli was burnt to death by a fire which broke out in his room at Kikuyu Campus on 23rd February, 1997 at approximately 3.30 a.m.

(b) No arrests have been made so far. However, the hearing of an inquest No.9/97 in connection with the incident commenced on 7th April, 1997, in the Chief Magistrate's court, Nairobi.

**Dr. Otieno-Kopiyo:** Mr. Speaker, Sir, the circumstances that led to the death of Mr. Solomon Muruli are quite disturbing. It is surprising that nobody has been arrested so far yet the Government indicated earlier on that some statements had been taken from members of the public. Could he confirm whether or not the Kenya police was involved in causing the fire that burnt Solomon Muruli in his room at Kikuyu Campus on that day?

**Mr. Awori:** Mr. Speaker, Sir, the purpose of the inquest is to get as much information as possible and if the hon. Member has any information that the police were involved, surely, he has got every right to bring that information to the inquest.

**Mr. Shikuku:** Mr. Speaker, Sir, arising from the Assistant Minister's reply, and taking into account--- By the way, I had decided that I will never speak English again. Could I now ask my question in Kiswahili?

**Mr. Speaker:** I am afraid you have already begun.

**Mr. Shikuku:** From the information so far gathered, we were told that the late Muruli had reported this matter to the police and that he had identified one of the people who had kidnapped him. What has the Assistant Minister done since that information was given to him?

**Mr. Awori:** Mr. Speaker, Sir, since the inquest has been constituted, all the information leading to and after the death of Mr. Muruli has got to be received so that we get to the truth of the matter.

**Mr. Nyagah:** Mr. Speaker, Sir, since the late Muruli complained about the Deputy OCS of Kikuyu Police Station what action, before the inquest was constituted, did the Kenya Government take against him and where is he, as

of today?

**Mr. Awori:** Mr. Speaker, Sir, investigations took place and they will continue to take place. When we find that there was a police officer---

**Bishop Njeru:** On a point of order, Mr. Speaker, Sir. If the late Muruli had identified the person who had kidnapped him, did we need an inquest?

**Mr. Speaker:** Bishop Njeru, I am afraid that is a supplementary question.

**Mr. Orengo:** Mr. Speaker, Sir, I wanted to know whether the Minister thinks an inquest is a proper way of getting into the depth of this matter. Going by the past records, such inquests are normally held merely to pacify public outreach and if I can just mention a few cases like the Julie Ward case, the Ouko case, the Ngala case and the case of a former official at the university known as Mr. Ogola. Inquests were held in these cases, but they did not establish the causes of these people's death leading into investigation. Can he confirm to this House that this inquest is not a serious process, but just a way of pacifying the public and a way of denying this Parliament an opportunity to take up the matter?

**Mr. Awori:** Mr. Speaker, Sir, I can confirm that this inquest is in all seriousness meant to get to the bottom of this student's death.

**Dr. Otieno-Kopiyo:** Mr. Speaker, Sir, since Muruli wrote, with his own hand, the name of officers who had kidnapped him and availed that information to the police, why have these particular officers, particularly the Deputy OCS at Kikuyu, Mr. Waweru, not been arrested?

**Mr. Awori:** Mr. Speaker, Sir, as I said, until we have got sufficient evidence to prove that indeed those officers did kidnap this man, they cannot be arrested.

**Dr. Lwali-Oyondi:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House that an inquest must be formed before a suspect is arrested, each time there is a murder? Is he in order to mislead the nation?

**Mr. Awori:** Mr. Speaker, Sir, I said in reply to hon. Dr. Otieno-Kopiyo's last question that we cannot arrest those officers until we are satisfied that they participated in the kidnap.

#### ALLOCATION OF CEMETERY PLOT

**Mr. Orengo:** Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that part of the plot used as a cemetery by Moslems in Malindi Municipality has been allocated to prominent persons in the town?

(b) Is he also aware that the cemetery is along the beach and has a sea frontage for good cause and religious considerations?

(c) What justification, in terms of public interest, is making the Government to ignore the feelings and rights of the Moslem community?

**The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo):** Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that part of the plot used as cemetery by Moslems in Malindi Municipality has been allocated to prominent persons in the town.

(b) I am aware that the cemetery is situated in the area along the beach and is very important for religious considerations.

(c) The Government has not ignored the feelings and rights of the Moslem community as the plot which was reserved for the cemetery is still intact and has not been allocated to any person.

**Mr. Orengo:** Mr. Speaker, Sir, probably the hon. Minister did not quite understand my question. This matter came before the Sixth Parliament. In Malindi and other areas in the Coast, the sea has been receding leaving certain plots which the Government has been trying to allocate to individuals thereby blocking the plots on the sea frontage. Indeed, the Minister for Tourism, Mr. Mbela, in 1992 did admit that these allocations had been made and were nullified. On 30th March, 1996, the same allocations were given to this prominent individual that we have been talking about. These allocations had been revoked in 1992 and again reallocated in 1996.

The other businessmen who own tourist hotels have had their plots returned, but the Government has refused to return this part of the cemetery. Can the Assistant Minister agree with me that this Government is showing lack of consideration to the Moslem community? Any land that is allocated to the Moslem community, there is always something going wrong with it. We have the example of Jamia Mosque. The Moslems were given a plot which was then given to somebody else. Now, in Malindi, it has been given to them and it has been allocated to Members of this Parliament. Could he confirm that the answer he has given us revokes the allocations made by the Commissioner of

Lands in March, last year?

**Hon. Members:** Hon. Badawy!

**Mr. Sumbeiywo:** Mr. Speaker, Sir, I am grateful because hon. Orengo has brought this matter to the attention of the House. The land which has been left by the receding sea is part of this plot. It is true that part of the land which had been allocated before 1992 was revoked then later on, part of the land which had been left by the receding water was allocated to some people and one of them is a Member of this House; hon. Badawy. The plot for the cemetery is still intact. It has not been allocated to anybody. The area that has been allocated to hon. Badawy and others is still untouched. It is still part of the cemetery. I do not see why hon. Badawy has been picked leaving out the other people. There is no record---

**Mr. Speaker:** I thought you are the one who has brought it up.

**Mr. Sumbeiywo:** Yes, Mr. Speaker, Sir, I agree. He mentioned and said one of the allottees is a Member of Parliament and I had to mention the name.

**An hon. Member:** It could be yourself!

**Mr. Sumbeiywo:** It is true, but it is not me. There is no record in my Ministry from the local Moslem community requesting for the extension of the cemetery on the plot. The local Moslem elders have written a Memorandum disowning any claim over the land. A copy of the Memorandum is herewith tabled.

*(Mr. Sumbeiywo tabled a copy of the Memorandum)*

There has been an exchange of correspondence between my colleague, hon. Orengo and the lawyers of hon. Badawy after the alleged grabbing of the cemetery. The Ministry is not aware of the grabbing of the cemetery as claimed by the press, not by the hon. Member.

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, arising from the answer by the Assistant Minister, is he aware that most of the cemeteries are now full? What is he doing to make sure that they are extended since there is a lot of land grabbing?

**Mr. Speaker:** Are you talking about the cemetery in Lamu or the cemeteries generally?

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, I am talking about cemeteries generally and including Lamu.

**Mr. Sumbeiywo:** Mr. Speaker, Sir, if the hon. Member can specify which area has run short of cemetery plots, then we will consider that.

**Mr. Orengo:** Mr. Speaker, Sir, probably the Assistant Minister has not understood my question. This cemetery is along the beach, precisely because it has been used for burying those people who die at sea, like the Somali refugees who were recently buried *en masse*, or those who die in a calamity or a catastrophe. There is a significance in having this cemetery next to the sea without anybody blocking the sea frontage to the cemetery. Why is that all the hotels along the beach have had allocations revoked because their sea frontage has been blocked, but when the Moslems protest to get the same rights, this Government proceeds to allocate and confirm allocation of the sea frontage to prominent individuals? In fact, the letter that he is talking about is not from Moslems; it is from prominent persons who are masquerading as Moslems in Malindi.

**Mr. Sumbeiywo:** Mr. Speaker, Sir, I am not aware that these members who claim to be Moslems are masquerading as Moslems. I believe they are Moslems because their names were given to us by the Kadhi. So, I believe that they must be Moslems. To answer hon. Orengo's question, the plot---

**Mr. Falana:** On a point of order, Mr. Speaker, Sir. Hon. Orengo has asked a specific question which I think the Assistant Minister is evading. He asked: Why has the Government revoked that extension for the non-Moslems, and refused to do the same for the Moslems? I think the Assistant Minister should address himself to that. Is he in order to evade a very specific question?

*(Applause)*

Would you please answer that? Is it true? The question is, is it true?

**Mr. Speaker:** Order, now Mr. Falana! Proceed, Mr. Sumbeiywo.

**Mr. Sumbeiywo:** Mr. Speaker, Sir, there is no truth in the statement that the Government has refused to listen to the Moslems' plea. The allottees before the 1992 included non-Moslem and Moslems. So this particular cemetery plot which was reserved for that purpose has never been touched and it is intact.

**Mr. Speaker:** Mr. Orengo, final question!

**Mr. Orengo:** Mr. Speaker, Sir, the other dimension to this question is that in fact hon. Darius Mbela, when he was Minister for Lands and Settlement, said that all the allocations will be revoked because of environmental

reasons. He stated that it is wrong to allocate these plots along the beach to anybody on the basis of preserving and protecting the environment. This rule has been applied to all the plots along the beach except the one that I am talking about. Is he denying that the then Minister in the Sixth Parliament had revoked *in toto* any allocations on environmental considerations?

**Mr. Sumbeiywo:** Mr. Speaker, Sir, the then hon. Minister may have said that the allocations of all the plots would be revoked, but whether they were revoked or not, I am not aware.

**Mr. Speaker:** Next Question!

#### CONSTRUCTION OF KISII-CHEMOSIT ROAD

**Mr. Anyona:** Mr. Speaker, Sir, I beg to ask the Minister for Public Works and Housing the following Question by Private Notice.

In view of the recent announcement by the Government that some Kshs580 million had been set aside for the completion of the *Kisii-Chemosit Road (C21)*, will the Minister tell the House:

- (a) Why construction work has not yet started?
- (b) When the construction work will start and be completed?
- (c) The name of the contractor?

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

- (a) Construction has not started because the contractor is in the process of mobilising his resources.
- (b) Construction work is targeted to commence on 2nd May, 1997 and the project will be completed on 31st December, 1998.
- (c) The project is contracted to M/S Zakhem International, who was the original contractor before the works stalled.

**Mr. Anyona:** Mr. Speaker, Sir, this project has gone through many false starts since 1965 and we have received many hoax answers from this Assistant Minister. In the current estimates, there is only Kshs6 million allocated to this project and the Government says there is Kshs580 million now available for the completion of this project. We do not want to be treated to another hoax. Can this Assistant Minister tell us where that money is, where it has come from and commit himself and the Ministry that this money, this time round, will be spent on the project?

**Mr. Mwamzandi:** Mr. Speaker, Sir, my Ministry is serious this time to have the project started and completed. We are now in the month of April, and we have two months before the end of the financial year. During this financial year we have allocated Kshs73 million as an advance, including settlement of old bills to the contractor.

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. The Government has stated a given figure of Kshs580 million. This Assistant Minister is now talking about Kshs73 million. All I am asking is: What is the source of this Kshs580 million? Do not reduce it to Kshs73 million.

**Mr. Mwamzandi:** Mr. Speaker, Sir, the source would normally be the annual budgetary allocation. There is no problem; all the money will be available in two month's time.

**Mr. Manoti:** Mr. Speaker, Sir, sometimes we get confused because last year when His Excellency the President was in Kisii he announced that this money was there to start this project. Why has it taken so long for the contractor to move to the site. Can the Assistant Minister tell us the reason?

**Mr. Mwamzandi:** Mr. Speaker, Sir, when the project stalled, the contractor had to remove all his machines from the site. However, now he has to take them back to start the work.

**Mr. Maundu:** Thank you, Mr. Speaker, Sir. The Assistant Minister has said that they are going to allocate about Kshs73 million for this particular project. So, far we have understood that only Kshs6 million has been allocated for this project. Has he made any proposal, because as from the commencement date up to the completion date there are two budgets? Is he going to accommodate this sum of Kshs3 million within two budgets when we know what our budgetary constraints are, if he is serious about the completion of this road?

**Mr. Mwamzandi:** Mr. Speaker, Sir, I did not say Kshs6 million, I said that Kshs73 million is needed for settling all the bills. In any case, within two months time, the balance to make it Kshs580 million will be availed to the contractor to finish the work.

**Mr. Obure:** Mr. Speaker, Sir, the Assistant Minister says that the work will be completed on 31st 1997 although it has not started yet. Can the Assistant deny or agree with me that this Government is hoodwinking the Kisii votes, so that they can get the Kisii votes in December, 1997 because they have been cheating Kisii's since 1965? You think the Kisii's are fools! We are not fools any more.

**Mr. Speaker:** Order, Mr. Obure!

**The Assistant Minister for Lands and Settlement** (Mr. Sumbeiywo): On a point of order, Mr. Speaker, Sir. Is it in order hon. Obure to say that the elections are going to be held in December when the election date has not been announced and it is only His Excellence the President who is going to announce?

**Mr. Speaker:** Order, all of you! Order, Mr. Obure can please himself and say December or tomorrow.

**The Assistant Minister for Public Works and Housing** (Mr. Mwamzandi): Mr. Speaker, Sir, there is no intention whatsoever to deceive the Kisiis this way or the other But our intention is to construct the road and have it completed by December, 1998.

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir. I know the words which are not supposed to be used in this House. Was it in order for the hon. Member to talk about cheating or deceiving

**An Member:** It was Mr. Obure!

**Mr. Shikuku:** Maybe, it is Mr. Obure. Could both Mr. Obure and the hon. Assistant Minister withdraw?

**Mr. Speaker:** You are right, it involves both of them, beginning with Mr. Obure who introduced the whole saga. Mr. Obure, you would withdraw the words "cheating" and "deceiving" and, after that the Assistant Minister will follow suit. We will begin with Mr. Obure.

**Mr. Obure:** Mr. Speaker, Sir, I stand firm and say that this Government has been cheating Kisiis from 1965 to date.

**Mr. Speaker:** Order, Mr. Obure! It is not the Government that has ordered you to withdraw; it is the Chair. You have now been ordered to obey and withdraw that unparliamentary term.

**Mr. Obure:** Mr. Speaker, Sir, I think that is the right language to say that the Kisiis have been cheated for a long time.

**Mr. Speaker:** Order, Mr. Obure! I will give you the last chance and there is absolutely no--- There is no politics in this Mr. Obure. We have our ethics in this House. There are words that are unparliamentary and those that are Parliamentary. Now, you have rightly pointed to me that you used unparliamentary words in the House. You have been ordered to withdraw those words because they are unparliamentary. You can substitute them with any other words you can choose in the world. Would you proceed and do so? This is your last chance?

**Mr. Obure:** Mr. Speaker, Sir, I think this Government has deceived--- This Government has taken Kisiis for a ride.

**Mr. Speaker:** Order, Mr. Obure!

**Mr. Obure:** I withdraw, but I maintain that this Government has cheated the Kisiis.

**Mr. Speaker:** Order! Mr. Obure, there is one thing that you cannot do in this House, and that is taking the Chair for a ride. This is what you are tempting to do. I have given you enough latitude, and if you think you will make political capital out of this, I will give you that opportunity. Unless now you withdraw, I will order you to leave this House for disorderly conduct. Now, do withdraw and we proceed or you refuse and then you will be declared to be disorderly in the House.

**Mr. Obure:** Mr. Speaker, Sir, with due respect, I will now go out in protest because this Government has cheated Kisiis for a long time.

**Mr. Speaker:** Order! Sit down! It is not your choice actually. I now find that your behaviour this afternoon is disorderly contrary to all the rules of this House and, therefore, you are now ordered to leave this Chamber. You will not walk out in protest because you have been ordered to leave and you are now a stranger.

*(Mr. Obure withdrew from the Chamber)*

**Mr. Speaker:** Order! Now, Mr. Mwamzandi, you are the next on line to withdraw.

**The Assistant Minister for Public Works and Housing** (Mr. Mwamzandi): Mr. Speaker, when you allowed the word "cheating", to be used I had no other word to use other than---

**Mr. Speaker:** Order! The mere fact that any other Member has flouted the rules of this House does not give a licence to others to use it. In any case, I did not ask for your explanation. I ordered you to withdraw.

**Mr. Mwamzandi:** Mr. Speaker, Sir, I was just giving you my response. It is true that the word I used was unparliamentary and I withdraw and apologise to the House. But this emanated from the word he used on the Floor.

**Mr. Speaker:** Very well! Proceed, hon. Anyona!

**Mr. Anyona:** Mr. Speaker, Sir, this is a very important Question. I would not like to have it hijacked by any type of antics. The point is this: We have two figures now about this project. We have Kshs580 million which is what we are told is the commitment of the Government, and which is what I understand to be the cost of the project now. The Assistant Minister has also talked of Kshs73 million. We went so low that in the estimates, there is only Kshs6 million. Nobody has explained where this money is coming from, which means that, this is yet another hoax.

Could the Assistant Minister now, who has told us that the project will start on the 2nd of May, 1997 and who also talks of another two months, tell us precisely what the terms and conditions of this project are, including the amounts involved, that will ensure that this time round, it will be completed?

**Mr. Mwamzandi:** Mr. Speaker, Sir, the amount involved in this project is Kshs580 million. But because the new Financial Year is just around the corner, the contractor has been advanced the sum of Kshs73 million to enable him to move to the site and start working.

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

**Mr. Speaker:** Order! I think I am inclined to hear one more hon. Member. I think I will go to hon. Obwocha, and this is the very last.

**Mr. Obwocha:** Thank you, Mr. Speaker, Sir, because this road passes through my constituency---

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. The Member for Kitutu Masaba has asked for specific figures which can no longer be confused. The Assistant Minister has talked about Kshs580 and then he mentioned other figures, and says that all of them are in millions. Now, which is which?

**Mr. Speaker:** Well, Kshs73 and Kshs580 are all in millions. Could you proceed, hon. Obwocha?

**Mr. Obwocha:** Mr. Speaker, Sir, I was saying that this is a very important Question. The road traverses about five constituencies from Chemosit to Kisii. The Government has been taking Kisii for a ride. This contractor, Zakhem International, left the machines at Ikonge Market. So, there is no issue here of mobilising his machinery back to the site. I think the question which the Assistant Minister has not answered is: There is only Kshs6 million in the current budget. Is the Kshs73 million he is talking about in the Supplementary Estimates? If not, then where is it coming from?

**Mr. Mwamzandi:** Mr. Speaker, Sir, the Kshs73 million that I am talking about has been made available---

**Hon. Members:** From where?

**Mr. Mwamzandi:** We have several sources like the Petroleum Levy and Annual Budgetary Allocations so that the work could start by 2nd May, 1997.

**Mr. Muite:** On a point of order, Mr. Speaker, Sir. Is it really in order for a Government Minister to actually admit in this House that they are taking the Petroleum Levy money for the construction of a road, when it is, in law, supposed to be for road maintenance? Is it in order for him to say that to this House? Is he really telling the truth to this House?

**Mr. Mwamzandi:** Mr. Speaker, Sir, we are not constructing a new road. We are working on an old road.

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

**Mr. Speaker:** Order! That should end it now. That is the end of Question time. Hon. Shikuku, I think you had a point of order to raise.

## POINT OF ORDER

### MINISTERIAL STATEMENT WANTED: MAFIA NGANG ACTIVITIES IN THE COUNTRY

**Mr. Shikuku:** Jambo la nidhamu, Bw. Spika. Kutoka leo nitakuwa nikizungumza kwa Kiswahili. Nikisahau, unikumbushe.

**Mr. Speaker:** Order! Order, hon. Shikuku! I am afraid, hon. Shikuku, that the Chair is under the employ of no hon. Member. It is really your business to organise yourselves. Now, proceed.

**Mr. Shikuku:** Bw. Spika, ninataka kujulisha Bunge hili jambo la muhimu, na liko katika gazeti la *East African Standard* katika ukurasa wa kwanza. Wanasema: "Mafia gang rips off Kenyans". Nimesoma habari hii na ninawashukuru wale waandishi wa gazeti hili kwa kazi waliofanya. Mimi pia najua jambo hili liko.

Waitaliano huja hapa kama watalii na baadaye wanafanya mipango yao na kupata barua na wanakaa hapa. Wanafanya zile kazi ambazo zingeweza kufanywa na wananchi wa nchi hii. Tuna wananchi wengi wamesoma na wana shahada za digrii, KCSE, KCE, KACE na CPE, na ambao wanaweza kufanya kazi hizi.

Naona hili ni jambo muhimu sana na ninataka Waziri katika Ofisi ya Rais, na nashukuru yuko hapa, achukue jambo hili kwa sababu ukosefu wa kazi umetubana.

Sisi tuko hapa tumekalia bomu ambalo likipasuka, zote tutakuwa juu. Kabla bomu hili halijapasuka, nataka Waziri aende atafute ukweli na alete taarifa katika Bunge hili kutueleza ni hatua gani atachukua kuona kwamba watu wetu hawanyimwi kazi.

**Mr. Speaker:** Hon. Kalweo, are you ready?

**The Minister of State, Office of the President (Mr. Kalweo):** Bw. Spika, Bunge likinikubalia, naweza

kujibu sasa.

**Mr. Speaker:** Kama uko tayari, ni sawa.

**The Minister of State, Office of the President** (Mr. Kalweo): Bw. Spika, vile mhe. Shikuku amesema, jambo hili lilikuwa likitokea kwa muda kidogo. Tulipogundua ya kwamba hiyo njia ilikuwa inatumika, tulianza kuwafukuza. Kulikuwa na wakati pia ofisi ya balozi wao hapa Kenya ilikuwa inalalamika kwamba tunawafukuza watu wao ovyo ovyo. Lakini kama mhe. Shikuku alivyosema, jambo hilo lilikuwepo na tumelichukulia hatua.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Speaker, Sir. In view of the admission by the Minister that these offenses were committed under the Immigration Act, how many people did they take to court, before they actually deported them?

**Mr. Speaker:** Hon. Kalweo, the Chair's own feelings, which you do not have to obey, are: Taking into account the sentiments being expressed by hon. Members,---

**Mr. Mulusya:** Mr. Speaker, Sir, please speak loudly!

**Mr. Speaker:** Thank you, hon. Mulusya. Taking into account the views we have heard from the House and your own admission of the fact, would you not think it is best that you actually came with a properly prepared statement to the House? Do you not think so?

**The Minister of State, Office of the President** (Mr. Kalweo): It is proper, Mr. Speaker, Sir.

**Mr. Speaker:** I will give you time tomorrow afternoon. Last week, I also allocated time this afternoon for the Ministry of Education to issue a Ministerial Statement that had been requested for. I understand you are ready.

#### MINISTERIAL STATEMENT DEATH OF MASTER ERIC NYAMBANE

**The Assistant Minister for Education** (Mr. Komora): Mr. Speaker, Sir, I rise to give a Ministerial Statement on the circumstances that led to the death of a primary school child, in Kisii District, by the name of Master Eric Nyambane who was supposedly caned by a teacher on 25th March, 1997. The teacher, a Mr. George Osano, TSC No.355713 was teaching in the Standard Five class at Nyasore SDA Primary School in Marani Division of Kisii District, where he is one of the bona fide staff members.

In the course of the lesson, pupils in the class started making noise and he took action to discipline them by caning the pupils on their legs. One of the pupils who was beaten was Master Eric Nyambane. After the incident, the pupils together with the teachers continued with lessons throughout the day without any reported complaints from Master Eric Nyambane. Master Eric Nyambane also reported to school on 26th March, 1997 together with the rest of the pupils. In class, he continued with lessons without any complaint. On 27th March, 1997, Master Eric Nyambane, aged 9 years reported to school with his mother complaining that he had become ill. The mother was advised by the school headmaster to take her son to Nyasoro SDA Health Centre in Marani Division. Master Nyambane did not respond to treatment at the clinic and was advised to go for treatment at Kisii District Hospital on 28th March, 1997 where he died on the same day.

Mr. Speaker, Sir, the results of the postmortem to establish the cause of death are being awaited. However, I would like to state that the Ministry of Education does not encourage the caning of pupils. Caning can only be done as a last resort in accordance with the provisions of The Education Act, Cap.211, Legal Notice No.40 of 1972. The teacher in question has meanwhile been interdicted and investigations are being carried out by the Ministry and if any crime was committed, the law will take its course.

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. I thought I would have an opportunity to seek some clarifications from the statement that has been made.

**Mr. Speaker:** It is not clear to the Chair yet. What is it that you want to seek clarification on?

**Mr. Anyona:** Mr. Speaker, Sir, first of all, in my request for a Ministerial Statement the other day, I did not confine myself simply to this one issue, because there have been many cases. This Statement does not cover the other cases which I have with me here. I have a list of six other cases from different parts of the country. It was expected that we would have a comprehensive statement on all these cases. If I may refresh the memory of the Assistant Minister, these cases, including that of Eric Nyambane are as follows: Josephine Wairimu of Githungu Primary School, Florence Wangui in Nyeri, Kalekye Muthami from Matinyani Primary school and Mbonze Mohammed in Kwale District. We expected a comprehensive statement from the Ministry on these cases.

The other issue which I want to seek clarification on, is the postmortem report which the Assistant Minister has said is being awaited. That means this House is not in possession of the true story of this case. Does that mean that the Assistant Minister will come back to this House and bring further information on this case, when the postmortem report is ready?



The other issue which I am seeking clarification on is this: He has referred to Legal Notice No.40 of 1972 and he has made a statement which I consider to be a careless statement in the circumstances, where Kenyan children have died through this process and he has said that caning is used as a last resort. What is a last resort? Who decides what the last resort is? If I may refresh his memory, Legal Notice No.40 of 1972 provide as follows:

"Corporal punishment may be inflicted only in cases of continued or grave neglect of work, lying, bullying, gross insubordination, indecency, drunkenness or the like."

Corporal Punishment may be inflicted only by the headteacher of the school or a teacher in the presence of the headteacher or in the case of a boarding school by a house master to whom authority for administration of corporal punishment has been delegated by the headteacher in respect of pupils resident in his house. Corporal punishment may be inflicted only after full inquiry and not in the presence of other pupils. Corporal punishment must be inflicted on the buttocks with a cane or a smooth light switch or on the palm of the hand with a strap not less than half an inch in breadth.

Lastly, a record of every case of corporal punishment shall be kept by the headteacher and shall contain the child's name, age, the offence, the number of strokes administered, the date and the name of the person by whom it was inflicted.

It is quite clear that all those rules are being flouted with impunity. Would this Government, as a result of this, and because of the outcry from the country, abolish corporal punishment in schools?

**The Assistant Minister for Education**(Mr. Komora): Mr. Speaker, Sir, last week, I asked for two weeks to give a comprehensive statement covering all these cases. But it was your ruling and the wish of the House that I give an immediate statement and it was the view of the Ministry that the hon. Member required emphasis on that particular case. I would be happy to come back with a better and a comprehensive statement. I would also like to add that my reply, in fact, emphasized the very points which the hon. Member has referred to, in relation to the Legal Notice which are to be applied only on a rare situation.

### MOTION

#### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on April 1st, 1997.

*(The Vice-President and Minister for  
Planning and National Development on 2.4.97)  
(Resumption of Debate interrupted on 3.4.97)*

**Mr. Speaker:** Mr. Manoti was on the Floor.

**Mr. Manoti:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to continue with my contribution.

Mr. Speaker, Sir, it is very saddening to talk about the Kisii-Chemosit Road, a project which started ten years ago. Even if we have been told that there is some money to have that project completed by December, 1998, unless a miracle happens, we doubt it so much. Since we have been promised several times that it will be done and due to the fact that since 1993 we have been complaining about it and hon. Members have had the chance to comment about it, we feel so much cheated. We know that there are so many projects which have stalled and most of these projects will not be completed by the Government. Since so much money has been spent on these projects which have never taken off, I recommend to the Government to sell some of these projects to able Kenyans, like housing companies, so that they can complete those houses and occupy them, instead of letting them become white elephants.

We have a sewerage system in Kisii which is supposed to be completed by August this year, but the water system which we have in Kisii Municipal Council - unless it is improved, the Kshs70 million project will not take off. So, I am asking the Ministry of Public Works and Housing to make sure that Kisii Municipal Council is assisted, or else, that money will be a waste.

Mr. Speaker, Sir, we very much appreciate what the Government has done in giving relief food to those parts which are worst affected. But a few tonnes - about 30 tonnes - of seed maize was sent to Kisii, whereas in Kisii, we depend so much on maize. Since these people are farmers, we request the Office of the President to send enough seed to those people who can build this nation if they are supported.

Mr. Speaker, Sir, the price of fertilizer has gone up and I would like to request the Government to pay half of the price, to assist the farmers to buy enough fertilizer to produce sufficient food for this nation, instead of importing maize and other farm produce which we can produce locally.

Mr. Speaker, Sir, since the rains have come, most parts of our roads are impassable. When we were upcountry

over the weekend, one could not penetrate many areas if one did not have a four-wheel drive vehicle and yet, most of the vehicles used in the rural areas do not have that ability for movement. So, I am requesting the Ministry of Public Works and Housing, that, although they promise us so many things that they do not accomplish, they should make sure that at least most of these very important roads are improved. There is a lot of money from the Petroleum Levy Fund which sometimes becomes very difficult for the same Ministry to account for. So, since this Ministry was given this money by this House, and that money is supposed to assist the farmers in the rural areas, it should be seen to be doing some good work in the rural areas. It should assist farmers to transport their farm produce such as tea and coffee to the factories and other areas where such goods are supposed to be transported.

Mr. Speaker, Sir, the local authorities have failed in their work because if you go to most of the trading centres all over the Republic where most of the money is collected, those people who give that money do not enjoy their sweat. The money is taken, and not even a quarter of it goes back to assist those people who contribute that money. I would like to recommend that this House comes up and recommends that half of the money collected from the trading centres be retained there, instead of being given to the local authorities that do not care about the plight of those people who give that money.

Mr. Speaker, Sir, since the Government has started renovating and extending some health centres in Kisii, and the money is available, we hope the same funds will be used for improvement of Kisii General Hospital, which started operating in 1931. Kisii General Hospital which has the highest population of patients, is a hospital that was constructed by the colonialists and since then, it remains the same. A contractor who was awarded a contract in 1990 to renovate the hospital never completed the job and is no-longer on site. We hope that, the Government and DANIDA which is funding projects which I have talked about, will be able to finish those stalled projects.

Mr. Speaker, Sir, as concerns the registration of persons, in some cases, it has taken many months for the identity cards to be given to the people who registered. In some cases, it takes about six months. Since we are nearing elections sometime this year, the Ministry concerned should hurry the exercise up and make sure that most people get the identity cards in time.

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

**Mr. Nyagah:** Thank you very much, Mr. Speaker, Sir. May I beg for permission to come to the front because my eyesight is not very good?

*(Hon. Nyagah moved to the Front Bench)*

Thank you, very much Mr. Speaker, Sir, for giving me this opportunity to say one or two things about the Speech. From the onset, I would like to tell the House that I oppose this Motion. The reason being, that, having looked through the---

**Mr. Anyona:** Mr. Speaker, Sir, I regret to interrupt my very good friend and colleague, but I wanted to rise on a point of order to seek a considered ruling from the Chair on the Presidential Address.

Mr. Speaker, I seek a considered ruling on this matter because I consider it a matter of great constitutional and procedural importance, and, therefore, a matter that deserves due consideration.

I also seek a considered ruling, because, I do not believe in ambushing the Chair, so that the Chair has to make a ruling on its feet.

I do not know if I have the permission of the Chair to proceed, but if I do, I would like to point out that the matters which I wish to raise concern the provisions of various standing orders starting with Standing Order Nos. 14, 15, 16, 46, 73 and 76.

Mr. Speaker, Sir, I think maybe for the convenience of the House, I would like to refer briefly to what some of those standing orders----

**Mr. Speaker:** Order, Mr. Anyona! What is it really? I normally give hon. Members an opportunity if they have anything that they think is in breach of order. But, I must know what it is that you are complaining about, before you take us so long and I was waiting to hear what it is that you are rising on, so that I decide whether or not there is reason for me to allow you the Floor. Otherwise, if I allow you to continue the way you are doing. It means, therefore, that you have just hijacked the House's time to express your opinion on various things. So, what is it you are complaining about?

**Mr. Anyona:** Mr. Speaker, Sir, I think that is only fair. I was going to do that in any case, but maybe you want to know that before we proceed. I was doing it in a orderly manner.

Mr. Speaker, Sir, I was seeking a considered ruling on the Presidential Address which is being debated right now. I pointed out the various standing orders where the issues I wish to raise fall. Now, let me just summarise what those are.

Mr. Speaker, Sir, under Standing Order Nos. 14, 15 and 16, the President addresses the House in various

capacities, and various procedures are involved. Now, I was therefore, going to rise to seek a considered ruling of the Chair whether or not, certain aspects of the Presidential Address are subject to those rules. For instance, under Standing Order No.14, the President can make his speech from the Chair of State, and he would not be interrupted or asked questions. Under Standing Order No.15, if he participates in the proceedings of the House from the Front Bench, then he is subject to the rules of the House.

In this particular case, he made a speech from the Speaker's Chair under Standing Order No. 16. So, I was seeking to find out and in this particular case, of course, I rule out Standing Orders No. 14 and No. 15 because he did not participate from the Chair of State and from the Front Bench. So, I am coming to Standing Order No. 16 and I would like to find out whether in that respect the Presidential Address is subject to the following matters: One, is the Presidential Address, therefore, made under Standing Order No. 15? Is it subject to the rules of debate under Standing Orders of the House during the current debate and if so to what extent? Secondly, is the Motion on the Presidential Address subject to the provisions of Standing Orders No. 46 (3) which is one that deals with amendments of Motions? In other words, can this House, therefore, seek to amend the Motion debating the Presidential Address? Is it subject to that particular provision? Is the Presidential Address subject to the provisions of Standing Order No.73(3) which is the one that deals with usage of insulting and offensive language? In other words, if I should feel that there are words in the Speech that I would consider as offensive or insulting, is this subject to the provisions of that Standing Order?

Mr. Speaker, Sir, Standing Order No.73(4) deals with the question of imputing improper motives. So, if I think that there is something in the Speech that imputes improper motives, am I entitled to raise that in the context of that particular Standing Order?

Mr. Speaker, Sir, is the Presidential Address subject to the provisions of Standing Order No.76 which is one where a Member is held responsible for the accuracy, or otherwise, of the fact that he adduces before the House? In that respect is the President considered a Member of the House?

**Mr. Speaker:** Mr. Anyona, it may all be very well that on a point of order you are really taking the whole afternoon. Are you not? Could I also ask one thing: Is an honourable Member, on a point of order, entitled to express all opinions he has about another Member's address? Are you also in order?

**Mr. Anyona:** Mr. Speaker, Sir, in all fairness to the Chair and maybe to the House, you asked me to give you the basis on which I was saying this.

**Mr. Speaker:** Order, Mr. Anyona! Normally, when Members do have --- I am grateful that you said that you did not want to hijack the Chair. You are questioning so many Standing Orders and I cannot in all fairness remember all that you have said. A Member is expected, of course, to make up his or her mind on what course of action to take in any particular push. If, indeed, a Member requires assistance, can I say to this House that I and my staff are available to advise Members on what course of action to take but I cannot do so on the Floor of this House. Neither will we use the time of this House, on a point of order, to seek advice which we can do outside the Chamber. So, if you seriously want my views as Speaker, on whatever you are complaining about, put it in writing and give it to me. I will give you my thought and communicate to you. If you wish to seek assistance from your Secretariat, which is the House staff, then you are absolutely at liberty to do so. So, I do not think I will give you further time to express your own views on another Member's address.

**Mr. Anyona:** Mr. Speaker, Sir, I am not seeking advice; I am seeking a considered ruling on this issue. Since I put down, in precise detail, the issues on which I would like the Speaker to apply his mind to and give a considered ruling in this House concerning certain sections of the Presidential Address, I would like to submit these ideas which I would have articulated and in that case you can then give the House a ruling.

**Mr. Speaker:** Before I give any ruling, just off-the-cuff and my immediate reaction, I want to state the following: Number one, we have a Motion before the House whose contents are clear. Any Member can participate in that Motion. Number two, the Presidential Address to this House is delivered under Standing Order No. 16. Number three, to the best of my recollection, the President's Speech is not what you would call a tabled document. It is a Speech from the Head of State opening the House. As to those other things that you are complaining about, let me have a look at it. I may get back to the House but for now can we get those Members who are ready to participate do so? But as for your complaint, give it to me and do not table it.

Very well, Mr. Nyagah, you were on the Floor. I am sorry we will begin all afresh.

**Mr. Nyagah:** With much appreciation Mr. Speaker, Sir, as I had said earlier on, I would now like to---

**Mr. Orenge:** On a point of order Mr. Speaker, Sir. In the same vein, you remember I had submitted a Motion to amend the present Motion in which I was trying to seek a decisive step to correct what I thought was not in order with the Presidential Address. I do not want to take your time on this because you have already expressed some views on the point of order raised by hon. Anyona but I would also wish that a considered ruling be given to the House as to why my Motion was ruled to be inadmissible. But on the basis that I am also given an opportunity to explain to you why I think that was the right procedure because---

**Mr. Speaker:** Mr. Orengo, I am sure what the hon. Anyona apparently has said is what you also wanted to say but you said it in different words. What I said on your Motion and I told you and I said your Motion was unacceptable, is that you purport to delete certain words from a speech made by a Member. It is not from the Motion. You did not want to amend the Motion. You wanted to amend the speech of another Member. Now, if you really have the authority to convince me that hon. Muite, for example, that after you have delivered your speech, can bring a Motion to amend your own speech and not the Motion before the House, I would be delighted to do so. There are, of course, rules governing speeches made in this House and there are rules that empower the Speaker for example, to delete some words which are obscene and insulting or something like that. But as I said, Mr. Orengo, I do not think it is the right thing for a Member to do. You brought your Motion and I said that you are not attempting to amend the Motion before the House. You are trying to amend another Member's speech or in this case the President's Speech and not the Motion before the House.

The Motion before the House reads:-

"THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 1st April, 1997."

The hon. Members may agree that it is right to do so, and other hon. Members may say it is wrong to do so. That is your decision. At the end of the day, what will be put as a question before this House is this Motion before the House, which you will have a right to vote for or against it. As the Speaker, I have no vote for it. So, when you make your contribution, you can give all the reasons in the world as to why we should never accept the Presidential Speech. Convince your hon. brothers and hon. sisters on the other side, and on your side, to agree with you, but do not drag the Chair into deciding whether or not what has been said is right or wrong. I just listen, but I do not contribute to any debate. So, that is the position as far as I am concerned. I think it is only also fair that when an hon. Member has seen the Chair and he now tells the House that I rejected his Motion--- "Yes, I did." I am indeed allowed to do so under the Standing Orders, and I do not, by the way, have to give an explanation, so long as your Motion, in my view, does not comply with the provisions of the Standing Orders No.40. If I am satisfied it does not follow, that ends the matter.

Can you proceed, Mr. Nyagah.

**Mr. Orengo:** On point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Mr. Orengo! You know the rules, Mr. Orengo; you do not stand up and argue with the Chair. When the Speaker is on his feet, hon. Members must sit down. Even if you disagree with me, there is no way you can disagree with the rules until you amend them.

Proceed, Mr. Nyagah.

**Mr. Orengo:** On a point of order, Mr. Speaker, Sir. In fact, I was agreeing with you. I was not disagreeing with you, but I think there is a little bit of misunderstanding. I was not seeking to amend the Speech. That was not the point at all. It was never part of the amendment to the Motion that I moved at all and if you were given that impression, it was a totally wrong misconception of what I was trying to do. All that I was trying to do was that, that part of the Speech which is offensive, unprecedented and unpresidential should not be part of the record of this House. It should not be part of the journals of this House.

Mr. Speaker, Sir, if you look at Standing Order No.26---

**Mr. Speaker:** Order, Mr. Orengo! I have just told Mr. Anyona himself, before you, that no hon. Member, on a point of order, is going to hijack the business of this House to put forward another agenda that was not here before the House. If you want to show me the other side of what I thought is what you intended to do, please, do so. My chambers are open, you can write, if you do not want to come to my Chambers, but you must convince me that you are within the Standing Orders. No amount of argument will push me away from the fact that if I believe it is against the Standing Orders, it will remain that way. But if you convince me out, I am not also static!

Proceed, Mr. Nyagah.

**Mr. Orengo:** Much obliged, Mr. Speaker, Sir.

**Mr. Speaker:** Thank you!

**Mr. Nyagah:** Thank you very much, Mr. Speaker, Sir. I am very grateful that the Leader of Government Business has come in because I would like him and the Minister of State, Office of the President, to listen to what I have to say.

Mr. Speaker, Sir, I would like to address the Presidential Speech as a KANU betrayal to Kenyans in what I want to say. Having looked through the Speech by his Excellency the President, let me begin off by this part which says, "we have had enough time to go and meet the people who brought us here." That is a myth. I have had the intervention of none other than the Minister of State, Office of the President, and the Permanent Secretary, Office of the President, Mr. Kimalat, to be able to get to my people. They have apparently gotten the security, the Provincial Administration, to be my watchdogs. They have also gone into the position of changing this administration so often

when they think I have penetrated into the areas where I am not supposed to go within my constituency. But I also do tell them that it is either because of the misfortune or fortune of me being an hon. Member representing two districts. I would like to go more local and be local.

Mr. Speaker, Sir, the Vice-President and the Minister for Planning and National Development said that the euphoria that was there during the 1992 General Election is gone. That is true and we agree with him, but let me remind him that the people of KANU have a bigger job to do than this side, in that they made a lot of promises which have appeared to the Kenyan public to be false. Therefore, as you go about in your campaign in 1997, you have a much bigger uphill task to go through. We agree and we also know that the political parties will not count as we go into the next General Election. It would be based on various individuals that will be brought up. I am sorry, I have seen the in fightings that are going on in KANU; we read about them; people being put in various constituencies and so on. Go ahead and do it, but you are only strengthening this side because come next year and we will sit on that side!

*(Applause)*

Mr. Speaker, Sir, let me talk about the local area. The area I want to talk about is an area in my constituency called Mwea Settlement Scheme. This scheme was established in 1956; I was a little toddler by then, and up to date, the people who live in Mwea Settlement Scheme have still not been given their title deeds. The people who live in Mwea have been denied the right to live in this ranch because certain administrators in this Government, and certain councillors, have the authority to import people from outside Mbeere and bring them into Mbeere. It is most unfortunate. I have on many occasions petitioned the office of the Provincial Commissioner, Eastern Province, but officers there are moved at will and they have no time to listen to the grievances. I have a whole file from elders, leaders and from people of all walks of life, who have petitioned the Provincial Administration in regard to this. But let me tell this Government what they are doing. We all listened to the Deputy Speaker when he was making his contribution the other day. You are sitting on a time-bomb. You want people to pick up arms and fight those who are coming to interfere with their land. That is what is happening.

**Mr. Speaker:** Mr. Nyagah, I am sorry. You must address the Chair!

**Mr. Nyagah:** Mr. Speaker, Sir, I was doing so through you, but looking in a different direction.

The district commissioner has given directives that these illegal settlers who have come from another district to invade my constituency should move out within 21 days. The Assistant Minister, Office of the President, has said in this House, after I brought a question on 30th November, 1996, that these people would vacate the area. As we sit here, five months later, that still has not happened.

Mr. Speaker, Sir, I would urge the Minister, through you, to listen to what is happening. We have had four probe teams that have not so far materialised. The Government has put a lot of money into it and yet no results have been forthcoming.

Mr. Speaker, Sir, let me talk about famine which is a great subject at home. The problem of famine was not brought about purely by the Government, but I have got a lot of contribution to make in relation to lack of food in this country. In August and September last year, this same Government "exported" maize to a company in Europe; but this maize was not moved from Kisumu and Moi's Bridge NCPB stores. Eventually, when NCPB needed maize to distribute to Kenyans, and also Unga Company needed maize to mill, they went to Europe and bought the maize and had it "re-exported" from Kisumu and Moi's Bridge NCPB stores. That, on the part of the Government, is shameful. We must have a policy that proves that Kenyans need to be fed. I am only qualifying in more details, Mr. Vice-President, what the Chairman of the Democratic Party said and I am only also trying to say that I have documents that I can show you on this importation.

Mr. Speaker, Sir, we are told that Members of Parliament are members of the distribution of the Famine Relief Committee. The other day we wasted a lot of time in our DDC where we sat---

**The Minister of State, Office of the President (Mr. Kalweo):** On a point of order, Mr. Speaker, Sir. I do not want to interrupt my colleague, but he has alleged that the Government bought maize from London, and kept it in Moi's Bridge NCPB stores, and imported it from there. He also said that he has some documents; can he avail them to us?

**Mr. Nyagah:** Mr. Speaker, Sir, I did not want to embarrass this Government, but since they have brought me into that position of embarrassing the Government, may I bring you letters to that effect on Thursday this week? I am not asking for next week, but Thursday this week to prove my point.

Having said so, again, I urge this Government to allow Members of Parliament, like we passed in our DDCs, to be members of the Famine Relief Committees that are distributing food to Kenyans. Let me give a classic example of what is happening in Mbeere District. We know that the Government gives Kshs60 per bag for the transportation of maize from the NCPB stores to within 100 kilometres of the constituency. We want to be told by the same

Government, why the District Commissioner (DC), Mbeere District, is not paying the transporters the Kshs60 that the Government is giving, but instead, he is paying Government contractors in kind. The present position is that the contractor is paid 15 bags for every contract that he makes, which amounts to about Kshs30,000 on every truck-load of maize that he transports.

Mr. Speaker, Sir, we said it over and over again that the police is not doing its work. Three weeks ago, 150 bags of maize were taken from the NCPB stores in Embu. They were signed for by the County Council Chairman of Mbeere, who then took them to Mwea and tried to negotiate and sell that maize to a businessman who, upon weighing it, managed to get 141 bags. He then in turn refused and took the maize to a girls school in hon. Ndwiga's Constituency called Kiriari Girls Secondary School. The DC and his entire team have not taken any action. This is an administrator who, on many occasions, has been interdicted and has been dumped in Mbeere District. We, as Mbeeres, have appealed to this Government that this particular DC is corrupt. The police and the Special Branch have done a lot of investigations, but they are not getting anywhere. How does the Government, in all sincerity, think that we, the Mbeere people, can continue to respect this DC who has no respect for Kenyans? His mission is to come and enrich himself. When he went and ploughed in this ranch, I reported the matter to the authorities, but no action has taken place.

Mr. Speaker, Sir, let me move on to another subject within the one minute that I am left with. It is unfortunate, but I hope the Government takes my message seriously. I beg to oppose.

**The Assistant Minister for Commerce and Industry** (Mr. Galgalo): Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Presidential Address.

I would like to comment on two issues. The first one is the issue of enabling the pastoralists to be self-sufficient. Well, the President has said that the Government is going to strengthen these communities which are not endowed with wealth because they have been impoverished by famine. Year-in year-out, we have been complaining about the Kenya Meat Commission (KMC). Although hon. Members have raised Questions in this House about when KMC would start serving the people, it has not been able to serve us up to now.

In the Kenya highlands, land is owned by individuals who have got title deeds. These title deeds enable them to acquire money from banks and other institutions which give loans and this enables the people concerned to develop economically and expand their wealth as well. Unfortunately, in the pastoral areas, the land belongs to the community and even where there is land that the people are cultivating and they have farms, they do not have title deeds. There is no way our people could go to the banks and acquire loans and do business like other Kenyans in this country. I am, therefore, appealing to the Minister for Lands and Settlement to ensure that this land is demarcated and the people are issued with title deeds to enable them acquire loans from banks and to give their land value because if the land does not have a title deed, it does not have any value. It does not help the people. Therefore, the people will continue to be poor in these areas. We would like to see this done to enable our people live comfortably like other Kenyans in other parts of the country.

Mr. Speaker, Sir, I have severally complained in this House and outside this House about aggression against Kenya because of interference by Ethiopian forces who cross into our country killing our people as well as taking their livestock. In October, 1992, a house about 200 metres from mine was attacked by Ethiopian forces at night and two people, namely, Liban Galma and Jilo Gamachu were injured and admitted to Moyale Hospital. In April, 1994, Mr. Halake's home was attacked. He was also shot at in his shamba and he ran away. That incident took place at Anona in Sololo Division, and we reported the matter at the police station. In December, 1992, 12 people were killed and 21 others were injured by Ethiopians.

Mr. Speaker, Sir, again on 6.9.94, Mr. Molu Boru Liban was abducted somewhere in Dambala Fachana Location, as he was looking after his cattle. I reported the matter to the Permanent Secretary in charge of internal security. I also wrote a letter on the same subject and he promised to request the Ministry of Foreign Affairs and International Co-operation to present a protest note to the Government of Ethiopia. Up to now, I have not seen or heard anything. My letter has so far not been replied to.

Ever since, this practice has been going on in Moyale Constituency. On 13.7.95, Mr. Galma Galicha was abducted and assaulted for six months in Hidilola in Ethiopia, but was later on released. A Mr. Kalicha was abducted on 12.3.96 from Sololo Division. Mr. Adhi Godana was also abducted on 12.3.96. Up to now, it is not known where these people are, and the Government of Kenya has not presented any protest note to the Ethiopian authorities.

On 16.7.96, a Mr. Guracha was taken from Moyale Town in Ethiopia. He had just walked across because the border is not closed and people from Ethiopia come to Moyale in Kenya, and similarly our people go across to Moyale in Ethiopia. He was the KANU Chairman for Butiye Location. He was tortured and released after Christmas in December, 1995. Last year, Mr. Guracha was here for almost eight months, attending hospital because of the torture he was subjected to by the Ethiopian authorities. Although he has complained to the Ministry of Foreign Affairs and International Co-operation, nothing has been done.

It does not require 56 Kenyans to be killed by Ethiopians for our Government to take this matter seriously. I am appealing to the Ministers in charge of internal security and defence to realise that this matter is no longer for the Ministry of Foreign Affairs and International Co-operation. This matter now amounts to external aggression, and the Government should ensure that our border is properly guarded so as to secure the security of Kenyans and their property. Although these areas are remote, we would like to see the people in the region being treated like other Kenyans. When a Kikuyu kills four cows belonging to Kalenjins in Eldoret, that is a very important issue. When a Kalenjin kills two cows of a Kikuyu in Molo, it is big news. But when people die in Northern Kenya, it is banditry! I would like this matter to be taken very seriously by both the media and the Government. The media also ignores deaths in Northern Kenya.

Lastly, on 6.3.97, Ethiopians marched into a village in Waye Goda in Sololo Division, Moyale District, woke up people at night, picked a few young men and when one of them told the others: "These people want to kill us; let us run away", they killed that young man. He was called Halkano Dika Duba. I would like this matter to be taken seriously. Just last Wednesday, it was reported that Ethiopians went into Bori Village in Moyale and asked for three elders. Fortunately, the elders slipped away and the Ethiopians did not get them. If they got the elders, maybe, they would have killed or taken them to Ethiopia, and tortured them for no reason. I would like the Government to take this matter more seriously than it has so far done.

With these few remarks, I thank you.

**Dr. Oburu:** Thank you very much, Mr. Speaker, Sir, I would like to make a few remarks on the Presidential Address to this House. First, I would like to make a remark about the Provincial Administration. In Siaya District, where I come from, we have a District Commissioner, who was originally posted there as District Officer II. He was promoted to the grade of District Officer (DO) I, and now is the DC. He has been in that district, without being transferred, for more than 10 years. This DC is very oppressive and is anti-development. The more oppressive he becomes the longer he is likely to remain in Siaya District. We are appealing to the Government to rotate administrative officers, so that they can get experience elsewhere. When they stay in one place for too long they become too oppressive, too familiar with the people and do not perform their duties properly.

My second point is about the DO in Bondo. This DO is the Chairman of the Education Fund, for which I invited hon. Muite to raise funds two years ago. The DO has refused to disburse funds to our people, despite the fact that there are many parents who are unable to send their children to school because they do not have enough resources to pay school fees. I have taken up this matter with the Provincial Commissioner (PC) and the DC but they have refused to order that DO to disburse the funds, so that poor children in my constituency can go to school. These officers have refused to disburse the funds simply because the money was raised by hon. Muite, whom they thought is not friendly to them. But the children who are supposed to benefit from this fund are not only those of members of the Opposition, they are Bondo children. Even the DO's child might benefit, if he likes.

The third point that I would like to raise is about the establishment of a medical training centre (MTC) at Siaya District Hospital. There are medical training facilities in training centres in almost every district hospital in the country. The District Development Committee (DDC) has discussed and passed a resolution asking the Government to establish an MTC at Siaya District Hospital. For whatever reasons, the Government has refused to establish an MTC at this hospital despite the fact that all the facilities for running it are there, and the people require that training.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, the other point that I would like to raise here is about the state of roads in my constituency. It appears as if the district works officer in Siaya District has no programme at all. It appears as if his job has been hijacked by the Provincial Administration. This man works out a programme which he never follows because the Provincial Administration takes the only single grader in the district and uses it to do favours to politicians from the ruling party. It is high time this man started drawing up a programme and following it to do the job he is given by the Government, instead of acting on the instructions of the DC. As a result of this practice, the roads in Siaya District, and particularly the ones in my constituency, are in a pathetic condition. They are never maintained at all. The reason why the Government has been retaining only one grader for a whole district with 10 divisions is inexplicable to us. Year in, year out, money is given for the repair of these tractors, but it is never used for that purpose. The money is either returned or consumed somewhere. I do not want to say it is stolen because I am not sure, but it never goes back to the Treasury. It disappears somewhere along the road.

Mr. Temporary Deputy Speaker, Sir, the road from Kisian to Bondo is in such a pathetic condition that you

can actually bury somebody in those potholes without having to dig them deeper. I can assure you that money is given, but because of the corruption involved, these people repair tarmac roads using murrum, and using murrum to repair a tarmacked road is just like taking a cloth which is torn and blending it with paper. That can never last. That road, is just like the one going to Heaven. I understand that the road to Heaven is rough and the one to hell is a bit smooth. The road going to Bondo is like the one going to Heaven.

Now, coming to the question of water hyacinth, the Government has become insensitive to a very serious matter affecting the lives of people. This is an emergency, but it appears that since it is only affecting an Opposition zone, the Government is not taking it seriously. We have attended seminars organized by donors and technical assistance groups and they are willing to come and remove the water hyacinth from the Lake. There is also the money from the World Bank. I do not understand why a solution cannot be found so that this weed can be removed from the Lake to save our people. That weed is causing our people a great deal of loss in terms of earnings. Fish is our gold, coffee and tea. If we do not get fish, our economy is completely messed up. We have people in the administration who are completely insensitive to the feelings of our people. They do not want to treat this matter with the urgency it deserves and yet the people who come from there know for sure that we are losing. I also want to talk about the sugar industry. The sugar industry is being deliberately killed by people who are in authority. First, some unscrupulous businessmen are being allowed to import sugar and as a result our sugar factories are filled to capacity with sugar because it cannot be sold. They are unable to sell this sugar because the imported sugar is being sold very cheaply. What then happens is that the owners of these factories are unable to pay farmers for the cane delivered and those who pay do so sometimes after four or five months. It is very urgent that the sugar industry is taken seriously so that the Government can revive this vital industry in Western Kenya. Somebody somewhere might be suppressing this industry for political reasons, but he should remember that the people who are suffering belong to this country and irrespective of which part of the country they come from, they need assistance from this Government because they pay tax. They are not begging for this. I would like to say that there is a lot of insecurity in the sugar belt area. Today, in this area, you will find that there are people who are deliberately burning cane. They have taken advantage of the dry weather. I can assure you that we have been living with our neighbours peacefully as opposed to what has been happening recently. I suspect that the burning of the sugarcane is actually a symptom of the 1992 tribal clashes. There are people who would like to create conflicts between the Nandis and the Luos. Because of this, there are allegations that Nandis are burning the cane. We have been living with Nandis from time immemorial and we have never fought. This fight is deliberately created by people who have political interests. Given the fact that the electioneering period is nearing, these people are out to cause conflicts between these two tribes.

With these few remarks, I wish to support.

**The Assistant Minister, Office of the President** (Mr. Awori): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute on the speech by His Excellency the President. I want to thank the President for the wisdom he used in presenting his speech at the opening of this Parliament. I will only pick three points which are contained in the speech.

The first one is famine. We have never experienced famine to the extent we experienced recently. In many areas, in the past, people were able, for instance, to find fruits from wild trees to feed on. This time, that was very much missing.

I want to thank the President for the drastic steps he took in order to combat famine. In the first instance, he issued instructions to utilize the food that was stored in the National Cereals and Produce Board stores. Very sharp traders have been able to make a lot of money out of this tragedy, thanks to the policy of liberalization.

We want to thank the President for having removed duty from the importation of food. This has helped a great deal and we are expecting the importation to go on. We want to ask ourselves what the cause of this famine is. Can we blame it entirely on the prolonged drought? I can say that we are not blameless. Why do I say that? We have been reckless with our environment. The degradation of our environment is extensive. All the forests have now gone up in smoke. We continually forget that trees take many years to grow and that when you burn up a tree, you are not only killing that particular tree, but you are killing seeds and other growths under the tree. We are blessed with hills all over this country. We have not paid any attention to re-forestation of these hills, which we do not even use for agriculture. We have gone further and destroyed even the water catchment. We are an agricultural country and our priority should always be food security. We must always put emphasis on food crops. In order to do so, we would like to have experts in different crops. "Crops" is a general term. You do not expect someone who has been trained to look after maize, for instance, to be good at horticulture. We want to ensure that in the country-side, where people are farmers, we have experts in various crops. We would like continuous research in order to improve food production. Committed and qualified field officers must be able to help farmers everywhere. Above all, not everybody can be a farmer or own land. We would like to discourage this continuous sub-division of farms. We know that in order to farm economically, you have to use heavy equipment and you cannot use heavy equipment on a



five-acre farm, or on a two-acre farm. We would like to ensure that our farms remain intact. We would like proper management and utilisation of our lake in order to take strain off the rain. We have spoken about the possibilities of using Lake Victoria water for very many years, but to date, we are only leaving it in studies.

Mr. Temporary Deputy Speaker, Sir, the second point that I would like to touch on, which His Excellency the President spoke about, is the responsibility of leaders. We would like hon. Members of this august House to show proper leadership. We want them to lead not to be led. We would like people in this House to be role models. We want leaders who do not go around undermining each other. We want leaders who will enunciate peace and stability in this country. We want leaders who must avoid politics of confrontation. We should be servants of those that have elected us so that we can give them service. We have got to be loyal to our country so that we can continue to support our Government. We would like to see, on the other side, a loyal Opposition, an Opposition whose job will be to keep us on our toes, and not an Opposition to confront us or to destroy. We really would like to see a loyal Opposition. We must help to eradicate the scourge of tribalism, and this has been recently exhibited by one who pretends to be a candidate for the ultimate position in this country. In this regard, I am referring to the hon. Member for Kiharu. The hon. Member for Kiharu is a tribalist of the first order, a man who has got no responsibility.

*(Applause)*

**Mr. Mulusya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member on the Floor in order to impute improper motives and to discuss the conduct of an hon. Member of this House without bringing a substantive Motion to this House? Is he in order?

**The Assistant Minister, Office of the President** (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, the matter is topic. Mr. Matiba has termed the Luhyas as "cheap", and he has said he is not prepared to work with Luhyas. Mr. Matiba knows that he received more than 200,000 votes from Luhyas and yet---

**Mr. Kamuyu:** Mr. Temporary Deputy Speaker, Sir, is the Chair fully satisfied that this debate should continue? He is imputing improper motives on a Member of this House, who is the Chairman of a party, and who is entitled to his own opinion. Should he do that without a substantive Motion?

**The Assistant Minister, Office of the President** (Mr. Awori): So am I. I am a member of this House and I am entitled to my own opinion.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, with due respect to the Chair, I stood on a point of order asking the hon. Member whether he is in order to discuss the conduct of another Member of this House without bringing a substantive Motion. We expect a ruling from the Chair, and we would not expect the matter to be just passed over like that. Can we have a ruling from the Chair on whether he is in order to continue that way?

**Mr. Shikuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry to take the hon. Member's time. Did I hear the hon. Member say that he was expressing his opinion? Is it not a statement of fact that his happened? If hon. Matiba is not here, and being a Member of this House, under Standing Order, No. 69, he can come and explain himself. We are not far-fetching and we are not just imagining. What he said is true and we take great exception to that. If hon. Matiba is a man, let him come here and do that under Standing Order No. 69.

*(Both hon. Mulusya and hon. Kamuyu stood up)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Kamuyu. Carry on, hon. Awori.

**The Assistant Minister, Office of the President** (Mr. Awori): Thank you, Mr. Temporary Deputy Speaker, Sir. My third point refers to the coming elections. The President, in his speech, warned us that when the elections come, people are going to---

**Dr. Oburu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether it is in order to accuse another hon. Member of having uttered words which were merely read in the newspapers and have not been substantiated. I was personally there and hon. Matiba never said those words.

**An hon. Member:** That is not a point of order.

**Mr. Kamuyu:** Yes, it is a point of order. What is the ruling of the Chair?

**Mr. Shikuku:** Let him come and defend himself.

**Mr. Kamuyu:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to make a quick run down of the various reasons why KANU will fail dismally in the next General Elections this year. I have got nine reasons why KANU will fail. First of all, KANU has caused this country to have the worst internal morale ever in the history of this country. Also, our external credibility is at the worst ebb anywhere in history. Nobody at all now believes Kenya, either in the Western world or even in the region here. Kenya is isolated because of bad governance

as the following illustrations show.

I want to start by general business development. As you are aware, business in Kenya has virtually come to a standstill because of bank interest rates which are the highest in the world. This is because the Government is deliberately participating in the money market. It is about time that the issuing of Treasury Bills was stopped in this country. If businessmen have to borrow money, if they have to prosper in their businesses, then the Government must, on the very outset, stop the idea of Treasury Bills. This is because if the interest paid on Treasury Bills amounts to about 25 to 30 per cent, then obviously, everybody will invest in Treasury Bills.

You recollect that in 1993, due to the so-called "mopping up" of bank notes printed previously because of the KANU elections of December, 1992, the mopping up system cost 70 per cent of Treasury Bills.

Mr. Temporary Deputy Speaker, Sir, this country is so demoralised and that is why KANU is losing obviously this year because we have a very very hungry nation. You are aware that the stalls and the shops are full of food. There is abundance of food. Why is that food not being bought? It is because there is no money for purchasing it. So, food is rotting in the shops while wananchi are dying in the streets. This is something that should be addressed immediately if this Government is not going to make itself even more unpopular. You cannot see any queues in the shops and yet the shops are full of food and people are dying of hunger. That is a sign of a nation that is very badly managed.

Mr. Temporary Deputy Speaker, Sir, as you are aware, another sign of a demoralised nation is the Police Force. Police officers in this country are so lowly paid that now corruption in the Police Force has become official. Whereas I congratulate the new Commissioner of Police for efforts he has made, they are not enough at all. If our Police Force has to be seen to be effective, they must be properly paid. Not just the Police Force which should be catered for, but the uniformed units generally. I do not even see why the army is not transferred to the northern parts of Kenya because they are sitting in the barracks doing nothing while the policemen who are badly demoralised are dying at the border up in the north. That is why most of northern Kenya will not give KANU even one vote.

Mr. Temporary Deputy Speaker, Sir, I wish to congratulate hon. Matiba for having issued a very honest statement because when one talks the truth, it usually hurts. However, it is not good for any hon. Member to attack them here. They can call the Press. They should not bring this issue here without a substantive Motion because that is grossly out of order.

**Mr. Kaptan:** On a point of order, Mr. Speaker, Sir. The hon. Member is saying that Mr. Matiba made a honest statement. The hon. Member on the other side was talking about hon. Matiba having said that the Luhyas are cheap. Is Hon. Kamuyu also saying that the Luhyas are cheap? Is that an honest statement?

**Mr. Kamuyu:** The only person who is not cheap in this House is hon. Kaptan, of course, the other ones are. I would proceed and say that this is a year of elections.

**Mr. Mulusya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard it yourself from the hon. Member that the only Luhya who is not cheap is hon. Kaptan. Is he in order even to impute improper motive that the Chair is also cheap?

**Mr. Kamuyu:** No, no. the Chair is very honest; it is not cheap. In fact, the Chair is material now for presidency. This is a year of elections, I would like to emphasise that unless the Government is again very careful to allow the hon. Members of the Opposition to be free when they are organising their meetings, then there is going to be riot in this nation. It is about time that, that freedom was given honestly and truthfully.

Mr. Temporary Deputy Speaker, Sir, some time back, there were some talks about KAMATUSA and GEMA alliance. Similarly, members of NDP and FORD(A) are also talking now. In any case, GEMA should be registered because as you know, Kalenjin is a conglomerate of two Turgens, Keiyos, Nandis etcetera. In the same way Embus, Merus and Kikuyus should be allowed to be registered and recognized. I think all the tribal groupings must be strengthened at base level and then come together to form one Kenya. That is realistic because after all, Kenya has 42 tribes and there is no doubt about it. I am not going to pretend to be a Mluhya, and I am not going to pretend that the hon. Member sitting on Chair there is a Kalenjin. If this is allowed at base level, then all of them will be united and form a more united Kenya. So, let us not fight with fantasies; we must go into realities, and I believe it is about time that GEMA got registered that it can operate. And if the Kalenjins want to negotiate with the Kikuyus, they cannot negotiate under a loose arrangement. Let them come---

**Bishop Njeru:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that GEMA should be registered when he knows very well that Embus, Merus, and the people of Kirinyaga never benefited from it. Is he trying to dispute that?

**Mr. Kamuyu:** Mr. Temporary Deputy Speaker, Sir, you know the hon. Member on the Floor wants to cross over to KANU next week. So he is just preparing his ground so that he is liked by that side and, of course, to go and bring a brief case from State House. If we do not at this point in time watch, there is going to be physical warfare in this Parliament. You are aware that recently an hon. Member was almost shot dead in the Members' Room. He was

threatened that he was going to be shot. The same person who threatened to shoot the hon. Member wanted to beat hon. Biwott. So, we must start getting hon. Members checked at the gate, the way it was happening two years ago. Otherwise, as tension grows, there could easily be a warfare in this Parliament and I am sure that is not the interest of the Chair.

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has made a very grave assertion that an hon. Member was almost shot in the Members' Room and we have not heard that before. Can he tell us who is the hon. Member who was about to be shot and who is that Member who had a gun to shoot another hon. Member within the precincts of Parliament? That is a grave assertion.

**Mr. Kamuyu:** As you know, the truth hurts very deeply the Leader of Government Business in this House. It was Dr. Kituyi, and everybody knows about that. The fight took place here and we were here. So that is not a big deal and it was hon. Shamalla who almost shot his colleague. That is not a secret. Very many hon. Members here were present and the incident was also reported in the front page of the Newspapers.

**The Minister for Information and Broadcasting** (Mr. Makau): Thank you very much, Mr. Temporary Deputy Speaker, Sir.

The Presidential Address as presented, if you look at the contents, it gives very good guidance.

(Mr. Nassir crosses the Floor  
without bowing to the Chair)

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Mr. Nassir! Will you go back to the Bar and bow to the Chair?

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I was saying that the Presidential agenda that should guide us in this final Session are very important issues. But one very important issue that was contained in that Speech is the need for the maintenance of law and order and to follow the rule of law in whatever we do in this country.

There is one issue that disturbed me. When the President declared the famine as a national disaster, Members of the Opposition were so worried because of the election phobia, that they talked of all sorts of things. But the President of this country is empowered by the Constitution to declare a national disaster at any given time if he feels that this nation is threatened. This is not done only in Kenya but all over the world. Most of the presidents of the world, including the one of the United States of America, declare a national disaster at any time they feel that the nation is threatened, so that they can sort out the problems. This is done all over the world and I do not see why Members of the Opposition should be worried. They should come out of the election phobia and accept that things are done for the interest of this country. It is because of that declaration that mobilisation of resources to fight the famine was realised. I would like to appeal to Members of the Opposition not to be very scared about things that would benefit this country.

As everyone is aware, and as was pointed out in the Presidential Speech, peace is very crucial within our region, especially in the Great Lakes Region. This House should appreciate the peace initiative made by President Moi.

When there was a meeting in Lome, Togo, the United Nations (UN) Secretary-General, Mr. Koffi Annan, the Secretary-General of Organisation of African Unity (OAU), Dr. Salim Ahmed, praised President Moi for making that initiative. Now, the UN is using that to sort out the problems in the Great Lakes Region, especially in Zaire.

It was very interesting that some of the Members of the Opposition, without even looking at the suffering and the problems that the people within the Great Lakes Region, and especially Zaire are undergoing as a result of destabilization and killings, stated that they supported that violence.

Everybody knows that Mr. Kabila is a factor today, but what is important is what was concluded and contained in the communique that was issued after the meeting in Nairobi: That there should be a negotiated settlement within Zaire. This is because anything happening there would affect the neighbouring countries, thus bringing a lot of suffering.

I would like to appeal to Members of this House to support President Moi in the peace initiative that he made, and which has been acclaimed not only in the African region, but internationally.

Mr. Temporary Deputy Speaker, Sir, the maintenance of law and order is extremely crucial for any country. The rule of law is also very crucial. It was stated very clearly that any suggestions that will be brought about the Constitution will be debated. Eventually the debate has to come to this House for any change of the Constitution. It is surprising that people go to workshops and seminars out of this House, and they give ultimatums. Some Members are soliciting for funds for financing these workshops, which actually are commercial and meant to benefit those who

are soliciting for those funds. The donors who are giving the money should ask them to be transparent and show how they have used those funds. Most of the funds go into people's pockets. Those who attend and organise those workshops like the one that ended in Limuru should be asked one basic question: That it has been stated very clearly that there is no time to make changes in the Constitution now. They have given an ultimatum of June. The Government has stated very clearly, through the President, that Constitutional changes would take place after the elections.

**An hon. Member:** Does he own this country?

**The Minister for Information and Broadcasting** (Mr. Makau): He owns it because we elected him to be the President and every Kenyan supports him. So---

**Mr. Shikuku:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nimemsikia mhe. Makau akisema kwamba Rais wa nchi hii anamiliki Kenya hii! Ana hakika anamiliki Kenya hii? Kenya siyo yake! Kenya ni ya Wakenya.

**The Temporary Deputy Speaker** (Mr. Wetangula): In fact, he was reacting to your leading question about it.

**The Minister for Information and Broadcasting** (Mr. Makau): I said he is the Head of State. You are the head of your family, if you have any. So when we say "Head of State", he is the one in charge of this country.

**Mr. Shikuku:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Je, mhe. Makau ana haki ya kusema kwamba Rais wa nchi hii anamiliki familia yangu? Mimi nina familia yangu na yeye ana yake. Tena kumfahamisha mhe. Makau, mimi ni kundi kubwa! Nina wanaume wanane na wasichana wanane! Yeye ana wangapi huyu?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Mhe. Shikuku, wewe hukumsikia vizuri! Alisema wewe unamiliki familia yako.

**The Minister for Information and Broadcasting** (Mr. Makau): I was actually praising you as the head of your family, if you are strong enough to be the head of your family. But you are strong with those number of children that you have sired. I have five.

I am saying that because there are two issues that have been raised by those people. The participants in those seminars, and especially those who convened and chaired it know that there is no way they can go to their place and be elected. So, we should accept that it is this Parliament and the Electoral Commission, that they gave the ultimatum because they are appointed through the Constitution. The President is empowered by our Constitution to appoint the Electoral Commission. If you care to look at that Section of the Constitution, the President is empowered.

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

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

Now, what is surprising is the election phobia and the fear that the Opposition and all those who were in that workshop spoke about. They spoke about the need for a coalition Government by next year. It is surprising that the Opposition has already decided that they are not going to make any headway in the next election.

**Mr. Shikuku:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mbunge yeyote akisimama kwa jambo la nidhamu, yule anayezungumza hukaa chini. Ni haki kwa mhe. Makau kupotosha Bunge hili kwamba tulikuwa na workshop? Ilikuwa convention na siyo workshop ile ya KANU.

**The Minister for Information and Broadcasting** (Mr. Makau): We do not recognise that there was any convention. It was a workshop or a seminar. You are trying to give it a higher name, but we do not recognise that there was any convention. This is because we are opposed to any Constitutional Convention until the time that this House will be the one to do any amendment of the Constitution. So, when they talked about a coalition government, it was due to election phobia and they had already defeated themselves. We have already stated that a coalition government is not palatable as far as we are concerned. Any coalition government in this country will bring about tribal divisions. We believe in a strong Government that is formed by a party that wins the elections, according to the Constitution.

With those few remarks, I beg to support.

**Mr. Mwiraria:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I rise to oppose the Motion before the House.

First and foremost, I wish to thank the Government for the action that they have taken in obtaining food for the many hungry people in this country.

Having said that, I wish to be a little bit more specific and speak about the problems of the hungry people in

my constituency. For the last two seasons, there has been a complete crop failure in North Imenti. This has been compounded by the fact that all livestock in the drier semi-arid areas in Timau, Buri Division and Miriga Mieru East have been stolen by our neighbours who seem to have guns in abundance. But the most surprising thing is that the livestock which is stolen, even when it is recovered, the poor farmers are asked to share the recovered animals with the Members of the Anti-Stock Theft Unit stationed somewhere near Isiolo. It is a known fact that the head of the Anti-Stock Theft Unit owns a Manyatta in Mutunyi area where he keeps his loot.

I would like to appeal to the Government to take care of this and make sure that they post somebody there who is not that openly corrupt and who will not share in the miseries of the poor farmer. On the issue of food, Meru District has got about 200,000 people who are considered to be on the list of the hungry but those people got only 4,000 bags of maize this month and this worked out to about 2 kilograms per family per month. That is really a drop in the ocean and I would like to appeal to the Minister responsible for this portfolio in the Office of the President, to increase the ratio of food given to the people of Meru. In addition, I would like the Government to re-examine the system of food distribution, because it is being distributed by KANU leaders, who have not only decided - if I may quote the Animal Farm - that they are more equal than other Meru people because when they share the food, they give 2 kilograms to each family head and they take 10 kilograms for their own families. By and large, these are people who are well-off and would not, therefore, deserve to have more food than their counterparts who have nothing. So, I want to urge that Meru District should really be given more food rations and the people distributing this food should include members of the church who know who the poor people are, so that those who are starving get more food than the wealthy ones who do not need it.

In the President's Address, on page 2, paragraph 3, the President talks about the need to develop the capacity of the people in the drought prone areas. Unfortunately, although the Government settled people in Timau and Buri Divisions 20 years, it has made absolutely no efforts to assist the people to develop this capacity. One weakness which has been admitted by the Minister for Land Reclamation, Regional and Water Development in this House is that 20 years after these people were settled in Timau, there is no single Government water project. Could the Government do something about this?

Let me now turn to a problem which is likely to compound the hunger situation in North Imenti. Over 1,000 people in Timau are being evicted from their land at the moment. Notices were sent out in late October last year by the Ministry of Lands and Settlement in Nairobi, to the farmers through the Settlement Officer in Meru. Those notices are still at the Settlement Officer's office in Meru. In short, the notices were telling the people that when they were given the land so many years ago, they were expected to fence it, to occupy the dairy houses and develop the land through farming. They were also expected to pay for the land. The notice gave them 60 days within which to go and see Lands and Settlements Officer and explain their position, telling them that the land would be taken over by the Ministry of Lands and Settlement. The first people to receive the notices which were issued on 8th October last year, received them on Friday last week when other owners of the land, which they are living on were going to be shown that land by people from the Ministry of Lands and Settlement. This is a very serious matter given the fact that these people have been on the land for over 20 years. They have developed the land, put up houses and in fact, some of them have got two or three sons settled on the same land and many of them have even fully paid up. One case which I was shown had paid the last instalment on 18th October, 1996 and yet, somebody wants to take over the land from him because he has a title deed. This is an extremely dangerous situation which could be explosive and I warn that unless the Government takes heed of what is happening and stops this repossession, there will be bloodshed in North Imenti, something which all of us here do not like to see.

One must view this matter in its right perspective. His Excellency the President, in 1995 at a meeting in Nyandarua requested the Ministry of Lands and Settlement to waive any outstanding payments for land in settlement schemes so that people could be issued with title deeds. A year and a few months later, the Ministry is issuing people with notices to expel them from that land. Does this really reflect well on our Government? Does it reflect about a Government which is mindful of its own people's welfare? To me, it does not.

The Wazee who brought this problem to my attention on Sunday evening were very upset and categorical. They told me that they expected the Government to come to their defence but if this does not happen, they will take the law into their own hands and anybody who goes to settle on that land can expect the entire neighbourhood to lynch them. I am not issuing a threat. I am just stating what the poor settlers in Timau have threatened to do, unless the Government attends to this matter very urgently.

Mr. Temporary Deputy Speaker, Sir, I wanted to make another point but I think it is too late to do so.

With those few remarks, I beg to oppose

**Mr. Gumo:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Mr. Temporary Deputy Speaker, Sir, famine is in every part of the country and we people in Nairobi have

been left out. Some people think that in Nairobi there is no famine, but there is famine also in Nairobi. We have people who are suffering and have nothing to eat. Some of them do not even have shelter. If you go round even in my own constituency, people are wondering why they have not been considered. I would like to ask the Government to consider giving food to some Nairobi residents who are hungry. If you went to places like Kangemi, Mathare, Kibagare and many other places, people sleep hungry because today, one packet of flour is about Kshs60 to Kshs70. The majority of these people cannot afford that and this is as a result of the famine that we have in the country. Today, one bundle of *sukuma wiki* which used to cost 50 cents is now costing Kshs10. These people need famine relief food and I hope the Minister concerned will make sure that people in Nairobi are also catered for.

Mr. Temporary Deputy Speaker, Sir, we have also had a lot of problems in Nairobi. Today, I do not even know what trade unions do. Because, people are sacked anyhowly and if they go to report to their trade unions, they never take action.

**Mr. Shikuku:** They are corrupt!

**Mr. Gumo:** Even when shopstewards call strikes, they are also sacked. In some cases, companies sack everybody and when these people appeal to the Minister for Labour, he declares that as an illegal strike. Every strike in this country is illegal. So, we politicians are now having problems. Instead of these people going to their trade unions, they are now coming to us for assistance. Something must be done! Trade union leaders must be active. In fact, if they are active, they are also helping us as a Government. But if they are going to allow these rich people to keep on sacking people everyday, this is going to cause a crisis.

In my constituency, for example, the majority of employees are watchmen, maids and cooks. Every morning, at least 10 of them are sacked but their trade unions do not act and so, they all look for Gumo. I would like to urge the Minister for Labour to take action and at least strengthen the trade unions. He should tell the trade union leaders at least to help people, because people are suffering in this town.

Mr. Temporary Deputy Speaker, Sir, displacement in Nairobi is also going out of control. We have people in Nairobi who have lived in certain areas for more than 40 years. What is happening today is that, because there are no more plots in Nairobi, some of the rich people get allocated these areas and then they arrange to remove the poor people from these areas. In some cases, you find that they are given title deeds and when they fail to remove them, they sometimes use Police to remove these people. At times, they use some security firms. Recently, we had a bad incident in Soweto where three people died. People were killed when they resisted. Well, eventually, the poor people were thrown out and they are now in court and yet, they had been there for the last 30 years. Some of them claim to have been allocated that land by the late President Jomo Kenyatta, but since he is no longer there, they have no choice. Some of these title deeds have been backdated. Even title deeds which were given yesterday are backdated to 1978 or even 1970. I do not know what is happening these days and we must do something about this because, these are people who are poor and have nowhere to go. If they are thrown out of their land, the only person they can go to is the politician who in some cases is also helpless.

Mr. Temporary Deputy Speaker, Sir, another point that concerns particularly Nairobi is: The World Bank has availed some money for road repair, but the way the roads are being repaired in Nairobi, I am sure after these rains, most of these roads will be washed off and there will be potholes again. The contractors who have been given this work do not even sweep before they tarmac these roads. A contractor even does about 10 kilometres in a day here in town and yet, this money will have to be paid by some of the Councils. So, unless supervision is properly done, this money will go the way the rest has gone. So, this is a point that the City Council and the Ministry of Public Works and Housing should look into.

Mr. Temporary Deputy Speaker, Sir, before I conclude, I would like to say that I was very upset and I am sure even Luhyas as a community were also upset, when hon. Matiba went right in Kakamega and Busia and said that Luhyas are cheap. Luhyas as a community are not cheap.

**Bishop Njeru:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Gumo in order to impute improper motives to a fellow man, a Kikuyu like him, that he said, Luhyas are cheap? Is he in order to accuse a Kikuyu like him?

**The Temporary Deputy Speaker (Mr. Ndotto):** That is not a point of order! Proceed!

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, Luhyas are disappointed; they are very disappointed for a person to go and call them cheap in their land. He is lucky that some of us were not there, he would not have come back, definitely.

Mr. Temporary Deputy Speaker, Sir, Luhyas gave hon. Matiba more than 200,000 votes without him even stepping there and they gave him because of hon. Shikuku, who he chased away the other day. Now, instead of stopping there, he goes there and abuses them. He says that they are cheap. How do you expect somebody like this to be a President of this country? How? In fact, something should be done. This is a man who can create problems. He is inciting people. I say so because today, there are many Kikuyus who are working in Western Kenya, doing business

there and he goes there and calls Luhyas cheap. Are they cheap because they have allowed Kikuyus to work there? We should not allow crazy people like these to go round campaigning for the presidency. The Government should do something. A man like this one should be confined to one area. He should be told to sit in one area only. He should! He is crazy! He can cause war in this country!

**Mr. Muite:** On a point of order Mr. Temporary Deputy Speaker, Sir. Is it really in order for the hon. Member to use the term "crazy"? Is that Parliamentary language?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, Mr. Matiba is crazy and everybody knows that he is crazy. And I repeat it again; he is crazy!

**Mr. Muite:** On a point of order Mr. Temporary Deputy Speaker, Sir. This is a serious point of order which requires your ruling. The word "crazy" is not Parliamentary and the House is entitled to your ruling.

**The Temporary Deputy Speaker (Mr. Ndotto):** I do not think the word "crazy" is unparliamentary.

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, in fact, Kenyans have already made up their minds that Matiba cannot be their President because they have seen him, they have heard the way he talks and the way he presents himself on T400V and they know that he cannot make a President of this country. Thank you.

**Mr. Kapten:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion. I wish to start by supporting the sentiments expressed by hon. Gumo whilst I do not condemn Kikuyus as a tribe because the statement uttered was by an individual and that is hon. Matiba. I think hon. Matiba must reassess himself and know that if he is trying to be President of this country, he must have the respect of all the Kenyans. His statement that Luhyas are cheap, if it is true, is very unfortunate and must be condemned by all right-thinking-members of society.

Mr. Temporary Deputy Speaker, Sir, having said that, I wish to congratulate the Speaker and the Clerk of the House for trying to renovate the Parliamentary precincts by washing all the stones using Omo and whatever soap that was available. I can also see the Parliamentary members of staff have also been "renovated" by having new uniforms. I am hoping that our library will also be renovated by having all the books amended. We make laws in this country, but if you want to make a reference in any of our Acts, you actually have to go to the High Court to get an updated amendment. Most of these books, even these ones which are in the Chamber, are not amended. I hope something will be done to have our library updated.

Mr. Temporary Deputy Speaker, Sir, we had famine in this country. One should ask why, after 34 years of Independence, an agricultural country like Kenya should experience famine.

The Government keeps on blaming God for this calamity. We blame God that the weather has been bad when actually we experience famine because of bad planning and misuse of funds. In Western Province and parts of Rift Valley that is Trans-Nzoia and Uasin Gishu, where we come from, we have never experienced long droughts. The rains went the normal way and they have come the normal way and these are the parts which produce most of the food in this country and yet we experience famine. We do not have a good agricultural policy in this country. Last year we were exporting maize to South Africa and this year we are importing maize from South Africa. Why can we not have storage facilities to store enough maize to see us during bad weather if we did have bad weather? I do not accept the proposition that we experience famine in this country because of bad weather. It is simply because of the bad planning which we have.

Mr. Temporary Deputy Speaker, Sir, another thing which is bringing famine in this country is this land grabbing mania. Most of the land which was used to produce food in this country has been given, sub-divided and given to a few well connected individuals. You come to Trans-Nzoia District and you will find that most of the land which was producing maize, especially the ADC farms, has been sub-divided and given to a few individuals who do not practice farming. They are only given land for speculation. If the Government can give land for speculation; land which was used for producing food, how can we expect to have enough food in this country?

Mr. Temporary Deputy Speaker, Sir, even the land allocation has been very unfortunate. For the last 18 years or so that President Moi has been in power, he has selectively given agricultural land to a few individuals and a particular tribe. In Trans-Nzoia District the Luhyas constitute 62 per cent of the total population and yet not a single farm, since President Moi became the President of this country, has been allocated to the Luhyas community. Why is the Government overlooking this community when we are actually able to produce enough food?

Mr. Temporary Deputy Speaker, Sir, ten farms have been given out. Nzea ADC farm, Kipsongore ADC farm, Hillbrook ADC farm, Jabali ADC farm, Gatuke ADC farm, Ngata ADC farm in Nakuru, Milimani ADC farm and so may other farms have been given out. If the Government does not change its policy on land allocation, then we are going to have problems in this country. Land has brought many problems in many countries and I can say this: If the KANU Government cannot change its policy, the people are going to rise and invade these farms. This is the information and the message that I have been given by my people and I have to convey it. We must be fair to all tribes in this country and not to only one ethnic group.

Mr. Temporary Deputy Speaker, Sir, forests have also been sub-divided, de-gazetted and given out. Mount Elgon Forest which has been supplying us with a lot of water in Rivers Kuywa and Nzoia has now been depleted by two factories which are Webuye Panpaper and Rai Plywood Mills in Eldoret. The rivers are drying up because of depletion of forests and the Government must take this matter very, very seriously. Although we say that we must industrialise our country, then there is no need of having industries like Panpaper Factory in Webuye. We would rather not have them because Panpaper Factory has been responsible for the pollution of the area. You cannot put up any building near Panpaper Factory because of corrosion. Many people who live adjacent to this factory are dying.

Mr. Temporary Deputy Speaker, Sir, so many people are dying in Webuye Pan Paper Mill. Peoples' limbs have been amputated and yet the management of the Pan Paper Mill does not care. Recently, the management sacked 1,500 people, people who have been working there for many years. I know of several people who have been there for more than 30 years and yet they were sacked. When they insisted to get back, a few of them were re-employed on new terms and conditions of service. Is that fair, Mr. Temporary Deputy Speaker, Sir? Yet the Government does not do anything.

We have one particular person, the Commercial Manager, I do not want to appear to be a racist, but this particular Indian should not be allowed to work in an independent African State. He keeps on abusing Africans, calling them donkeys, and yet nothing happens on him. This person should be removed from this country. He came in this country as a mere clerical officer and now is a Commercial Director earning more than Kshs400,000 per month, and yet African managers earn only Kshs18,000 per month in Webuye Pan Paper Mill. It is an unfortunate we should have a factory like this one and people like this particular Indian allowed to work in this country.

Mr. Temporary Deputy Speaker, Sir, recently, our judges and magistrates issued a statement. The Government must take the statement issued by our judiciary very, very seriously. Time has come when we should have an indigenous African Chief Justice because 33 years of Independence we should not be having foreigners as Chief Justice of this country.

Mr. Temporary Deputy Speaker, Sir, time is running out, and I also just wish to take this opportunity to thank Mr. Kabila who is poised to take over the leadership of Zaire. We all support him in the Opposition and we hope he is going to Kinshasa soon.

**The Assistant Minister for Lands and Settlement** (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, thank you for allowing me to say a few words on the Presidential Speech which he made during the State-Opening of Parliament on 1st April, 1997.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on the question of drought as mentioned in the Presidential Speech. I would like to congratulate His Excellency the President for finding it convenient to say something about the drought and the famine which had gripped most parts of the country. The just ended drought may not be over yet because the farmers are not able to plant because they lack inputs. The only way they can get the inputs is by getting loans from the Agricultural Finance Corporation (AFC). Since last year, AFC has failed to provide farmers with the seasonal credit to purchase fuel, fertilisers, seeds and prepare their land when it is right time for planting. It is about two weeks before the rain stops, if AFC does not provide these funds between now and in two weeks' time, then this country will still experience the same famine because farmers are not going to plant. I would like to urge the Ministry of Agriculture, Livestock Development and Marketing to expedite this issuance of loans because I do not see why the AFC workers are still in their offices in the districts and yet they have nothing to do. Their main work is to provide loans to farmers. I am also very grateful that the Government availed food, fertilisers and seeds to the drought-stricken areas. But there is a hitch in this because most parts in the rural areas are not accessible because the roads have not been repaired or tarmacked. I would like to appeal to the Ministry of Public Works and Housing to ensure that the feeder-roads in the country-side are accessible.

Mr. Temporary Deputy Speaker, Sir, I would like to support hon. Kamuyu's views on the interest accrued from the loans from the banks. Where will our farmers go to when the AFC loans are not available because the other banks are charging exorbitant interest rates which cannot be met by the ordinary person? They are charging between 32 per cent and 40 per cent, this is too high. They should also be considerate and a way should be found to reduce that interest of bank loans.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Agriculture, Livestock Development and Marketing, and the Ministry of Land Reclamation, Regional and Water Development should make the construction of dams countrywide a continuous exercise. As it is now, dams are no longer serviceable and it would appear that the Ministry of Land Reclamation, Regional and Water Development which should be rehabilitating these dams so as to collect the current rain water which goes all the way to Lake Victoria is idle.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the security in this country. First of all, I would like to congratulate the new Commissioner of Police for his efforts in trying to eradicate criminals in this country although he is handicapped mainly due to poor communication equipment. I have seen that there are some



few new vehicles bought for Police Force. I would like to see that the Government gives the Commissioner of Police good communication equipment to enable him to visit areas like Kitui, Tana River and all other areas where there are bandits and are not accessible by "Mahindra."

Mr. Temporary Deputy Speaker, Sir, these Mahindras were mentioned once on the Floor of this House that they are not suitable for the police and nobody knows how they were acquired.

**Mr. Orenge:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I was just wondering whether an Assistant Minister can plead ignorance of matters which are within the knowledge of the Government and people like him who are serving in the Government? He said that nobody knows how they were acquired and this creates a very wrong impression of how this Government operates just like Mobutu does not know what is happening in Goma, Zaire because he has lost control.

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order! Hon. Orenge, you should not try to interrupt the speech if you have no point of order. Proceed, Mr. Sumbeiywo.

**The Assistant Minister for Lands and Settlement** (Mr. Sumbeiywo): Thank you, Mr. Temporary Deputy Speaker, Sir, for saving me.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, the police should actually be properly paid, so, that they can work very hard to make sure that there is peace in this country and I am also happy that there is a Permanent Commission which has been established to look into the conditions and terms of service of the police officers and other related services. I hope that the Commission will come out with fruitful results for the security services of this country.

Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the members of the "Fourth Estate" because of their good job that they are doing in this country of educating and informing our people because without them, we would not be knowing what is going in this country and we would not have known that there was a convention which was going on in Limuru, and the other activities that go on in this country. This group of people are always forgotten, but I wish to congratulate them for their hard work and honest work particularly during difficulty times.

Mr. Temporary Deputy Speaker, Sir, this country does not need formation of additional political parties, but what this country needs today is honest, upright and transparent people who can lead this country. But we are making a mistake because every day we are forming another political party, another day, we form another one and at another time, we revive the dormant one, so, we should concentrate on the maintenance of peace in this country and unite our tribes together unlike what another speaker had said here that we should revive tribal parties. I do not approve that one and with these few remarks, I wish to support.

**Mr. Muite:** Thank you, Mr. Temporary Deputy Speaker, Sir. The State Opening of Parliament is supposed to be a very solemn occasion when the President should really wear his clothes as the Head of State rather than in his capacity as the President of the ruling party or even as the Chief Executive, and when one looks at the Presidential Speech, the overwhelming part of what he was saying amounted to politicking. Some of us take very great exceptions to the statement in the Presidential Speech that "when some hon. Members of this House go out of this country, they abuse the privilege of being out of this country to abuse their motherland".

First and foremost, it is the responsibility of the Attorney-General to give correct advice to the President. Travelling out of this country whether by a Member of the Opposition or by any other Kenyan is partly not a privilege. It is one of the fundamental rights. Chapter 5 of the Kenya Constitution does not even create or vest this right in Kenya. The recognition of the fundamental rights in Chapter 5 of the Kenya Constitution merely accepts that this right actually exists outside the Constitution. That is why they are called Fundamental Rights. The Constitution merely acknowledges the existence of these fundamental rights and gives protection if they are breached in any manner.

Section 81 is very clear that every Kenyan has got a right to leave Kenya and to re-enter Kenya. Every human being is born with those fundamental rights and Kenya is a signatory in the International Covenant on Civil and Political Rights where the universality of these fundamental rights is recognised that by virtue of being a human being, one is entitled to each of these fundamental rights and one of them is the freedom of movement; the right to leave one's country and to re-enter one's country. So, it is a matter of extreme outrage for the President when he is here in his capacity as the Head of State on the occasion of

State Opening of Parliament for him to talk about privileges. In any case, when we criticise our country, we are not doing so because we are not patriotic, but we are doing so because we are patriotic and we love this country.

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

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

Some of us have spent more than half of our adult life trying to prevent chaos from breaking out in this country, and that is patriotism. Patriotism must be based on shared values and one of the most important values is that the Government of the day must come up with constitutional order, administrative order that make it possible for the people of that country to change those who govern them peacefully through the ballot box. Because in any country those in power when they close all the windows and the doors, and they arrange the Constitution the way ours is arranged today that even the Electoral Commission is hand-picked by one individual, the Provincial Administration, Public Order, the Sedition Laws; when legal order in a country is arranged in such a manner that the elections are actually a sham, that it is no longer possible to change power through free and fair competition for political power in the market-place; when all these windows are closed, the political message that is being sent out to the people of that given country is that if you ever want to change political power or those governing you, you would never be able to do it through the ballot box. So, if you are persistent in wanting to change things, then you have got to do it otherwise than through the ballot box.

Mr. Temporary Deputy Speaker, Sir, this is the reason why we have been calling for these reforms because we do not believe in violence. A very great course is paid in terms of human lives, in terms of suffering and destruction of property where power has got to be changed through the bullet. But, Sir, it is not those who point out that violence is becoming inevitable who bring it to a country. It is those who refuse to agree to reforms which would make it possible for people to change those who are in power through the ballot, who make violence ultimately inevitable. So, it is a great pity that when Kenyans gather in Limuru, as Kenyans and not as members of any political party, and invite KANU in order for us to talk--- It is simply not possible for this country to have free and fair elections without constitutional, legal and administrative reforms. We want the next election to be fair. If President Moi is truly wanted by the majority of the Kenyans we want him to win the next election. If the majority of Kenyans truly want to be governed, or misgoverned by this Government and the KANU Party, we want Kenyans to have the opportunity of returning KANU to power. What we do not want to see happening, and what Kenyans will not allow, is another sham election, similar to the one of 1992.

So, reforms have to come before the next election, and not after. It is not for one individual to state when he will allow reforms to take place. It is the right of Kenyans to make this decision. The resolutions passed at Limuru must be taken very seriously by this Government. From 3.5.97 mass action will commence in this country. No one is going to sit back and allow a fraudulent and sham election to take place. Mass action will commence on 3.5.97 and will be geared towards forcing this intransigent KANU Government to agree to these reforms.

This is the only opportunity we have of avoiding a bad situation in this country. Amin was a necessary consequence of Obote rule in "Obete I". The Obote system made it certain that elections were a merely a stage-managed public relations exercise. Obote closed all the doors to other people, and so Amin was an inevitable consequence of the misrule by Obote. Kenyans have suffered for a long time and the economy has been destroyed. Unemployment is beyond words. The hospital and educational systems have collapsed.

*(Hon. Galgalo murmured something)*

Even the hon. Member who is now interrupting my speech will bear testimony to the fact that law and order has today collapsed in this country. In his own area, people are able to go and invade after giving notice that they are coming to do so. They go there, rape women, take other women whom they want together with cattle and disappear. In Meru, it is the same story. People go and in broad day light--- If we cannot, at least, provide protection to our women, what sort of Government do we have?

We are on the verge of collapse, and what we are asking is: Can we sit down as Kenyans and agree on the constitutional order that is going to provide protection for all of us? If this Government does not agree to that, then those of us who have been advocating peaceful changes will, after the next sham election, be rendered irrelevant. And, as sure as night follows day and day follows night - and I want all this in the HANSARD of this House - Kenya's own Kabila will take over. The time for Mobutu to negotiate is now before Kabila reaches Kinshasa. The issue of negotiation provides an honourable exit. Do human beings not learn by example of what is happening elsewhere? Can the KANU Government not learn from the example of what is happening in Zaire?

With those few remarks, I beg to oppose.

**QUORUM**

**Mr. P.N. Ndwiga:** On a point of order, Temporary Deputy Speaker, Sir. It appears as if we are doing business illegally because there is no quorum in the House.

**The Temporary Deputy Speaker** (Mr. Wetangula): Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Wetangula): We have a quorum now. You may proceed, Mr. Kariuki.

**Mr. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I would like to join those Members who have contributed on the Presidential Address, and I would like to say quite a few things because a lot has already been said.

Some of us have said that the President did not articulate issues that we wanted to hear. I would like to say that the President knew what he was talking about and he presented his views in this House for debate. Those Members who feel that the speech was not convincing enough, they have all the right to say whatever they want.

I would like to say a few things about the constitutional reform. We have been told several times, in this House, of the importance of constitutional reform. Today, some of us have started to realise that it is always very important to take things naturally, not to force constitutional reforms, structural adjustment policy or whatever has been done since 1992. If we were to do important things, we ought to have done them before the 1992 General Elections. During that time, the Opposition was obsessed with nothing else, but power. They did not think of consultations, amending the Constitution, a Constitution Reform Conference---

**Mr. Muite:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Nominated Member to mislead this House by saying that the Opposition did not go for reforms when he ought to know that there was even a talk of boycotting the voters registration exercise and the General Elections without an independent Electoral Commission being in place? They have now adopted the same intransigence which they had in 1992.

**Mr. Shikuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order, under Standing Order No.68, for the Speaker to stand up while at the same time, there are two hon. Members standing visibly?

**The Temporary Deputy Speaker** (Mr. Wetangula): I did not stand.

**Mr. Shikuku:** The hon. Member who was contributing was also standing like a tree and the other one you had allowed to raise the point of order was speaking. Is that in order?

**The Temporary Deputy Speaker** (Mr. Wetangula): He was out of order and I called him to order. Carry on, hon. G.G. Kariuki.

**Mr. Kariuki:** Thank you, Mr. Temporary Deputy Speaker, Sir. I hope my friend, hon. Muite, will be fair enough to let other people to contribute because it is unlikely that we are going to repeat what he might want us to say.

We are going to contribute freely without fear, and this is what I was trying to say. The time which we were supposed to sit down and deal with the Constitution of Kenya was in 1992. But the Opposition waited until they were defeated in the elections, then they started calling for constitutional amendments

**Mr. Anyona:** On a point of order, Mr. Temporary Speaker, Sir. This is one of the many people who messed up this country when he was a Minister. Right now, we do not even know who he speaks for because nobody has brought him in this House. Is he in order to say that the Opposition did not seek Constitutional reforms when he knows that some of us were in jail precisely for that reason?

*(Applause)*

**Mr. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I would like to ignore the hon. Member's statement that; "he does not know whom I am speaking for". I want to ignore him totally because he deserves it. If I asked who he is talking for, he will just tell me he is the hon. Member for somewhere. He is constitutionally elected here and I am also constitutionally appointed or nominated. I am here constitutionally and I do not think the hon. Member has a point of order.

**The Temporary Deputy Speaker** (Mr. Wetangula): Mr. Anyona, do you want to labour this?

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, as far as I know, there are two ways in which one can become a Member of Parliament. One, is to be constitutionally elected by the people of Kenya and the other one is to come through the back-door by being nominated. Could he now tell us which constituency he is representing in this country, if he is constitutionally elected?

**The Temporary Deputy Speaker** (Mr. Wetangula): Mr. Anyona, that is a frivolous point of order. Carry on, Mr. G.G. Kariuki.

**Mr. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I think hon. Anyona will find time---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. G.G. Kariuki not misleading this House by saying that the only time that constitutional reforms might have been made would have been before the 1992 General Elections when, the President himself, in his address during the State Opening of this Parliament in March, 1993, said that this Parliament was going to discuss constitutional reforms? Let him check page 8 of that particular Presidential Address. Is he not misleading this House?

**Mr. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I agree with what the hon. Member is talking about, but that situation has not come yet.

**Hon. Members:** Ah!

**Mr. Kariuki:** The hon. Members on the other side should know that KANU is in charge and it is only KANU which will organise for constitutional reforms and I want everybody to understand that.

My other point is, if we are looking for constitutional reforms hurriedly just because elections are just by the corner, it will be very difficult to organise for any constitutional reforms between now and the time of the general elections, and that is true. What is remaining now is for the Opposition to work very hard and try to convince Kenyans that they are capable of ruling this country. But today, they are busy fighting among themselves, and yet they are blaming their failure on the Kenya Government.

Mr. Temporary Deputy Speaker, Sir, it is now time for the Opposition to know that they are talking to literate Kenyans who understand because they have known all of us. It is good to have multi-partyism in this country because we are now known by the people. Those who are perceived to be very important, very learned have been seen by the public to be good leaders. The public has already seen that these people are not ready to rule them and that is why they were defeated in the last General Elections.

**Mr. Achieng-Oneko:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for somebody like hon. G.G. Kariuki to talk about readiness or whether Kenyans were ready to rule themselves? Is it fair for this particular hon. Member to doubt our ability to rule ourselves and yet we got Independence in 1963 when G.G. Kariuki was a Member of Parliament and the failure---

**The Temporary Deputy Speaker (Mr. Wetangula):** What is your point of order?

**Mr. Achieng-Oneko:** Is it not true that the failure by people like G.G. Kariuki set back the progress in this country?

**Mr. Kariuki:** Mr. Temporary Deputy Speaker, Sir. I respect the hon. Member, and I have no word for him because he really contributed during the struggle for Independence and I respect him quite a lot. What he should do is to wait and give a chance to other people to speak. Is my time over now?

**Hon. Members:** It is over.

**Bishop Njeru:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to the Presidential Speech. I will base my contribution on page eight of the Speech that the President gave in this Parliament.

Kenyans have been entrusted with the responsibility of guiding this country to a higher level of social and economic prosperity. As we stand now, and the way I see it, the elections are almost at the door step. I am surprised to have learned that everyone who stands in this House points a finger at his friend as if he is the one who has contributed to the failure of this country.

Mr. Temporary Deputy Speaker, Sir, I would request, if that would be possible, that the life of this Parliament be extended to 1998 so that people can become sober. One hon. Member has said that the Luhyas are cheap. It was only one person who used that language. We cannot condemn an entire tribe because of one person. Every one should carry his own cross for his own utterances. Therefore, I recognize the Luhyas, I think they are the second largest tribe in this nation. They have learned people just like the Luos and the Kikuyus but what is worrying me is one question: Have we put our house in order before we go for elections? It now looks as if each of the 42 tribes in Kenyan is going to produce a presidential candidate. The Kambas want to have their own presidential candidate just like the Luhyas, the Kikuyus and the Luos. Where are we heading to as a nation? There is a nation in Africa which has 200 political parties. They are living in jeopardy. They are living in a state of war. May I assure this House that many parties cannot lead this nation. What we need is a person who can lead this country as one nation. He should be someone who is able to lead us, who can prove he is worthy to lead this nation, whether he comes from whatever small tribe or big tribe. That is not the worry. We need a stable Kenya.

Therefore, we have been given this responsibility in this august House, to lead Kenyans. I want to address myself to political matters now. Let us first consider the Kikuyu community. We have three parties in Kikuyu, and another one will be registered only about two days before the elections. That is SAFINA. That is what is going to happen so that they will be overtaken by events. SAFINA will be registered only two days before the elections.

Therefore, we can see the danger. Those of us who are here, especially myself, can see the danger. This is because Kikuyus have three parties. These are KENDA, FORD(A) and DP. If they cannot put their own house in order and sit together, let us not deceive Kenyans. If they have failed, let another tribe lead us. We can also humble ourselves and accept defeat. But what I am seeing now, if hon. Matiba can go the Luhyas and insult them, the Luhyas will in turn insult Kikuyus. Then, the Kikuyu will also insult the Luo and the Luo will do the same to the other tribes. As a result, we shall have a civil war.

If I can be asked, I can say this: Let us form a cohesive government. We should prolong this Parliament so that when the Kikuyus, Luos, and Luhyas are sober, we can sit together and change the Constitution.

It is more worrying when we go to a conference and they do not tell us which clause of the Constitution should be amended. For five years, they have been saying that we should change the Constitution. Can they tell us which clause they want us to change?

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Each of us is responsible for the accuracy of the statements we make in this House.

Hon. Bishop Njeru has specifically said that Kikuyus have three parties. He has mentioned them as DP, and FORD(A). Can he show this House how DP is a Kikuyu party and not a party for all Kenyans?

**Bishop Njeru:** I can substantiate that DP is only in Nyeri, Kirinyaga, Embu and Meru. Therefore, that is why I am saying that it is a tribal party. I am not going to stand here to be deceived by other Members of Parliament as though I came here to follow somebody. What I am saying is: KANU is the party that was registered during the time when even hon. Shikuku was there. It accommodated all the tribes in this country. But, it was not formed for a certain ethnic group. It was not made for Luhyas but it was to accommodate the entire country. So, what we are seeing is that the Luos have already produced theirs through NDP.

**Mr. Shikuku:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki kwa mhe. anayezungumza kulipotosha Bunge hili? Nakumbuka ilikuwa tarehe kumi na tano, jumamosi, mwezi wa Mei, katika ukumbi wa Kiambu Social Hall ambako KANU ilizaliwa. Mimi, na wale wengine ambao wamekufa kama vile Mzee Ngala, Mzee Muliro na wengine, hatukukubaliana na ndiposa tarehe kumi, mwezi wa Julai, 1960, tukaunda KADU. Tangu hapo, mimi sijawa KANU.

**Bishop Njeru:** May I continue to contribute. They are wasting my time.

**Mr. Munyasia:** Mr. Temporary Deputy Speaker, Sir, are you satisfied that hon. Bishop Njeru has substantiated that DP is a Kikuyu party when we know that DP has got the Member for Kitui Central, Mrs. Ngilu and hon. Kiliku of Changamwe who are Kambas and my friend hon. Dr. Momanyi who was once a DP Member from Bonchari? Are you really satisfied that he has substantiated that DP is really a Kikuyu party?

**Bishop Njeru:** Mr. Temporary Deputy Speaker, Sir, I do not want to substantiate the obvious.

**Mr. P.N. Ndwigwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker (Mr. Wetangula):** Out of Order! Order, hon. Members, we are not debating DP, but the Presidential Address. Carry on, Bishop Njeru.

**Bishop Njeru:** Mr. Temporary Deputy Speaker, Sir, what I am saying is that if we are going to produce a President through DP, that President must come from either Embu, Meru or Kirinyaga.

Mr. Temporary Deputy Speaker, Sir, Kenya is an agricultural country and we can be self reliant in producing food. We can be self sufficient in growing our own food. We can grow enough food to feed our own nation.

**Mr. P.N. Ndwigwa:** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**Bishop Njeru:** No, I do not want any information. This man is an Embian and he has never expressed a desire to become a President. What is he going to tell me now? I was saying that Kenyans can grow enough food to accommodate and feed their own nation but what is worrying us is that, we have competent Ministers of Agriculture, Livestock Development and Marketing and Land Reclamation, Regional and Water Development and others, who can come up with ideas and objectives on how we can promote our nation in growing sufficient food.

A few years ago, the President went to overseas countries to ask for relief food in form of maize in order to feed starving Kenyans. But the maize we got then, was yellow maize because there was no other food and the way I understand it because I have been in the western countries, is that yellow maize is mostly used as a fodder crop to feed cows. So, instead of falling victim to drought again in this country, we should grow our own food. We should come up with ways and means of how to grow cassava, maize, yams and other foods that are drought resistant.

With those few remarks, I beg to support.

**The Assistant Minister for Information and Broadcasting (Rev. Ommani):** Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this Motion.

**Mr. Shikuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether I have lost my sight. Normally, when an hon. Member concludes his speech, I thought there should be red light signalling at the

Table. I have not seen a red light at all.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Hon. Shikuku, do you want to take over that job?

**The Assistant Minister for Information and Broadcasting** (Rev. Ommani): Mr. Temporary Deputy Speaker, Sir, I wish to register my thanks and that of the people of Lurambi to His Excellency the President of Kenya. I want to thank him for the speech he gave and for the way he is being mindful of the welfare of the people of Kenya. He has shown this by providing food to the famine stricken areas and the people who have been starving have now got some food. I think this is something we should thank the Head of State for doing. We should also thank him for initiating the National Youth Development Programme whose funds will be distributed in all the districts of this country. Whether those districts are in Opposition or in KANU areas, all of them are Kenyans and they should be cared for, no matter where they come from. We should appreciate this wise decision by the President to initiate the National Youth Development Fund.

**Mr. Anyona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There seems to be some careless use of words and I think Parliament should avoid this. When a Member of Parliament stands up and talks about KANU and Opposition districts, which ones are those? I thought these were Kenyan districts with some people in KANU and some in the Opposition. Is it right really to accept that kind of thing on the Floor of the House? To say that Kenya is divided between KANU and Opposition districts?

**The Assistant Minister for Information and Broadcasting** (Rev. Ommani): Mr. Temporary Deputy Speaker, Sir, the hon. Member is aware that some districts are predominantly Opposition or KANU and that is what I mean. The Head of State should be supported in doing this and minding the welfare of this country. By doing so, we shall be reducing poverty, illiteracy and sickness which is the enemy of human beings and especially Kenyans. Some of the reasons why we attained Independence was to end poverty and bring literacy, so that every Kenyan could at least know how to read and write. We also attained Independence to finish simple diseases that plague this country.

**Mr. Busolo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order, several years after Independence for, an hon. Member of Parliament, fairly well educated to talk about Kenyans being ignorant and illiterate? That is the Colonial language which should not be allowed to be used in Independent Kenya.

**The Assistant Minister for Information and Broadcasting** (Rev. Ommani): We are finishing illiteracy because there are some people who cannot read or write, and the hon. Member will agree with me that the children on the streets are not schooled and they cannot read or write.

When we come here and talk of changing the Constitution, those children on the streets do not understand even what the constitution is because they cannot read and write. Those are issues that this Parliament and my colleagues should be working on, to see how we can help the economy of this country. How can we help the people of this country so that they can know how to read and write? How can we eradicate diseases so that every Kenyan can have good health? Instead, we come here thinking of who is going to head this country next? Who is going to be the next leader? And everyone wants to be a leader. How can all of us lead this country? We need only one leader whom we have now.

A few of those people who come out and say they want a change of the constitution have robbed the wealth of this country and now they want a change of the same constitution. These are some of the people who have taken land and money from so many institutions. Now, they are calling for reforms when they know very well that they are the grabbers. Every Kenyan should be educated to enable them develop the country. It should be compulsory for every Kenyan no matter where they come from, to go through primary school, so that we can have these street children, as well as those in rural areas and suburbs attending school, to at least know how to read and write.

How can we deal with the adults when we cannot deal with the little ones? There are some on the streets of Kenyan towns. It should be made compulsory that every Kenyan should be literate. Let us be humane when it comes to helping the people of Kenya. It was some years back when hospital cost-sharing was introduced in hospitals to help Kenyans when they are hospitalised. But sometimes you find that the patients cannot be treated because there is no money. They cannot afford to buy medicine or drugs from the pharmacies. How can they be assisted? For example, just two weeks ago, a lady from my community fell sick at midnight and I had to drive her to the hospital. When I got there it was a bit late into the night. The hospital pharmacy was closed. There was no open place where one could buy medicine and yet I was told to go and buy medicine. Could the hospital authorities consider providing drugs to help the sick people who are admitted late in the night? There was this lady whose plight was highlighted in the newspapers. She gave birth in a toilet because she did not have money to pay the deposit for maternity fees. Such a thing should be looked into. Let us be human. Let us think of other people who may be disadvantaged when compared to others. This is because if a woman is left to give birth in a hospital toilet---

**Mr. Munyasia:** On a point of order Mr. Temporary Deputy Speaker, Sir. I find it difficult following this particular Member. I do not know. He is talking of "finishing" sickness. He is talking of a woman being put in the

newspapers and I do not know what this means. Could he use the usual standard English expressions so that we may follow his contribution, which might otherwise be very good?

**The Assistant Minister for Information and Broadcasting** (Rev. Ommani): You do not understand because you do not experience any problems and if you experience problems then you will understand what I mean.

Mr. Temporary Deputy Speaker, Sir, I am talking about a woman who gave birth in a toilet and the Member should understand that because that is a problem. How many problems of a similar nature happen which are not noticed by anybody or rather highlighted in the Press? We should take care of such a problem so that we help those people who experience such problems.

**Mr. Anyona:** On a point of order Mr. Temporary Deputy Speaker, Sir. This particular debate is supposed to be exposition of public policy by this Government. This particular Member ran away from the Opposition so that he could he go to the Government and be part of the team that comes up with public policy as to how to deal with such problems. Now he is complaining to this side of the House. What does he want us to do?

**The Assistant Minister for Information and Broadcasting** (Rev. Ommani): Mr. Temporary Deputy Speaker, Sir. When I am contributing here I am not contributing to that side. I am contributing to the Government; I am contributing to the Kenyan people. And I am concerned about Kenyan people; I am really concerned about the people of Lurambi who elected me into Parliament.

Mr. Temporary Deputy Speaker, Sir, incentives should be given to the farmers of this country, especially the cane farmers, who are suffering. The management of the sugar industry is not helping the farmers of this country. If the Government--

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Rev. Ommani! You have concluded your speech. So, do not expect to carry on tomorrow.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Wetangula): Hon. Members, the House is adjourned until tomorrow, the 9th of April 1997 at 9.00 a.m.

The House rose at 6.30 p.m.