

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 12th June, 1997

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of Muhoroni Sugar Company for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Sugar Authority for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for
Agriculture, Livestock Development
and Marketing (Mr. Kirwa) on behalf
of the Minister for Agriculture,
Livestock Development and Marketing)*

Annual Report and Accounts of Game Lodges Limited for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Mountain Lodges for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Mara Lodges Limited for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of the Kenya Wildlife Service for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Wildlife Service Staff Superannuation Fund for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for
Agriculture, Livestock Development
and Marketing (Mr. Kirwa) on behalf of
the Minister for Tourism and Wildlife)*

ORAL ANSWERS TO QUESTIONS

Question No.114

RELOCATION OF EASTLEIGH AIRPORT

Mr. Ruhiu asked the Minister of State, Office of the President what steps the Ministry is taking to relocate Eastleigh Airport in order to safeguard the lives of civilians in the event of an aircraft accident.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, the answer is not ready. I will reply on Tuesday.

Mr. Ruhiu: On a point of order, Mr. Deputy Speaker, Sir. I have already received the answer to this

Question. Could I lend my answer to the Minister to read?

Mr. Deputy Speaker: Mr. Minister, do you need a copy of the answer?

(The Minister of State, Office of the President (Mr. Koech) stood up)

Order! Order! Mr. Minister, do you want to answer it now?

The Minister of State, Office of the President (Mr. Kalweo): Yes, Mr. Deputy Speaker, Sir.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. This House is entitled to an explanation. Did you hear the Minister of State, Office of the President, saying that the answer is not ready? If you heard that and now the answer is ready, are we not entitled to some explanation or apology?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, when I said it was not ready, it was because it was with my colleague and I did not have it this morning. Therefore, it was not ready as far as I am concerned, but here it is and I request the House that I reply. I apologise.

Mr. Deputy Speaker, Sir, I beg to reply.

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

Mr. Deputy Speaker: Mr. Anyona, do you not think we have solved the problem and there is no reason for a point of order?

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. This Minister has said that the answer is not ready and now, he says that it has come from the other Minister. I thought before a Question is answered here, it has got to be authorised and approved by the Minister. He has not authorised it or even seen it. How can we be sure that the answer is authentic?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, after I have answered, if he is not satisfied, he can pursue the matter.

Mr. Orengo: On a point of order, Mr. Deputy Speaker, Sir. You have seen on several occasions, hon. Koech has tried to stand up to answer the same Question, every time my colleague the Minister of State, Office of the President---

Mr. Deputy Speaker: Order! Order, Mr. Orengo! I think this is a very simple matter. It happens that the Office of the President is one Ministry in which there are several Ministers. I take it that it was simply a matter of some bureaucratic misplacement of papers and whether it is hon. Koech or hon. Kalweo who answers, it is the same answer. We are satisfied he is still the Minister of State, Office of the President. So, I think the House is interested in hearing an answer. You know about the policy of collective responsibility. The Assistant Minister from the Ministry of Agriculture, Livestock Development and Marketing could as well answer the Question if the Government wants it done that way.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, I could answer or give my colleague to answer if they want it that way, but the answer remains the same.

Mr. Deputy Speaker, Sir, through you could I give my colleague to answer?

Mr. Deputy Speaker: Answer the Question.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, I beg to reply.

The Government is at the moment not planning a relocation of the Eastleigh Air Base as such a move would require colossal sums of money.

However, to safeguard the lives of civilians around, measures have been put into place to control further encroachment on the facility by stopping the construction of highrise buildings within the military aircraft take off and landing zones.

Mr. Ruhiu: Mr. Deputy Speaker, Sir, I am very dissatisfied with that answer. This outgoing Government is very fond of managing tragedies when they occur. Here, we have got lives of civilians at stake. The airport funnel which is the road which the aircraft takes when it takes off and when landing has a very high building coming up. On the Eastleigh side and Kariobangi South side, there are very high buildings coming up. When does he think funds will be available to avoid a crisis or tragedy like the one which happened in 1992 where 51 lives were lost and where the late PC's family was almost wiped out?

Mr. Kalweo: Mr. Deputy Speaker, Sir, our air base conforms to the international standards. So, accidents do occur and we cannot really keep on saying that this happened and it can happen elsewhere. So, as far as the Government is concerned, the Eastleigh Airport conforms to the international standards.

Mr. Obwocha: Mr. Deputy Speaker, Sir, the issue here is the building of the high rise---

The Assistant Minister for Local Government (Mr. Kamuren): On a point of order, Mr. Deputy Speaker,

Sir. I heard the hon. Member for Embakasi saying this "out-going Government." Where is it going? KANU is going to rule for another 100 years!

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

Proceed, Mr. Obwocha.

Mr. Obwocha: Mr. Deputy Speaker, Sir, that is a most frivolous point of order!

The issue here is that of buildings that are coming up that will prevent the taking off and the landing of the aircraft. So, the question to the Government is: Can this air base be relocated elsewhere like in Laikipia where there is enough space or instructions be given on these buildings to be controlled to a level where it will not endanger the lives of Kenyans staying around that air base?

Mr. Kalweo: Mr. Deputy Speaker, Sir, to move the field now is not possible because of the colossal sum of money required, but in future that can be considered.

Mr. Nthenge: Mr. Deputy Speaker, Sir, can the Minister tell us why the Government would not consider then stopping other developments around the airport, if the airport has to continue being there, and then use another land for buildings? Wananchi require both their houses and their safety?

Mr. Kalweo: Mr. Deputy Speaker, Sir, there is an Act which stipulates that if we find any uprising building within a certain area then it can be forced to come down a little bit.

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

Question No.413

REDUCTION OF INTEREST RATES

Mr. Maore asked the Minister for Finance:-

(a) what measures he is taking to bring down the interest rates charged by the commercial banks on borrowing; and,

(b) since the Central Bank of Kenya has to trade with deposits from commercial banks in the form of cash ratio, why there is no interest paid to avoid the burden passed on in form of high interests to borrowers.

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

(a) As hon. Members are no doubt aware, the Government removed direct control of interest rates in July 1991 vide Legal Notice No.3348. Since the removal of the controls, the Government does not exercise any direct control of interest rates charged by commercial banks. Instead, the rates are determined by the economic forces of supply and demand for loanable funds. The current high interest rates are, therefore, an indication of excess demand relative to the supply of loanable funds.

Be that as it may, the question is: What measures is the Minister taking to bring the interest rates down? The measures the Government is taking include the implementation of macro-economic stabilisation measures through the structural reforms which, in effect mean that the Government borrows less from the banks and that the Central Bank of Kenya continues to charge low interest rates on Treasury bills. In doing this, they have moved from 70 per cent to 20.3 per cent.

Prof. Mzee: On a point of order, Mr. Deputy Speaker, Sir. Can I request the Assistant Minister to stop the "economic jargon" and give us an answer in a language which we can understand? Could he speak in a language hon. Members can understand, please?

Mr. Deputy Speaker: I think he is perfectly in order to use the language of his profession!

The Assistant Minister for Finance (Mr. Keah): Mr. Deputy Speaker, Sir, I am afraid if the Prof. Mzee cannot understand this, then I do not know who else can understand, but these are difficult economic issues and I must answer in the economic terminologies that are proper and correct.

I have said that the Government is taking the following measures. One of them is the structural reforms that we have been carrying out in this country over the last several years to stabilise macro-economic aspects in this country. These have an effect on interest rates. The Treasury bills rates have moved down from 70 per cent to 20.35 per cent.

We are also encouraging co-operations to borrow from outside rather than borrowing from internal sources. It is all a question of demand and supply.

(b) The cash-ratio requirement is one of the main monetary instruments being applied by the Central Bank of Kenya to freeze part of the reserve money so as to reduce inflation. The Central Bank of Kenya does not, therefore, trade with these deposits. Paying interest on such deposits would, therefore, undermine the effort of controlling

inflation. As the economy stabilises and pressure on the inflation eases, the Central Bank of Kenya will reduce the cash ratio.

Mr. Maore: Mr. Deputy Speaker, Sir, I think we are having a mini-budget speech.

The Question I did ask was very specific, but it seems the Assistant Minister for Finance has borrowed a leaf from the Attorney-General, of Task Forces. Now, he is in the structural adjustment reforms and every other excuse he can get.

With me is a list of latest Central Bank of Kenya rates between the base lending rates and the interest rates of 55 commercial banks. The difference between the base lending rate and the interest rate is too big. When you borrow money from the highest bank which is about 35 per cent, if you deposit the same amount of money, you will get 12.5 per cent. That is what I was asking what the Minister is doing. Instead, he has chosen to be indecisive and evasive and avoided the entire Question. Can the Minister explain to this House why he should keep quiet when there is such a big margin between 35 per cent and 12.5 per cent. When you deposit your money there, they pay you 12.5 per cent but when you want to borrow a loan from the same bank in the afternoon, they charge you almost 35 per cent. Is there no way this Assistant Minister could be able to create a regulation whereby the margin between the interest rates of deposit and borrowing should never be allowed to be more than five units or something like? If they charge 40 per cent, they should pay you, at least 35 per cent.

With regard to part "b" of the Question, what is the Minister doing with it? Is it part of the US\$68 million which you are going to use in building the Air Force base at Eldoret?

Mr. Keah: Mr. Deputy Speaker, Sir, these questions when asked, have got to be structured and the answers are tailored to the questions that are asked. The Question that has been asked is: "What measures is the Government taking to reduce interest rates?" I have said that the Government does not control interest rates any more. However, the interest rates are determined by the market forces of demand and supply. Recognising that the interest rates are high, the Government is doing the following things in order to assist with the lowering of the interest rates. One, is to ensure that the Treasury Bill rates are lowered and they have been moving down from 70 per cent to 20.35 per cent. Treasury Bills are necessary in order to finance the Government liquidity requirements. Secondly, the Government is encouraging Corporations to borrow from outside rather than borrow locally. This is a practice by major corporations because the interest rates are lower. Thirdly, the reason why interest rates are high is simply because commercial banks want to hedge against losses of unrepaid loans.

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir. Hon. Keah is misleading this House. The only businesses which have been making double digit profits for the last five years are the banks in this country. Everybody else is making a loss except the banks. How can they use interest rates to hedge against losses, when they are making high profits?

Mr. Keah: Banks are in business and the banking business being so sensitive, they will lend money at high interest rates to hedge against non-repayment of those losses. That is simply banking business!

Mr. Otieno: Mr. Deputy Speaker, Sir, we are making a very simple point to the Assistant Minister that, the economy cannot sustain 35 per cent interest rate. There are no indigenous business that give that return. It is the duty of the Minister for Finance to bring down those rates. It is also the fault of the Minister for Finance that the Government has borrowed Kshs100 billion from the market. You are the biggest borrower. Can you dictate, if necessary that the rate of interest paid by you on Treasury Bills is reduced to be in conformity? There is no day when a bank will lend me at a rate lower than you are willing to pay. Why must you pay those high rates?

Mr. Keah: Mr. Deputy Speaker, Sir, hon. Otieno has said: "Can the Minister dictate."

Prof. Mzee: Yes, you should dictate!

Mr. Deputy Speaker: Order, Prof. Mzee! You do not have the Floor.

Mr. Keah: Mr. Deputy Speaker, Sir, I have clearly said, and I incidentally agree with you that there is no Kenyan businessman who can borrow at 35 per cent. We totally agree that the interest rates are high but there is one thing that we have to agree on and that is the policy that we have undertaken. The policy that we have undertaken is to permit interest rates to be determined by market forces of demand and supply. At this point in time, we are not pursuing a policy of dictation. We are pursuing a policy of stabilising the macro-economic forces to ensure that interest rates are lowered.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister anatudanganya!

Mr. Deputy Speaker: Order! Order, Dr. Kituyi! That is your job. You have to bring out these issues. Kama amekudanganya, hiyo ni kazi yako wakati wa Maswali kounyesha dunia vile amekudanganya. That is the whole essence of Question Time. I am afraid that we have spent 15 minutes on this Question and we have to move on to the next one.

Next Question! Dr. Kituyi.

Question No.266

HARMONISATION OF FORM I INTAKE

Dr. Kituyi asked the Minister for Education what method the Government is using to reduce the disparity between pupils in private schools and public schools in acceding to form one classes in national schools.

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

I wish to assure hon. Members in this august House that there is no disparity between pupils in private schools and public schools in acceding to form one classes in national schools.

The policy of the Ministry is that students are admitted to national schools purely on merit and according to their choices and district quotas. According to this policy, all primary school children in this country who sit for the Kenya Certificate of Primary Education Examination have an equal opportunity of joining the national schools, regardless of whether they attend a private or public school. The only consideration during selection is their individual performance in the Kenya Certificate of Primary Education Examination.

Dr. Kituyi: Mr. Deputy Speaker, Sir, our problem with the Ministry of Education which cannot differentiate between an equal access and the absence of official discrimination--- This answer is about the Government not interfering with recruitment. It is not about the objective reality that kids who go to public schools cannot compete with kids who go private schools, which is the essence of my Question. Be that as it may, the Gracious Lady who at one time, was so eloquent in describing 8-4-4 as eight, minus four, minus four, is telling this House, the fact that the Government does not discriminate in the recruitment in national schools between private and public schools, in itself means there is equal access. The Minister for Education is on record as saying the Government has a problem with the high percentage of recruits into national schools who come from private schools because they out-perform public schools. While I stand for the fact that people who have passed exams should not be denied a chance to go to national schools, can the Ministry consider expansion of possibilities in national schools to accommodate pupils who go through public schools? It is a reality that there is a much higher percentage of persons graduating from class Eight in private schools entering national schools than from public schools.

Mrs. Ndetei: Indeed, that question compliments exactly what I had said a little bit earlier, that it is merit, and that, maybe, due to the close and neat management of the private schools, you get more children qualifying with better marks than they do in public schools. But there is a proposal for a research to be carried out by the Ministry of Education, to study the effects of these private primary schools successive KCPE examinations on Form One selection, to national and outstanding provincial secondary schools. We share the sentiments as a Ministry but the whole idea is based on merit to the pupils, and you cannot discriminate against our own innocent Kenyans.

Dr. Kituyi: Mr. Deputy Speaker, Sir, if the hon. Gracious Lady shares my sentiments, that more kids are coming into national schools from private schools than from public schools, why does she say in her reply that there is no disparity? Why does she share my sentiments and, at the same time, give a written reply which contradicts her sentiments?

Mrs. Ndetei: Mr. Deputy Speaker, Sir, there is no disparity and discrimination. The whole of this exercise is based on merit. What Dr. Kituyi is saying is that we should discriminate against Kenyans who have gone to private schools. That is exactly what he is saying. The Ministry cannot do that. We are depending on merit and this research will come out with more revelations and recommendations to the Ministry.

Question No. 121

REPLACEMENT OF DIRECTOR'S OFFICIAL CAR

Mr. Anyona asked the Minister for Health to inform the House:

- (a) the circumstances in which the replacement of the official car for the Director of the National Hospital Insurance Fund (NHIF), a Volvo 144DL Saloon with another Volvo GLE 240 Saloon, was changed to a Peugeot 505 Saloon SR in 1988;
- (b) the respective market and purchase prices of the Volvo GLE Saloon and the Peugeot 505 Saloon SR; and,
- (c) the condition of the Peugeot SR Saloon, Registration No. KZE 808 and whether it was new or secondhand.

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

(a) The NHIF Director's Official car, a Volvo 144DL, GK 6980 was bonded in 1982. Further, due to lack of funds, the Director continued to use it until 1988. In 1987, Treasury had given authority to replace the vehicle with a new Volvo 240 GLE. This model of Volvo car was not available from the local market at that time. Therefore, authority was obtained in May, 1988 to purchase a Peugeot 505 SR Saloon, in place of the Volvo. The Peugeot Saloon vehicle was purchased from Amazon Motors Limited at a price of Kshs800,000.

(b) In May, 1988, the purchase price of a Volvo 240 GLE from Amazon Motors was Kshs1,250,000 and a Peugeot 505 Saloon from Marshalls East Africa was valued at Kshs692,000.

(c) It was later established that the Peugeot 505 Saloon which was purchased from Amazon Motors Limited had been registered previously at KZB 808, and the vehicle was not new, although it was in good condition.

Mr. Anyona: Mr. Deputy Speaker, Sir, this is yet another very clear case of fraud in the Government. The argument that the Volvo was not available is merely an excuse to perpetrate fraud. How does the Assistant Minister explain the fact that they purchased a secondhand Peugeot 505 Saloon car at Kshs800,000 when the official market price of a new 505 was, in fact, Kshs692,000? How does he explain that?

Mr. Criticos: Mr. Deputy Speaker, Sir, I cannot explain that. Obviously, if you look at the answer, we are talking about the 1987/88 period. We have reported the matter to the Criminal Investigation Department (CID) Headquarters, since it came to our attention through the hon. Member's Question. We are investigating. Obviously, like I said, we are talking about something that happened almost ten years ago. So, it is only fair to give some time to the CID to investigate through our old files, which is a tedious affair.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, it does not take much investigation to get to know the price of a motor vehicle, a 505 in 1988. The price for a new 505 at that time would have been half of the figure the Assistant Minister has quoted. Since he is aware of that disparity, why is it that he cannot take urgent steps to bring those responsible to book?

Mr. Criticos: Mr. Deputy Speaker, Sir, as I said, we accept that there was fraud which took place. The matter was reported to the CID for investigations. I said earlier that this matter was brought to our attention and we are not aware of a case like that which occurred almost nine years ago.

[Mr. Deputy Speaker left the Chair]

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

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, this type of fraud occurs virtually in all the Government parastatals. There is a very recent case at the Kenya Ports Authority where the Managing Director converted his new official Mercedes into a private car for his own use. How long did it take for the Assistant Minister to report this matter to the CID for investigations? Why did it take unnecessarily long since hon. Anyona put this Question? Things should have been put in motion immediately! Does he want to show us that the Government works at such a slow speed?

Mr. Criticos: I do not know whether the hon. Member is following the proceedings of this House! I think this is the third time that I am repeating that this is an old case which was brought to our attention when this Question was asked. When we received this Question--

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. The question that is being asked here is: Why did it take over ten years--

The Temporary Deputy Speaker (Mr. Wetangula): Are you on a point of order or you are re-framing the Question?

Mr. Raila: I am asking this because he is not answering the question! He is out of order! The question that was put here is: Did it have to take a Question by hon. Anyona for the Ministry to detect that there was fraud committed in 1988? Did the Ministry not have an internal audit department? If it had this department, why was this fraud not detected by the Controller and Auditor-General?

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

Mr. Anyona: I am very glad that the Assistant Minister has admitted that this is a case of fraud. There are three elements of fraud in this Question. The first element is: They asked for a Volvo vehicle at a price of Kshs1,250,000 to be able to scoop the difference between the Volvo and the Saloon. That is the first case of fraud; the difference between the Volvo price and the 505. That money was taken by the people involved in this fraud, as far as I know.

The second element is what I said. The price of the 505 was Kshs692,000. That is what he has given us.

Yet, they bought the car at Kshs800,000. The third element of fraud is that the 505 was billed as a new car, when, in fact, it was not new. All those were elements of deliberate fraud.

What I would like to find out from the Assistant Minister is: This Question was filed three years ago, and each year, it has been pushed off the Order Paper to cover up the fraud. That is the truth of the matter. Why has it taken three years, since 1993, when I first filed this Question, to start investigations? How can you tell us now that you have reported the matter to the CID? Why has it taken that long?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, I am not aware that it was removed from the Order Paper. That does not have anything to do with our Ministry. This Question came to us the other day, and we are giving you an honest reply. Fraud has taken place and we will investigate. I can further promise this honourable House that I can bring the findings of the CID within the shortest period of time possible. I do not know whether it is two or three months, but I can assure that to the hon.---

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. In two month's time, the House will not be in existence. This is a very serious matter of fraud. As I said, this Question was filed three years ago. Can the Assistant Minister tell us when he is going to bring the report as soon as possible before this House is dissolved?

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Assistant Minister! Can you bring a report in two weeks time?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir. This does not depend on any department of the Ministry of Health. The CID is investigating this matter. We will contact the Director of CID and see how he can expedite it. That is what I can promise. I do not want to come here and tell you untruths.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir. The Questioner has told us that he raised this question more than three years ago. The Assistant Minister is saying that the matter was reported to the CID as soon as they received the [Mr. Kapten]

Question. Could the Assistant Minister tell this House when he reported this matter to the CID? Was this report made in writing or verbal form? If it was done in writing, then can you lay those papers or that report on the Table of this House?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir. The matter was reported in a letter to the CID headquarters by our Permanent Secretary. I do have here the signature of the Permanent Secretary. I am not aware of the date when it was reported.

Question No.250

COMPLETION OF BONDO HOSPITAL

Dr. Oburu, asked the Minister for Health:-

(a) whether he is aware that the contactors of Bondo Sub-District, M/s Kitek Limited, abandoned the site of construction four years ago;

(b) whether he is further aware that the Ministry has been allocating money in the printed estimates every year since the contractor abandoned the site; and,

(c) if the answers to "a" and "b" above are in the affirmative, what urgent steps is the Ministry taking to complete this essential facility.

The Minister for Health (Gen. Mulinge): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) My Ministry is aware that the contractor of Bondo Sub-District Hospital, M/s Kitek Limited abandoned the site of construction four years ago.

(b) Yes, I am further aware that money has been allocated to the project.

(c) The Ministry of Public Works and Housing who had a project architect are in the process of terminating the contract and are awarding it to a new contractor to complete the work.

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir. The Bondo Sub-District Hospital is a very important hospital in the whole of Siaya District. This is because it is the only hospital serving Uganda, parts of Rarieda, Bondo constituency and even Alego constituency. Now, why has it taken the Ministry of Health together with the Ministry of Public Works and Housing four good years to terminate a contract when I am aware that other contracts which were awarded to this same contractor four years ago were terminated long ago including the Tausa Health Centre in the Assistant Minister's constituency and the Kapsabet District Hospital?

Gen. Mulinge: Mr. Temporary Deputy Speaker, Sir. It is only the Ministry of Public Works and Housing that can answer that question because they are the ones that build hospitals. The Ministry of Health does not build

hospitals.

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir. The Minister's answer is very misleading because the Ministry of Health is the client Ministry in this particular respect and it is their responsibility to follow up and make sure that the project is implemented in time and is delivering services to the people. The Minister is abdicating his responsibility.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Wetangula): You are out of order. Could you please let the Member finish his reply.

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir. My question is this : The Minister has admitted that for four consecutive years money has been allocated to this project. Now, the project area has not even been fenced. There are many other things which could have been done.

The Temporary Deputy Speaker (Mr. Wetangula): Ask your question, Dr. Oburu!

Dr. Oburu: I am asking it. Why has this money been returned to the Treasury every year and not utilised to finish some of the works which are pending within the project?

Gen. Mulinge: Mr. Temporary Deputy Speaker, Sir. That is the work of the Ministry of Public Works and Housing.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister saying that this Question went to him by mistake? This is because this question is about construction and not about management of health services. If he is saying that it is the onus of the Ministry of Public Works and Housing to answer that question then is he implying that the question should be deferred and brought afresh through the Ministry of Public Works and Housing?

Gen. Mulinge: Mr. Temporary Deputy Speaker, Sir. Yes, that is correct. This Question should have gone to the Ministry of Public Works and Housing and not the Ministry of Health.

Prof. Mzee: On a point of order, Mr. Temporary Deputy Speaker, Sir. I hope that you have noticed that we have a Minister here who does not know how his Ministry works. His Ministry is the client. The money is allocated to the Ministry which has the responsibility of ensuring that this hospital is built. Is the Minister in order to mislead this House? He should come to this House and say "I am the Minister for Health, but I do not know how my Ministry is run." It is as good as telling the public that. Wake up! Give us the proper answer!

Gen. Mulinge: Mr. Temporary Deputy Speaker, Sir. I thought all professors know everything. Well, I am afraid that this professor here does not know everything. The Ministry of Public Works and Housing receives building funds and not the Ministry of Health.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mulusya!

Mr. Maore: Mr. Temporary Deputy Speaker, Sir. I think we need to actually go back to the actual part of the question. The Ministry of Public Works and Housing would not have ever received any money to do with the Ministry of Health because the Ministry of Health is supposed to receive its own budget. When the money is allocated the Ministry of Public Works and Housing, it is supposed to assist. So, 100 per cent the Minister is responsible for the failure or success of this project. This is the responsibility of the Ministry of Health and not the Ministry of Public Works and Housing. So, is the Minister in order to avoid answering a Question that falls under his purview?

Gen. Mulinge: Mr. Temporary Deputy Speaker, Sir. I am right that all building money goes to the Ministry of Public Works and Housing and it is their responsibility to build and then hand over the building to the Ministry of Health.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mulusya and ole Ntimama! Mr. Mulusya, do not derail Dr. Oburu's Question. Let him pursue it and get an answer.

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir. I have asked this Question in this House for the fourth time running. The former Minister for Health, hon. Angatia, has been answering this question very responsibly and all the money which you have stated here in your answer has been allocated to the Ministry of Health and not the Ministry of Public Works and Housing. Now, is the Minister in order now to abdicate his responsibility for such a long time although they have been budgeting and tabling these things before Parliament here and in turn Parliament has been approving money for this project every year which they do not use? Is he in order to mislead the House?

The Temporary Deputy Speaker (Mr. Wetangula): Gen. Mulinge, are you misleading the House?

Gen. Mulinge: Mr. Temporary Deputy Speaker, Sir, I have answered this question. I have said that the construction of this hospital was terminated by the Ministry of Public Works and Housing which is in-charge of that particular project and not the Ministry of Health. The Ministry of Public Works and Housing and not the Ministry of

Health should explain why it has taken such a long time. This is because we have not taken over that project. We will take over that project upon its completion.

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

Next Question, Dr. Lwali-Oyondi.

Question No.099

NULLIFICATION OF PLOT ALLOCATION

Dr. Lwali-Oyondi asked the Minister for Lands and Settlement:-

(a) if he is aware that Plot No.NKU/Municipality Block 16/1 LR No.451/1278, on which there are two vital boreholes, which provide the bulk of the water to the town residents, was allocated to some people and later sold to a local oil company; and,

(b) if the answer to "a" is in the affirmative, if he could take steps to nullify this transaction.

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

(a) I am not aware that Plot No.NKU/Municipality Block 16/1 LR No.451/1278 has been allocated to some people and sold to a local oil company.

(b) According to the records available in my Ministry, there is no indication that the plot has changed hands and the land is still registered in the name of Nakuru Municipal Council.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, before I ask my supplementary question, I wish to lay on the Table of the House the map of the plot for the Assistant Minister to scrutinise it.

*(Dr. Lwali-Oyondi laid the map
of the plot on the Table)*

Mr. Temporary Deputy Speaker, Sir, first of all, I wish to say that this particular Assistant Minister has been in State House for a long time and he knows very well this plot which is next to State House and Shell Petrol Station on the left side of the road on your way to Nairobi. There is a borehole there and if he happens to use the Nairobi-Nakuru Road on his way home, he can easily notice that there are new buildings coming up next to the borehole and the Shell Petrol Station and Nakuru High School. Is the Assistant Minister, therefore, in order to mislead the House that the plot has not changed hands when most MPs who come from Western Kenya and, even, himself, have seen these constructions coming up there?

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, first of all, I have not worked at State House, as claimed by the hon. Member, but I have worked in the Police Force whose headquarters is situated at Harambee Avenue.

Mr. Temporary Deputy Speaker, Sir, according to the Plot File No.66838, the report from the Land District Registrar, Nakuru, the plot in question has not changed hands. However, there is an oil company which is carrying out development on a plot adjacent to this one and it is along Nakuru-Nairobi Road as already mentioned by the hon. Member for Nakuru Town. My Ministry has no idea as to who authorised the development, although on an adjacent plot to the one which the hon. Member is claiming has been grabbed. The Ministry has no idea as to who authorised the development, although some unconfirmed reports indicate that the authority came from the Provincial Administration in Nakuru.

There is need to investigate the claims before the truth can be established. If the hon. Member can give us additional information that would greatly assist the Ministry to establish the facts of this particular plot, we would appreciate that.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for this Assistant Minister to tell this House that his Ministry does not know who authorised development of the said plot in Nakuru, when we know very well that nobody else other than the Ministry which should authorise development of plots in urban centres and everywhere where there is Government land? Can the Assistant Minister tell us whether there is a parallel Government running together with the Nyayo Government we know?

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, it is not true to say that the Ministry is responsible for development as claimed by the hon. Mulusya. My Ministry is responsible for management of land policy. There should be no confusion about the plot because the plot that has been alleged to have been grabbed is not the same one that is being developed currently for establishment of a petrol station.

Mr. Mak'Onyango: Mr. Temporary Deputy Speaker, Sir, arising from the Assistant Minister's reply that

the hon. Questioner should assist the Ministry with details regarding this plot to enable them in their investigation and now that the Assistant Minister has established that there is something fishy about this particular plot, why would he have to wait for the hon. Member to come up with further information, instead of using the information already provided and bring to halt any development on this particular plot?

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, the investigations are going on, but I was asking the hon. Member to give me additional information us to assist us to carry out this investigation to its conclusion.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, this Ministry has problems. They have invented a new meaning to the expression "adjacent". Yesterday when they were told about the grabbing of land in a cemetery in Thika, they talked about "adjacent to the cemetery". Now, they are talking about the "plot adjacent" to the Shell Petrol Station. The facts are as follows: Mr. Yusuf Haji sold the first plot to Shell Oil Company. Then within a year, it became the third largest selling retailing oil company in the Shell family in Kenya, Total Oil Company wanted to buy the adjacent plot. The Managing Director of Shell Oil Company, Nairobi, chartered a plane and flew to Kakamega to meet Yusuf Haji who was the then Provincial Commissioner for Western Province. He sold the extension which included part of the road reserve for Kshs4 million to Shell Oil Company to build the current extension for their oil depot. This property, including a plot that was grabbed from Nakuru Municipal Council and part of the road reserve was sold by Yusuf Haji to Shell Oil Company. How much time does this Assistant Minister need to do research to confirm these facts and come and tell us when "adjacent" means the same as actually "plot grabbing"?

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, that is news to us in the Ministry that the plot was sold by so and so. But the "adjacent" plot is the one which is being developed, otherwise, I am not aware that this is the same plot that is being alleged here to have been grabbed.

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): On a point of order, Mr. Temporary Deputy Speaker, Sir. You warned the hon. Prof. Anyang'-Nyong'o that it is out of order for him to pass between the Speaker and the Member on the Floor speaking. Some of hon. Members would never take notice of some of these Standings Orders. The hon. Member just walked as if he is in a market place!

(Laughter)

The Temporary Deputy Speaker (Mr. Wetangula): I did not notice him do that, but if he did that, he was out of order.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, I wish to thank hon. Dr. Kituyi for elucidating those facts about this plot. Let me also inform the hon. Assistant Minister that this the plot on which the borehole stands and he should not be deceived that it is the "adjacent" one.

The Temporary Deputy Speaker (Mr. Wetangula): What is "adjacent"?

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, I meant the land adjacent to the borehole. The borehole has already been dismantled and we have no more water coming to the town from it. The water from Kipipiri, which was brought for the town by the Japanese, is already flowing to Kabarak. Therefore, Nakuru Town residents have no water and are in danger of contracting diseases. In view of this could the Minister stop these people from going on with the development and at least save our borehole for the town?

Mr. Sumbeiywo: Mr. Temporary Deputy Speaker, Sir, I am not aware that there was a borehole in that same plot. I have used that road several times and have seen that the borehole is intact. It has not been touched.

Question No.409

TARMACKING OF MAKUTANO-KITHIMANI ROAD

Mr. Kavisi asked the Minister for Housing and Public Works when the Makutano-Kithimani Road will be tarmacked.

The Temporary Deputy Speaker (Mr. Wetangula): Anybody here from the Ministry of Public Works and Housing?

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is serious and unfortunate because this is a critical time when this hon. Member should be given an opportunity to appear in the HANSARD for saying something in the last five years.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Maundu, who has denied hon. Kavisi the right to appear in the HANSARD?

Maundu: Mr. Temporary Deputy Speaker, Sir, I said that he was making his maiden speech by way of a Question. But that notwithstanding, you will notice that the Ministry has already sent an answer to what appears like a

short Question that can appear in the Guinness Book of Records. Since there is nobody here from the Ministry of Public Works and Housing, is it not possible for any of the Ministers here to read out this very short answer and enable the hon. Member to appear in the HANSARD before the close of this Session?

Mr. Kavisi: Mr. Temporary Deputy Speaker, Sir, it is very unfortunate for my colleague to say what he has said, although he appears to be fighting for me. This is not my first time to ask a Question in this House. So, I want him to correct what he has said.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Kavisi, we will defer your Question and move on to the next one.

(Question deferred)

Question No.273

REHABILITATION OF BOREHOLES

Mr. Mulusya asked the Minister for Land Reclamation, Regional and Water Development:-

- (a) whether he is aware that there are many boreholes that were sunk by the colonial government, the Kenya Government or non-governmental organisations (NGOs) in both Kangundo and Matungulu Divisions before and after Independence which are lying idle for lack of submersible pumps, especially around the Donyo Sabuk area; and,
- (b) what steps he is taking to rehabilitate these boreholes and equip them with pumps.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Mokku): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there are 15 boreholes which were sunk in both Kangundo and Matungulu Divisions by various agencies, including the colonial government, land buying companies, NGOs and the area local authority before and after Independence, which are not operational due to lack of funds, uneconomical yields of water and vandalism of electrical gadgets.

(b) The Government policy today is to pass on the ownership and management responsibility of public utilities to the beneficiaries. In this connection my Ministry has in place the Water Users Management Support Project in Machakos District which is financed by the Governments of Kenya and Belgium, and which is intended to financially support the communities to rehabilitate their water facilities and improve on their management skills. I, therefore, advise the hon. Member to inform his constituents to organise themselves into self-help water groups with the assistance of my field officers to enable them benefit from the programme by having these boreholes rehabilitated and put into use.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, while thanking the Assistant Minister for that forthright answer, can he tell the House how much money the Governments of Kenya and Belgium have put into this project and for how long the project has been in existence? My people of Kangundo and Machakos District are not aware that this project exists. If the project has been in existence which projects have benefited so far from it.

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, the Governments of Kenya and Belgium have put Kshs100 million into this project. The project started on 1.1.97 and will be completed by 31.12.2000. Therefore, it is after it is completed that we will know how many projects will have benefited from it.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, can the Assistant Minister tell the House why the Government ignores a lot of investments? It sinks boreholes, leaves them unused and then people do not benefit from them and donors do not help.

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, I think that is a very vague question because the hon. Member has not specified which projects were abandoned as he has alleged. As far as the Minister is concerned, these projects were not initiated by the Government: They were initiated by local NGOs, churches and local authorities. So, it was not a Ministry project to begin with.

Mr. Ndilinge: Mr. Temporary Deputy Speaker, Sir, last year I asked the Ministry a Question about how donkeys are used in Makueni District to draw water for the District Commissioner and all departmental heads. The answer I got from the Minister was that money from Belgium would assist water projects in the District. Can the Assistant Minister tell the House how many projects will be assisted by money from Belgium? He has not done what he promised me, and yet he is promising hon. Mulusya that he will use money from Belgium in his constituency. How much money is Belgium going to give and when?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, I think hon. Ndilinge was not listening to the reply I gave.

To begin with, I said that the money set aside for this project was Kshs100 million and it is to be provided by the Governments of Kenya and Belgium. Secondly, it is not only Kangundo Division and Makueni and Kajiado Districts which will benefit from this project.

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, I think the question here should be a little more specific because Makueni and Machakos districts, as the Assistant Minister said, are covered by what is called the Belgium-Kenya Programme. Can the Assistant Minister tell us how much money has been spent since they started this programme from January, 1997? There is no indication on the ground in Machakos or in Makueni that anybody related to Belgium or from the Ministry of Land Reclamation, Regional and Water Development is working on any programme that is being sponsored by Belgium. This money he is saying has been spent in these two districts sounds like big money, and yet there is nothing happening. Can he tell us how much money has been spent since January, 1997?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, I said this project started in early January this year, and it is still on-going. As to how much money has been spent as from January to date, is a question the hon. Member can put and I will provide him with the answer.

Mr. Ndilinge: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Assistant Minister is saying that the project started in January this year. When I brought a similar question to this House---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Ndilinge, what is your point of order?

Mr. Ndilinge: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to mislead the House that hon. Mulusya's projects are going to get money while the same question was asked by an hon. Member from Makueni last year and he said the project was to start when the Government gets money? Would it not have been in order for the Ministry to start the Makueni project first before they go to hon. Mulusya's, if he is telling the House the truth?

Mr. Mokku: Mr. Temporary Deputy Speaker, Sir, where the projects start it will depend on the approval of the Machakos and Makueni District Development Committees. That is not the Ministry's priority. Hon. Ndilinge is asking when hon. Mulusya's project will get that money. The money is on the ground. It is not a question of when he is going to get it, it is already on the ground.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Kavisi's Question for the second time.

Question No. 409

TARMACKING OF MAKUTANO-KITHIMANI ROAD

Mr. Kavisi asked the Minister for Public Works and Housing when the Makutano-Kithimani road will be tarmacked.

The Temporary Deputy Speaker (Mr. Wetangula): Anybody from the Ministry of Public Works and Housing? Hon. Kavisi, your Question will be deferred to Wednesday morning.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

FAMINE RELIEF FOOD TO KARACHUONYO

Mrs. Asiyu: Mr. Temporary Deputy Speaker, Sir, although I have not been supplied with a written answer, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that many needy children and the aged are dying of hunger related illnesses in Karachuonyo due to famine?

(b) Why has the Minister not given famine relief to the people of Karachuonyo Constituency despite the fact that the District Development Committee made strong recommendations to the Office of the President for relief food and gave numbers of those who needed the food?

(c) When will the Minister send famine relief food to Karachuonyo Constituency?

The Minister of State, Office of the President (Mr. Koech): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that many needy children and the aged are dying of hunger related illnesses in Karachuonyo due to famine.

(b) The Government released 2,000 bags of maize to Rachuonyo District during the month of May, 1997 to

be distributed to the famine victims in the district including those from Karachuonyo Constituency. The Government has also allocated a further 2,000 bags of maize to the district during the month of June, 1997.

(c) Of the 2,000 bags of maize released during the month of May, 1997, 1,200 bags were given to Karachuonyo Constituency. A similar number of bags, that is 1,200, will be given to the Constituency during the month of June, 1997.

Mrs. Asiyu: Mr. Temporary Deputy Speaker, Sir, is the Minister in order to mislead this House that any famine relief has been given to Rachuonyo District whatsoever? The only gift that we received was seven and a half tons of seeds in the month of April, 1997. Up till yesterday, no famine relief had been given to that district.

Can the Minister now tell us the truth about this situation? He is talking about 2,000 bags, and we have been told about these 2,000 bags ever since March this year but nothing has come.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, I confirmed with the District Commissioner that 2,000 bags of maize are at Rachuonyo District headquarters. However, there was a bit of a problem in the transportation of maize from the district to the constituency. But I have already given the instructions that the maize be taken immediately to Karachuonyo Constituency.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, the Minister is now misleading us. He said that 2,000 bags of maize had already been given and Rachuonyo District has only two constituencies. So, who are the recipients of the first lot of maize that was given? Can you table a list? Besides, Rachuonyo District is very small and there would be no problem whatsoever even if you asked people to come for the maize. There will be no question of transportation. You were a good man before but you have become a very bad man.

(Laughter)

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, can we believe that there can be any good from the other side? The maize is already there. I would like to request the hon. Members to at least check. I have already checked this morning and confirmed that the maize has arrived. But the problem is that this maize has not been distributed. I have already given instructions that the maize be distributed immediately.

Mrs. Asiyu: Mr. Temporary Deputy Speaker, Sir, I am happy that the Minister has admitted on the Floor of this House that no food has been given the people of Rachuonyo District. I have personally spoken to this Minister and I now concur with what hon. Dr. Otieno-Kopiyo is saying, that he is "a good man turned into a very bad man."

Just before we went on recess, I made a statement to this House where I mentioned, not numbers, but names of 12 children, aged between two and ten years who had died as a result of hunger related diseases in only one sub-location with a population of about 2,000 people. Can the Minister not even see the seriousness of this issue, and give the people of Karachuonyo some food? Why has the Minister given food to all the districts in this country and refused to give food to Karachuonyo? Is it political? If not, then what is it?

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, it is true the hon. Member approached me sometime. When she approached me and told me that her people were having problems, I gave instructions that food be given to Rachuonyo District. It would have only been a matter of courtesy if the hon. Member had come back to me and said: "The food has not gone". It is when this Question came that I went back and made sure that my earlier instructions were carried out immediately. I have been very much concerned, because this Question came to me this morning, and I will make sure that the food gets to the people.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to keep on misleading the House about why food is not being taken to the deserving cases, when we know very well that when food goes to the District Commissioners' offices, the DCs demand that the people who are receiving this maize must pay money for transport? Possibly, hon. Mrs. Asiyu's people are not giving money and, maybe, that is why they are not being given the maize. Can he confirm or deny this? Is he in order to take us this way and that way?

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, we do not only give food to the districts, we also give some money for transportation. In this case, I sent Kshs120,000 for transportation of food. If the hon. Members could work with us, it could help a great deal. They should also follow up some of these cases to ensure that what has been agreed upon is actually seen to be done.

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, the issue of food relief is becoming much of a problem. I agree with what the Gracious lady is saying about food. A case in point is in Makeni, where the food supposed to have been distributed last month has not been distributed.

The Temporary Deputy Speaker (Mr. Wetangula): I have given an opportunity to ask a question, not to make a speech.

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, I am not making a speech. Today, food that should

have been distributed a month ago, has not even been given to the recipients and they are starving in the rural areas. It is the same case in Karachuonyo. What action is the Minister going to take to make sure that as soon as food is taken to the district headquarters or to the depots, it is distributed immediately to avoid the rampant theft that is being committed at centres where this food is being stored?

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, we had a bit of a problem but with the current dry spell, it is not difficult for us now to distribute the food. **Mr. Gatabaki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is no other than His Excellency the President who declared a state emergency, under Preservation of the Public Security Act, because of the distribution of food. This Minister is saying that something is being done, some Kshs100,000 has been given, when President Moi took this as an emergency. Is the Minister not misleading the House that they are doing something when the President ordered an emergency distribution of food in this area and ordered all the trucks, all the PCs, the DCs and everybody to distribute food?

Mr. Koech: Now, Mr. Temporary Deputy Speaker, Sir, in a situation where we are distributing food to a large part of the country, you cannot help having a few logistical problems of transportation. But some of the problems which were encountered initially are now being overcome and I believe that the food which is going to be distributed this month is going to move faster.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Orengo's Question.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, before I ask this Question, there is an omission. One of the persons who was barricaded was hon. Raila Odinga and it does not appear in the Question. That omission, was inadvertent, I have talked to the Clerk of the National Assembly. I want also to declare my interest that I was also barricaded but I was one step ahead of the police.

CONFINEMENT OF MEMBERS OF PARLIAMENT

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

Under what law did the Police barricade the homes of Honourable Michael Wamalwa, Mwai Kibaki, Kenneth Matiba, Paul Muite, George Nyanja and confine some of them under house arrest for more than ten (10) hours on Sunday, 1st June, 1997?

The Minister for State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The police did not barricade the homes of the Members of Parliament as alleged. However, the police went to the homes of the said Members of Parliament for the purposes of having them record statements in connection with the aborted illegal meeting at Uhuru Park, and the resultant lawlessness and looting on 31st May, 1997. Members of Parliament declined to record statements and opted to lock themselves in their houses.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you notice that the Minister has misled the House so much to his satisfaction that he himself is laughing so loudly because he knows that he is telling us something that is not true?

The Temporary Deputy Speaker (Mr. Wetangula): Order, Dr. Otieno-Kopiyo. I am not in a position to interpret laughter.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I know that sometime ago there was a plan and, in fact, it was executed, to train the politicians and the police under the regime of Nicolae Ceausescu who learnt a little bit from Goebbels that when you tell a lie many times, then it can assume the character of truth. But this is one of the areas that you can see very clearly that the Minister is not been candid and he is not telling us the truth. I, personally, visited some of the homes in disguise. For example, I went to the home of hon. Raila Odinga and the home was barricaded. There was no way any person could enter or leave the house and these were not the police. I am a lawyer, I know the police who come to record statements. When you want to record a statement you carry a pen, you do not carry tear gas canisters, rungs and you do not wear the riot gear. Could the Minister be candid and apologise to these hon. Members who, in fact, were planning to go and attend the Madaraka Day so that even if they were not prepared to talk to the Minister here, but at least, to talk to the visiting Head of State from Tanzania? Could he tell us why he denied these Members their freedom of movement without any excuse or justification at all?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, I said that the police were at the gates of these hon. Members. One of the hon. Members agreed and recorded a statement. There had been a fracas the previous day and things were not very calm and you could not expect two policemen to go to your homes; they could be stoned. Therefore, they came well prepared in case you resorted to stone throwing.

Mr. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since this Government has no

respect for national days, most of us Kenyans have respect for national days. I visited the home of one of those leaders and there were two vehicles across the gate. Since this Government seems to have run out of ideas, why did the police not summon these very important political leaders to record statements at the various police stations in Kenya as opposed to denying them the right to attend a national day?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, the hon. Member's house was not barricaded and he has already said that he was moving to the barricaded ones. Why did he not attend the national day celebrations?

(Several hon. Members stood up in their places)

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. While I agree with the Minister that the confinement of any individual should, of course, be executed through the law--- While I may agree with the Minister for the pre-emptive action that he took, have these hon. Members recorded statements thereafter, now that they are not barricaded?

Mr. Kalweo: We were waiting for them to come and record statements.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, the police came to my house at around 4.00 a.m in the morning. They came in five lorry-loads full of anti-riot police.

An hon. Member: You are a mighty man!

Mr. Raila: Then there were four Land Rovers also full of anti-riot police in anti-riot gear, with tear gas canisters and also guns at 4.00 a.m. At 6.00 a.m., my watchmen and servants were not allowed to leave my compound. They were told that nobody would be allowed to get out of the house or to come in. You saw the photographs in which I was being supplied with milk and bread from outside which was being handed over to me over the gate.

Mr. Maore: It could cause food poisoning!

Mr. Raila: In other words, I was not allowed to get out. It was at mid-day when the police came and said that they wanted a statement. I went and wrote a statement and when I handed it over to them they refused it and said that they had instructions to confine me until further notice. This is a violation of my fundamental rights; rights to go and attend a national day and it was done without a warrant which means that this Government has no respect for the rule of law.

An hon. Member: Do you respect it yourself?

Mr. Nyagah: Ah! You comen!

Mr. Raila: If the police had come to record a statement, why did they come at 4.00 a.m. and why did they come with five lorryloads and four Land Rovers of anti-riot police?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, from 31st May, 1997 to the following day, Nairobi was not an easy place for people to move around. These Members sitting here were too riotous and a single police officer could not have dared going to their places. So, respect is two-way. This is the answer I can give. **Mr.**

Muite: Mr. Temporary Deputy Speaker, Sir, with your permission and if I may borrow the language of the Minister of State, Office of the President, Nairobi was not an easy place during the days he mentioned. Given that we are going to have other days that are not going to be easy, for example, the 19th of this month, are we also going to be barricaded?

Mr. Kalweo: The answer is simple: Have a licence.

Mr. Kapten: On a point of order, Mr. Temporary Deputy Speaker, Sir. We have just been told that we need to apply for a licence for 19th June, 1997. This is a Budget day. Is it in order for the Minister to say that we cannot attend Budget day unless we have a licence?

Mr. Kalweo: I did not talk of Budget day. I have said that whenever any person wants to hold a meeting, he should have a licence. If you opt not to come, you can remain wherever you want.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, this Minister is trying to be too clever by half and we shall not let him get away with it. On that particular day, there was no lawful state of emergency in this country. Kenyans were free to move at any time of the day or night and go to any place of their choice. The Minister says that the police went there to take statements. Whether they went there to take statements or barricade, the effect of it is a violation of the provisions of Section 81 of the Constitution of Kenya with regard to freedom of movement. Can this Minister assure this House that this would be the last time this Government, in its dying days, will violate the Constitution of Kenya?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, these hon. Members will never see this House again if that is the case. You are fearing the ballot box. Riots, argument or any form of provocation will not help you.

Prof. Mzee: On a point of order, Mr. Temporary Deputy Speaker, Sir. It looks like one million Kenyans

have been invited to come to Parliament on 19th June, 1997. What is the Minister going to do about this because he has just told us that on 31st May, 1997 Nairobi was disorderly and was not an easy place to move about?

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, part of the comments which were made by hon. Raila Odinga have not been responded to because hon. Wamalwa also wrote a statement and he was still barricaded. In any case, I am grateful to the Minister that in his supplementary answer he did concede that these homes were barricaded. I always tell the Members opposite that I have very good sources of information. I even know what happens right in the Cabinet. Now, my police sources tell me that, in fact, the Commissioner of Police, the Minister in charge of internal security and the Government were arranging to use the Preservation of the Public Security Act to arrest and detain these leaders that I have mentioned in my Question. Would the Minister tell this House whether we are running away from the process of democratization or we are going by the truth of the oath the President took here in this House to defend the Constitution? The things that happened on that day showed Kenyans that President Moi and his Government are not defending the Constitution and are hypocrites to the oath they took.

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, I am not aware of his sources of information. The Government is capable of running the affairs of this nation.

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

*(Mr. Gatabaki remained standing while
the Temporary Deputy Speaker was on his feet)*

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, Mr. Gatabaki! Hon. Gatabaki, the rules of the House require that when the Speaker stands up, you automatically sit down. You do not continue shouting. I understand hon. Mwiraria is away for a funeral and, therefore, his Question will be deferred to Tuesday, afternoon.

ARREST OF HAWKERS

(Mr. Mwiraria) to ask the Minister of State, Office of the President:-

- (a) Why has the Police been arresting hawkers in Meru Municipality almost on a daily basis during the last fortnight?
- (b) Since many of the hawkers have been carrying out their business in the municipality for the last ten (10) years or so, what corrective action, if any, are they required to take so that they continue with their business uninterrupted?

(Question deferred)

The Temporary Deputy Speaker (Mr. Wetangula): That brings us to the end of Questions Time. I have three Points of Order, one from Paul Muite, Raila and the last one from Dr. Otieno-Kopiyo. I will give each one of you two minutes.

Mr. Gatabaki: The Chair is hostile to the Member of Parliament for Githunguri.

POINTS OF ORDER

SUBSTANTIATION: UNTREATED PATIENT
AT KENYATTA HOSPITAL

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, you will recollect that yesterday, the Minister for Health, Rtd. Gen. Mulinge wanted me to give him details of the patient from Kikuyu Constituency who was admitted at Kenyatta National Hospital and whose drugs were all swallowed at ago by the person he was sharing a bed with. The patient is called Peter Kamau, aged 70, and his admission number is 51---

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Muite is on a point of order and under the rules of this House, you cannot interrupt a colleague when he is on a point of order with another point of order.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, the in-patient number is 510868 and I now lay these papers on the Table to enable the Minister for Health to go and carry out investigations and verify what every Kenyan knows, that if you are an in-patient at Kenyatta National Hospital, you need to pay some money before you can be treated.

(Mr. Muite laid the documents on the Table)

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. While you were consulting with the Clerk, did you hear the Member of Parliament for Githunguri say that the Chair was hostile to him? Can the Chair be hostile to any one of the MPs? Was he in order?

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Munyasia, I heard him say so and I ignored it because it is not worth reacting to.

MINISTERIAL STATEMENT: SHEIKH
BALALA'S CITIZENSHIP

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement in connection to the case of Sheikh Khalid Balala. This is because of three reasons: One, in light of the High Court ruling last week in which the Judge, while ruling on the question of impounding Sheikh Balala's passport said the following:-

"Assuming for the moment that the Principal Immigration Officer had such clearly established and plainly defined pre-emptive duty to withdraw the applicant's passport, it does not appear a sober exercise of discretion to wait when the holder of the passport is outside the country to impound it. Many people, citizens alike would view this as an act loaded with malafide".

The Principal Immigration Officer said he had offered Mr. Balala a one way emergency certificate to enable him to come back to Kenya so as to sort out the matter, which the counsel for the applicant refuted. He went on to state:-

"I do hope in pursuit of this good gesture and repeat the same offer in view of the fact that the applicant's wife and children still reside in Kenya with no one to arrange how they should eat, clothe, school for the children or get shelter. These are the issues over which the Principal Immigration Officer should not lose sight of in the exercise of his discretion".

Mr. Temporary Deputy Speaker, Sir, in view of the fact that the Yemeni Government has now made a categorical denial that Sheikh Balala is not a citizen of that country and given the fact that Sheikh Balala while travelling to Yemen had to apply for a visa from the Embassy of the Democratic Republic of Yemen in Nairobi, copies which are here in these two documents, and given the fact that Sheikh Balala's mother has also now spoken and stated that Sheikh Balala is a Kenyan citizen and that her husband had become a Kenyan citizen before his death; in light of these new facts and developments, I would like the Government to issue a Ministerial Statement and clarify the issue of the citizenship of Sheikh Balala.

MINISTERIAL STATEMENT ON GOVERNMENT
INVOLVEMENT IN SUDAN PEACE INITIATIVES

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, before Parliament went on recess last time, I had requested the Ministry of Foreign Affairs and International Co-operation to issue a Statement in respect of the new peace initiative that His Excellency the President is undertaking in regard to the civil war in Sudan. This was because the Government has a habit of getting entangled in conflicts that it does not understand very well and then ending up with the shame that we have had like in Zaire. We would want to ensure that this kind of about-turn does not happen, so that we save our President the embarrassment of having to apologise to everybody in the world.

PERSONAL STATEMENT
DENIAL OF REGISTRATION AS A VOTER

Mr. Nyagah: Mr. Temporary Deputy Speaker, Sir, I would like to make the following Personal Statement.

It is with great disappointment that I have to inform the Speaker and the nation at large, about my inability to register as a voter in my own constituency of Gachoka. I am a Kenyan male adult of sound mind and aged over 18 years. I am in fact, 47 years old.

On Saturday 7th June, 1997 I was refused registration at unit No.29 at St. Luke's School for the Deaf where my home is and proceeded to protest to the Electoral Commission Chairman who was chairing a meeting in Kerugoya. I traversed through two districts to get there.

On Monday, at yet another registration centre called Kiamuringa where I went to primary school for eight years, I was refused registration. The crime is that I hold an identity card whose details differ with the choice of the

registration centre where I want to register and yet they both fall under Gachoka.

The instructions given to the clerks have come from an officer who doubles both as a registration officer, legally gazetted in charge of Gachoka Constituency, and also at the same time, the KANU Chairman for Mavuria Sub-location. His two deputies who, are also officially gazetted, lost in the recently concluded KANU elections.

The Constitution states that the only reason I cannot be eligible is, if I am of unsound mind as per the Constitution, Section 43 (2); on grounds of bankruptcy which I am not and if Parliament has stopped me from doing it. I know there is no Minister who is going to respond to this. If the Electoral Commission does not register me tomorrow, then I will take the Electoral Commission to court. Thank you.

BILL

Second Reading

THE NATIONAL CRIME RESEARCH CENTRE BILL

(The Attorney-General on 10.6.97)

(Resumption of Debate interrupted on 11.6.97)

The Temporary Deputy Speaker (Mr. Wetangula): Prof. Anyang'-Nyong'o, you were on the Floor.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I was contributing to this Bill yesterday and one of the things that I was drawing the Attorney-General's attention to - and I do not know why he is not here today because this Bill is in his portfolio and---

The Temporary Deputy Speaker (Mr. Wetangula): The Chair is aware that the Attorney-General is attending a funeral service.

Prof. Anyang'-Nyong'o: I was saying that the Government must understand what crime is before they set up a National Crime Research Centre. Because, if the Government commits crime with impunity, then, definitely Kenyans are not going to respect an institution like this one they are setting up.

Mr. Temporary Deputy Speaker, Sir, I gave several examples where the Government has been committing crimes. One of them is breaking the very principles of natural justice. That, a Kenyan citizen is innocent until proven guilty. But the Government with its so-called "forces", whenever they think that a Kenyan citizen should be apprehended, the so-called "citizen" is apprehended as if already convicted in a court of law of a crime.

Mr. Temporary Deputy Speaker, Sir, take the example of barricading Opposition leaders in their homes, which the Minister of State, Office of the President has made a very poor show of in this Parliament today. Surely, if people are demonstrating in any part of Kenya, the law says that they should be arrested there and then and be taken to a court of law to be charged of a crime. Now, the police so knew that people were going to Uhuru Park and knew those people were there. What they should have done was to walk quietly to these people, approach them with a warrant of arrest and say: You are being arrested for breaking a law and take them to court. Not to use teargas and all kinds of savage methods against their own citizens. Because, if you behave like that, your own citizens will know that you do not know your own laws, you do not respect your constitution and indeed, really, you are not capable of running a government.

Mr. Temporary Deputy Speaker, Sir, the police and the GSU are being used in barricading Opposition Members in their homes. One of these days, they will use the same method in barricading you in your own homes. They will come because the police are poorly paid, they live in terrible condition and it is because they are poorly paid that they take bribes on the streets. The GSU too are tired of being used like rogue elephants every time there is something; they are getting bored. I am telling the Government that the way they are using the police and the GSU very soon this is just going to be addressed rehearsal. They have rehearsed how to barricade people that when they go to barricade the hon. Kalweo, who is afraid of the truth and he is going away, the hon. Kalweo will really regret why he ever ordered the police and the GSU to go and do this to hon. Members of Parliament. This has happened in other parts of the world too. I am sorry that kind of criminal behaviour that the Government has involved the security forces in is very soon going to be used against them and the time is not far, if they do not change their ways.

Mr. Temporary Deputy Speaker, Sir, another crime that the Government commits is the idea of suddenly denying citizen their citizenship because of political conflict. The Government feels that they are in conflict with somebody politically, so the thing to do is to deprive them of their citizenship and usually using race as a basis.

My dear friend hon. ole Ntimama across has said and spoken very eloquently in this House saying that no Kenyan person of whatever race or ethnic origin should be treated any less than any other person. The hon. ole

Ntimama has spoken so eloquently in this House with reference to Maasai people. I think the Government should take some advice from the hon. ole Ntimama when it comes to individual Kenyans who belong to certain races who are then deprived of their citizenship because of political conflicts.

Sheikh Balala, as the hon. Raila Odinga demonstrated here today, is a Kenyan. All attempts by the Government to prove that he is not a Kenyan have failed because these are political arguments and not legal arguments. The case of Sheikh Balala reminds me of the case of a very distinguished Kenyan citizen called Salim Lone, who in the late 1980s, was also deprived of his citizenship just because he is a Kenyan Asian and just because some people in Government then felt that he was too critical of the Government. Eventually, of course, they recanted their sins and Salim Lone was given back his citizenship in the same way Balala is being treated today. Salim Lone is a very distinguished Kenyan serving the UNO and he is the person who recently came here to Kenya to bring the wife of the Secretary-General of the UNO on a visit to Kenya and he arranged that visit so well. The UNO was so proud of hon. Secretary-General's wife visit to Kenya because of the service of that Kenyan. Now, supposing that the foolishness of the 1980s had been perpetuated and Salim Lone was deprived of his Kenyan citizenship perpetually, obviously, we would not have reaped that pride as a result of Salim Lone's performance recently when the wife of the Secretary-General of UNO came. In the same manner, now you are mistreating Sheikh Balala, the same Sheikh Balala one of these days may turn out to be one of the most well-deserving Kenyans and will do a lot of good service to this country.

So, let us think ahead. Let us not engage in this criminal act as a Government. You engage in this petty crime and then you bring a Bill like this one. Surely, the people on this side of the House are much more sensible than the people on the other side of the House, because the argument you are trying to make falls in the face of the very practice that you are bringing to this House. I would like to appeal to the Government that this kind of behaviour is really no good.

Secondly, one of the things about the conviction of a crime is that you should be taken to a place where you are corrected. You are expected that when you come out of that place, you will be a better person. This is the whole genesis and origin of prisons. But when you go to the prisons, you are lucky if you come out alive. For example, Kondiaga Prison in Kisumu District, it is not too far from Kisumu town. In Kondiaga Prison, at this point in time, 27 people die every month. That is a rate of one person per day. That is the average. There are months when there are as many as 50 people dying in Kondiaga Prison. When you are sick in Kondiaga Prison, you are taken to the old Nyanza General Hospital and you are chained to your bed. There is a ward in the old Nyanza General Hospital where Kondiaga prisoners are dying and it is really a shameful sign because these are emaciated characters who obviously, for all intents and purposes, are brought to the hospital to die and yet they are chained to their beds. I do not understand the mentality of our Government quite honestly.

At one time, my dear friend, Gitobu Imanyara, when still editor of the *Law Monthly*--- Gitobu Imanyara was accused, not convicted, of plotting against the Government. This is a political argument anyway not a legal one. While he was still in the police custody, he was taken to Kenyatta National Hospital to be treated and the Government knew that he was suffering from migraine and yet poor Gitobu was chained to his bed for all the time he was in the hospital. The recent case was of Koigi Wamwere too who was taken from prison and taken to Nairobi Hospital very sick, chained to his bed, his parent could not see him, his mother went to the hospital, the Government did not care, his lawyers went there, we went there and we could not see him and so on.

All this is demonstrated on television and in newspapers to Kenyans and Kenyans begin wondering: Does this Government have any respect for its own citizen? Yesterday, I said that the whole concept of citizenship requires that a Government recognises every individual who is a citizen as equal to another one. That is so basic to constitutional Government and the rule of law, but when somebody is reduced to the level of being sub-human because he or she is only accused not yet convicted of some offence, surely, you are depriving these persons of their citizenship.

Mr. Temporary Deputy Speaker, Sir, these are some of the things that the Government should bear in mind as a normal practice of a civilized State, before we say that we are going to do research in these kind of things.

Mr. Temporary Deputy Speaker, Sir, remand homes, let alone prisons, for juveniles--- The other day, a Question was asked here for the Minister to explain to this House, how many of these remand homes have been established by the Government. The Minister went a long way in giving a catalogue of such homes for juveniles established by NGOs and not Government. I am sure that the Government must have some remand homes in some certain places where they take juveniles where conditions are so bad that they dare not mention their names in this National Assembly. I know of homes like the one in Kabete where juveniles are expected to be brought back to proper behaviour. But the conditions again are so bad that surely those juveniles frequently run away to commit even further wrongs and crimes in the society.

Mr. Temporary Deputy Speaker, Sir, if we are going to do research on crimes, the Government should begin doing research on its own crimes and this should have been put here and should be accepted because we know it that

we have, I am sorry to say so, but basically a criminal Government, as far as Kenyans are concerned. Criminal because even when citizens, 25 million and more are saying look, "We want to talk about the basic laws of the land on which we are established as a Republic---" This is a general cry. Only one person stands and says "This should not happen." I am glad to say that in an authoritarian regime, you really cannot hold the gentlemen opposite me responsible because they have to read the lips of the big man before they say anything. They are as much victims of this repression and authoritarianism as we are. They are visited queerly by the same repressive laws and they know it.

Surely, I do really empathise and sympathise because we are all victims of a system that has gone so bad that somehow, the only thing which we have not managed to do is to close the eyes, join hands and sing that we need liberation all of us.

Mr. Temporary Deputy Speaker, Sir, maybe we forget our history. Let me ask a question which I asked my colleagues of mine yesterday when we were talking about the same thing. Why is it that we, as a society are so bent on self-destruction? This used to happen in feudal times. People used to find themselves in such a bind. They wanted change but there was only one person blocking that change and that was the king. They would try, going round and round and in the final analysis, they discovered that the king was the one who was the problem. So, they just beheaded the king. That was the only solution. In repressive and authoritarian systems like ours, a moment has come when we just realise that whatever we do and however we go around things, the king must be beheaded. This is really sad but it is the truth and you saw how Mobutu was almost beheaded in Zaire and he had to run away, jumping to all kinds of cities. This was a man who prided himself as being the cock in whose kraal every hen was conquered. Now, he ran around and he could not find a single hen to conquer.

Mr. Temporary Deputy Speaker, Sir, on the other side, the truth must be brought home that Kenyans are tired of being denied their citizenship and that is a major crime which the Government is committing - denying us our rights to be citizens of this Republic with a right to discuss and debate the basic laws of the land and decide who our leaders should be. I assure you that the day that Kenyans are given that freedom and right, they may decide that the hon. Vice-President is the man who should become the President. We can easily decide that. We can even decide that hon. ole Ntimama is to become our President but we must be given our freedom as citizens to decide that. When we are denied that freedom, we must really reject it. One of the things which I was trying to say is that, because our own people do not have that role model from the other side of right and just, they have become very cruel due to frustrations. One of the ways which you measure repression in society is the amount of violence that goes on in homes. That is man against woman, woman against child and man against child. When we know that there is frustration in society, crimes in the family also go up.

Mr. Temporary Deputy Speaker, Sir, the International Federation of Women Lawyers have been doing some work with the Kenya Police in trying to document crime against women, crimes in homes and so on. Although these cases are under-reported by the police, the figures are very staggering. The number of women who have been victims of assault by men - most of these things are in the homes although they are not being revealed - by international standards and given the size of our population, it is indeed is very high. I will give the House some figures on this. In 1993, 2,638 women were victims of assault by men. In 1994, 2,492 women were victims of assault by men. In 1995, 2,531 women were victims of assault by men. By June last year, half-way through the year, the figure had shot up to 1,979 women who were victims of assault by men. You might think that these figures do not mean much but-- Yesterday, I spoke about the language of violence. When you listen to Ministers and Assistant Ministers speak in public, using such words as: "If they are men enough, let them come to Mombasa and we shall crush them." This kind of language makes people have this macho mentality and have a way of venting their frustration against the much weaker sex.

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

[Mr. Deputy Speaker resumed the Chair]

Dr. Kituyi: On a point of information, Mr. Deputy Speaker, Sir. Hon. Bishop Tanui who has no capacity to speak in this House is always making threatening noises while in Kipsigis country, that he is going to deal with the Opposition and he will show them a lesson in Parliament. Why can he not be invited to tell us in Parliament what he can do to us when he is here?

Mr. Deputy Speaker: Order! Order, hon. Dr. Kituyi! Every Member of this House has the capacity to speak in the House when he wants.

Prof. Anyang'-Nyong'o: It is only that hon. Bishop Tanui has high propensity to speak more loudly elsewhere than in this House. That was the point which hon. Kituyi was making.

The Assistant Minister for Education (Mr. Ndetei): On a point of order, Mr. Deputy Speaker, Sir. Is it not in order for hon. Dr. Kituyi to withdraw and apologise to Bishop Tanui for imputing improper motives on him?

Prof. Anyang'-Nyong'o: I do not think Dr. Kituyi imputed any improper motives. Hon. Kituyi was just explaining a behavioural pattern by the hon. Member of Parliament.

The Assistant Minister for Education (Mrs. Ndetei): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Prof. Anyang'-Nyong'o to reply me when I had directed the question to you? That is not within his jurisdiction to reply me.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, there is collective responsibility in the Opposition.

Mr. Deputy Speaker: Order! Order! I did not think the statement by hon. Kituyi was going to set a favourable tone in the debate and that is why I was quick without any objection, to rule that every Member has the capacity to speak in the House when he or she feels like and the capacity to speak in the House includes the capacity not to speak in the House.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I think from now on, we will recognise the incapacity of some of our colleagues to speak. Further to this, the figures I have been quoting of women who have been victims of assault by men do not include cases of rape or defilement and incest. One of the things that I would like this Research Centre to do, and yesterday I said we should not set up a whole new institution--- I said that we should define the problem and let that problem be handled by an already existing institution. In terms of proper management, you do not create a bureaucracy and then give it work. You should begin by performing work first and as the work load requires, you will then source the human and physical resources necessary. But this thing is putting the cart before the horse and creating a huge bureaucracy and then saying that the existence of that bureaucracy is justified by the work to be done. This is wrong management. That is one of the reasons why the Government pays huge bills for bureaucracies that do not perform.

One of the bureaucracies that I gave as an example yesterday, is the Kenya Posts and Telecommunications Corporation (KPTC). The best thing they do is to disconnect people's telephones even when you have paid your bill. Once they disconnect it, the bureaucracy is so damn inefficient that you can go and pay your bill, but your telephone remains disconnected for five or six days. During that time, KPTC is losing money because the consumer is not using the facility. This is simple arithmetic! But when you go to Tom Mboya Street where they say that they have an accounts section, you will find a whole bevy of people sitting down with papers before them, doing nothing, and being paid by KPTC. This is terrible inefficiency! If there is anything to be privatised very efficiently, it is the KPTC.

The only thing is that the Bill that the Government is bringing before the House proposing the privatisation and restructuring of KPTC is in itself so poorly drafted, that you wonder whether this Government has competent lawyers, or whether they are more interested in engaging in the kind of crimes that we have been talking about, and not doing their work. This is why the citizens of this country are so fed up with this Government. It is a pity that some of us still think that they will be there next year to keep on terrorising us, performing acts of crime, stealing land and so on. It is terrible!

If the KPTC cannot be restructured and privatised, let the Government allow the private sector to begin running telecommunication companies to compete with it, so that it is run aground and it disappears. The problem is that they are proposing that we should vote so much money first, to deal with the debts and wastefulness of the KPTC.

In 1989, we did a research and found out that the KPTC had imported to this country, so many cables. These cables were supposed to be used for beginning an underground system and those are the wires you see up there which are supported by such weak poles that more often than not, you find them on the ground instead of standing up. When these cables came here, it was realised that they were the wrong specification. They were lying there at Kabete. All of a sudden, it was so embarrassing that huge trucks were ordered to go and collect these cables and scatter them all over the country, so that nobody could determine where they were. I do not know what happened to these cables. That is part of the debt we are expected to pay now, when it was definitely a crime committed by this Government. Somebody wanted his 10, 15, 20 or 50 per cent, so he ordered the wrong cables which were brought here but they were never used. Instead, they disappeared somewhere across the plains of this country.

The other crime of KPTC is that they started a huge enterprise at Kericho to boost the capability of telecommunications. Again, the figures show that the thing was over-invested, the equipment was ill-matched and whether that enterprise has ever led to the better performance of KPTC, nobody knows.

I am making these points because one of the things missing in this Bill is what we call economic crimes. Last year, when I asked the Attorney-General what they are going to do about economic crimes, he told me that in his own Chambers, they have set up a task force. I do not know whether really these task forces are ever set up. But anyway, they set up a task force to look into possibilities of bringing a Bill to this Parliament regarding economic crimes. This was also with regard to some observations that had been made in the Public Investments Committee (PIC) and in the Public Accounts Committee (PAC). What do you do with people who have looted the Government?

When we asked the Attorney-General this question, during our meeting with the "Big Five", he said: "One of the major weaknesses in our system of justice is that we do not have a law against, or concerning economic crimes".

When I told him that there is an Act dealing with corruption, he told me that the Act does not go far enough to deal with economic crimes. I differed with him because I think the Act provides for quite a lot of latitude for the Government to bring to book people who commit economic crimes. But the Government has never really used that Act of corruption. I have never heard anybody who has been brought before a court of law for having contravened that Act that was passed by this Parliament.

But nonetheless, it is also because there is such a lacuna, such blindness about economic crimes. Even the National Crime Research Centre Bill does not have any mention of research on economic crimes. This is a travesty because one of the things which is causing under-development in this country is economic crime. I am afraid to say that were we to have a Government that takes economic crimes seriously, retroactively, a lot of people on the other side could be behind bars.

That notwithstanding, one of the reasons why there is domestic crime, or battery against children and women in homes is what I talked about; that is, the rising frustrations of citizens in this country, and hence, the tendency to vent their frustrations within the family. I studied cases of assault of women by men. But the figures do not include cases of rape, defilement and incest. Let me just give you cases of sexual assault and defilement of juveniles, that is, young people.

By the way, before I give you the figures, one of the reasons why we have such poor convictions of child defilers is specifically because the system of justice makes it very difficult for persons to be prosecuted for defilement. Usually, the cases are reduced to what they call, "indecent assault", which my friend, hon. Murungi who is a lawyer, will tell you that before the face of the law, is a lesser crime.

On these cases of sexual assault and defilement of juveniles, the figures look so low precisely because the reporting of assault on juvenile is low, and there is a bias in the criminal justice system about apprehending men who do this. In a recent article in the *Sunday Nation*, I was giving an example of a man - I will not say where it occurred - who sexually assaulted his daughter, and was kept in police custody in a police station. Before such cases come before a court of law, they need the consent of the Attorney-General, and the Attorney-General's consent takes a very long time in our country. After confining the man for three weeks, the officer in charge of the station said: "Well, why are we wasting our time with this man? It has taken three weeks and he has not been taken to court. After all, this man simply enjoyed his daughter! Let him be freed!"

That is the kind of problem we are dealing with in this country. I would think that even now, were the Government to give a lot of resources to the Faculty of Law and to FIDA, which is a non-governmental organisation doing good work, to continue with its work, the result would be much more effective and speedy, than waiting to set up this bureaucracy. This is because there are people already doing the work; all we need to do is to empower them and give them more resources.

In 1993, there were 546 reported cases of sexual assault and defilement of juveniles by men. In 1994, there were 137 such cases reported. In 1995 there were 124 and by June, 1996, there were 108 cases.

At least, FIDA has managed to collect some figures. They look low but that simply means that the system, and the ability to detect these things is low.

I have myself proposed that the Government should employ or empower family life educators working in the rural areas and in towns and social welfare officers specially trained to visit homes and make themselves available for juveniles to report when they are in problems. Most of these sexual assault and defilement cases by the way, when you look at the cases in court, are by uncles. This is not a surprise because if you read Maya Angelon's book--- It is a very famous book by a black American writer. Maya Angelon's book which is called *I Know Why the Caged Bird Sings*--- Maya Angelon writes in that book that the first sexual experience that she had was a defilement by her own uncle and in that book, she says that since then and this was in the 1950s or early 1960s she had tried to talk to her own cousin, nieces and whatever and found that a lot of them had gone through that experience. So, the experience in the United States of America is not different from that one of here. So, let us not say that Maya Angelon was an American and so on. You know this situation applies here in Africa as well. I am saying that at this point in time, we have researchers like Federation of International Women Lawyers (FIDA) and the University and all that the Government that needs to do is to make resources available to them.

Mr. Deputy Speaker, Sir, this Government is setting up the National Crime Research Centre when we know fully well that when CLARION was set up and doing research on corruption, the same Government closed down CLARION. It was not until the donors that support them and they did so often with a bad mouth--- It was not until the donor started squeezing their balls that they let CLARION function. By that time hon. Ndeti was by then not in the Government. So, I would not say that the squeezing was relevant to her, but---

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. I heard the professor say that "The

donors were squeezing, a word that I cannot repeat." Is it in order to have that word used?

Mr. Deputy Speaker: Which word was this?

Dr. Lwali-Oyondi: He used the words until they were squeezing their balls.

Mr. Deputy Speaker: Now, what is out of order?

Prof. Anyang'-Nyong'o: There is nothing out of order. That is an English expression. The phrase means that when you are put in a very tight corner. Surely when your balls are squeezed then the corner is not very wide.

An hon. Member: Was the Hon. Ndetei in Government by then?

Prof. Anyang'-Nyong'o: The hon. Ndetei was not then in the Government. So, the other thing that I want to say is that if FIDA and the University of Nairobi's Faculty of Law were given more resources and support, they would bring out much more evidence on the murder of women through domestic violence. According to British statistics, more women are murdered due to domestic violence than any other thing. Even in Britain this is under-reported. Now, this is the kind of thing that we want to do research on. This is because we do not want to lose our citizens in that way. Furthermore, we want to know the causes why there are such high frustrations in families that this thing leads to assault, rape, incest, defilement and even murder.

Mr. Deputy Speaker, Sir, I now want to give you some figures regarding incest which is again very under-reported. In 1993, there were 35 cases of incest reported to the police. In 1994, there were 24 cases of incest reported. In 1995, there were 61 cases and by June 1996, there were 16. These are just the reported ones. But we know that more occur and that is why I think much more urgency is needed in doing research in that area. If I give you finally the figures on rape generally and this does not include domestic rape or what is called date-raping--- It has been reported in other circles that in Africa, there is more date-raping in Governmental circles than outside Government. This has been reported. That involves people having dates with their secretaries after 6.00 p.m. or people asking women in their Ministries to come and "discuss" with them in their offices and compelling them to unacceptable or unsolicited sex.

An hon. Member: What is date-raping?

Prof. Anyang'-Nyong'o: These are the figures reported in Africa which indicate that date-raping exists. That occurs when you date your secretary in the office. They do not know that they are dated, but you know and then you rape them or you attempt to rape them. This occurs particularly in Africa and we want research on this because recently, it was alleged in this House that one of the hon. Ministers---

An hon. Member: On a point of order---

Dr. Kituyi: A Mkamba should not raise an issue on this!

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): On a point of order, Mr. Deputy Speaker, Sir. The hon. Professor should not generalise a serious issue like this. This is because if this is the practice that is being done by an African, then it does not necessarily follow that it is people within the Government that practise this date-raping. What about the people in the Civil Service and in the private sector? If he knows particular people in the Government who practise this date-raping, then he should name them instead of making a general accusation of that sort.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, that was not a point of order. That was an argument being advanced by the Assistant Minister, perhaps, in his own defence. But that is okay. It is allowed in a democratic society. I was saying that figures available and these are figures in criminology and I was coming to defend Africans because again in Britain--- I am going to give you figures on Britain. It is unfair to say that it is African and I agree with you. But it does not cleanse us from what is going on. The fact there is that, maybe they are there. This is because recently it was in this House that an hon. Minister on the other side [**Prof. Anyang'-Nyong'o**] was challenged that he had been becoming notorious in his own Ministry and women were complaining that he calls them to his office and he demands that goods be delivered.

An. hon. Member: Who was this Minister?

Prof. Anyang'-Nyong'o: I am sparing mentioning his name.

Mr. Deputy Speaker: I am afraid that we do not mention names here since it will be in violation of the Standing Orders.

Prof. Anyang'-Nyong'o: Yes, I know that and that is why I am not mentioning his name. So, anyway he defended himself. I am not inventing this accusation that was levelled against him. In terms of statistics it is not very high, but in terms of probability, it falls within a certain level of significance because there are not too many Ministers. There are only 23 of them. So, if one out of 23 Ministers does that in one year, five per cent, then over a period of five years the percentage might rise. So, we cannot ignore the significance of that per cent. Of course, I am careful not to mention some names of animals, but that is dangerous. These are reported cases in the history and genesis of Governmental criminology against the opposite sex. These are worth mentioning.

Mr. Deputy Speaker, Sir, I notice that the Attorney-General does not want to listen to this but these are things that he should do research on. I am talking about Governmental crimes especially at the level of assault on the opposite sex.

Mr. Deputy Speaker, Sir, during the last General Elections in Britain, one of the reasons why the Conservative Government was voted out is sex scandals and also the factor of chasing the skirt too much. It was demonstrated that, at least, 23 Cabinet Ministers in Britain had been accused during the last five years of Major's Government of having intended committing those sexual crimes. That was a very high figure in Britain. That is one of the reasons why that Government was thrown from power.

I would hope that rather than wait for this Crime Research Centre to be established, that the Attorney-General would devote that money that he currently does not have, would ask the Government to give more money to the Faculty of Law and bodies like FIDA to do research on crime. If the hon. Attorney-General knew those figures, he would, perhaps advice the Government officials and Ministers to go slow because these are the things which leads Governments being voted out of office as has happened in Britain. These figures are very useful for the Government in trying to correct its own behaviour. I think in that respect, I would urge that the resources be made available for that kind of research before we even establish this National Crime Research Centre.

I want to remind the Attorney-General the point I made yesterday when he was here and which I would like to remind you all, please, do not establish a bureaucracy first, let the work be done. Let the amount of work being done demand a bureaucracy being established. You will save the Government a lot of money, you would be much more cost-effective. In terms of management, you will get the thing right because one of the reasons why we are trying to restructure the Government---

The Attorney-General (Mr. Wako): On a point of information, Mr. Deputy Speaker, Sir. I want to inform the hon. Prof. Anyang'-Nyong'o that he is reminding me what he told me yesterday and I have not forgotten it because I made notes. That point is reflected, therefore, he can proceed to another point.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. Now that the hon. Prof. Anyang'-Nyong'o is talking about skirt-chasers in the Government, I wish to inform him that an Assistant Minister of this Government in the past two months has been taken to court on a case of defilement or having sex with a minor.

Prof. Anyang'-Nyong'o: So, you see, hon. Mutiso, if you continue to persist, we will be revealing much more. I think we want to spare you the embarrassment for today because when you were taken to prison, you were taken to an honourable court which has gone into the annals of history of this country, and I am one of those people who admired you very much; only that maybe you should do it this year. This is the time for you to be our "Kabila", I do not know why you are not rising up to the occasion because attempts to have constitutional reforms is failing because people cannot listen. They do not know what is in their own interests. Maybe you could revisit your gymnastics in the earlier 1970s and make use of them!

(Laughter)

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): On a point of information, Mr. Deputy Speaker, Sir. I want to inform the hon. Prof. Anyang'-Nyong'o that we are all in agreement about the constitutional reforms. It is only the time factor that is limiting us. The time is too short between now and the General Elections. So, we all agree that constitutional reforms are inevitable, but the time factor is too short.

Prof. Anyang'-Nyong'o: Of course, I appreciate your argument because if you were to do that, you would not be in power. That I understand. It is like saying do not give us a knife to cut our own throats. It is a very genuine argument. That is why we are opposing it. We want the reforms now, so that there is a level playing field, so that you can no longer enjoy the unfair and undemocratic amendments you put into the Constitution in 1992 before the December, 1992 General Elections. It is like saying that we are going to play football with only one goal where you score all the time without allowing others to score in your own goal. That is not football, that is something else.

Dr. Misoi, are you standing on a point of order?

(Laughter)

Mr. Deputy Speaker: Order! Order! Prof. Anyang'-Nyong'o you have no *locus standi* to address him directly. I think, hon. Prof. Anyang'-Nyong'o, you have got tired of your contribution. Do you want to give a chance to other Members to contribute to this Bill also?

The Assistant Minister, Office of the Vice-President and Ministry for Planning and National Development (Dr. Misoi): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Prof. Anyang'-Nyong'o to mislead this House that in 1992, KANU won because there was no level playing ground when

every political party was given its due right to seek mandate from the wananchi? Wananchi rejected the Opposition. So, why should they be blaming KANU? That is wrong.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I had always thought hon. Dr. Misoi really can make a good argument, but today, I am sorry because the whole idea if you look at the statistics, 67 per cent of the electorate voted for the Opposition, only 33 per cent voted for KANU. Secondly, if you look at the constituency boundaries in this country, there is more representation of geography than demography. I think there should be more representation of demography than geography. This is the uneven playing ground we are talking about.

Thirdly, there is no God given law that says that there cannot be proportional representation as well as the first past goal post representation like in South Africa. These are the things we are talking about. Put into the law those legal stipulations that would make representation more meaningful than if you would refuse to listen to these demands by saying that the time is too short, we must wait after the General Elections. That is not an argument, but a defence. If I told you that there is more representation of geography than demography, would you refuse? Of course, you would not. But the point is that you rush up and say, "I understand, but wait until after the elections". Surely, that is just a defence, not an argument.

Mr. Deputy Speaker, Sir, in 1992, we saw the Constitution being amended in a matter of days or weeks before the elections. Why should the Government insist that there is no time when we know that it happened in 1992?

How long did it take the arguments in Lancaster House to be debated? It was six weeks and the whole Constitution was written and brought here. Unless, you people say that on the other side you have heads full of timber and not grey matter, then, of course, we can understand that you need more time to go to God to transform your heads into grey matter so that you can think. But you cannot sit there and say you are human beings with grey matter in your heads and you cannot argue. That is not fair at all. It is not fair to you and to us all because, at least, I know some of you have doctorate degrees while, the hon. Biwott is a good businessman by international standards, so, I believe he thinks well and he can make decisions. The hon. Attorney-General---

The Minister of State, Office of the President (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir.

Is it in order for the Member on the Floor to keep on waffling? He must have run out of ideas. The Constitution of this country is a document that affects lives of Kenyans and it is a serious document which will embroil every grey matter in the brains of Kenyans as a whole. That is why it requires a lot of time. Therefore, the hon. Members should not hoodwink wananchi that it is a small document that we can handle with the shortest time possible.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I thought I was complimenting the hon. Biwott, but maybe he listens to compliments so rarely that when I complimented him, he had now to come and attack me because it is so unusual for this side to compliment the Government. The President said in 1995 that there was going to be constitutional reforms, that was nearly two years ago. Really there was time then. Why is it that after he said that nothing happened? When he said it, he said he was going to import foreign lawyers and the Attorney-General came and confirmed here that everything was ready, we should not panic because things were going to be done. Then we gentlemen and ladies, we said, fine, we are going to take your word. Now, you wait and after two years or more, you say there is no time. You are not serious. You cannot be serious. If you really needed time, you should have started working when the President said so and you cannot say I am waffling because I am just telling you what you have been doing. It is hon. Dr. Misoi who asked me to explain. I was not going to debate this one today, but hon. Dr. Misoi was itching to say so. So, he stood up and said so. Now, you begin waffling yourself.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Dr. Misoi): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Anyang'-Nyong'o to continue repeating himself on the issue of the change of the Constitution? When the President said that the Constitution was going to be amended the Opposition sabotaged the process! They were not willing to have a dialogue! So, here we are until after the next general election, when we will go ahead.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, hon. Misoi knows that he, I and many other people were in 1994 having discussions about this subject. He was reported to the President of having those discussions and the discussions stopped. He knows that it was because of the fear in this Government that those discussions could not continue. If he wants me to let the cat out of the bag I will do so.

The Assistant Minister, Office of the President and Ministry of Planning and National Development (Dr. Misoi): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member is making very serious and malicious allegations against my good name and myself. He is completely out of order to discuss personalities instead of concentrating on this vital document and making it better than what it is, if he can do so. Should he be allowed to continue maligning hon. Members of this House who are elected to represent their people? This is a very serious matter.

Mr. Orengo: On a point of order, Mr. Deputy Speaker, Sir. I wish to inform hon. Anyang'-Nyong'o not to worry about hon. Misoi. I used to take him very seriously until he took and burned pieces of paper in Eldoret, and

said they were Odongo when he knew that pieces of paper could not be Odongo. Just imagine a whole doctor who has been through a university burning pieces of paper and then going to Eldoret State Lodge to report that he had burned Odongo! Do not worry about him.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Dr. Misoi): On a point of order, Mr. Deputy Speaker, Sir. Indeed, I used to respect the two hon. Members in the belief that they were always constructive in their deliberations in this House. Today I am really shocked that they chose to discuss imaginary activities which cannot be substantiated. Can hon. Orengo, bring the paper which I burned here?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, let me go back to the Bill. But before I do so let me say that I am surprised that hon. Misoi does not realise that I am also a personality. When he is discussing me that is okay. But when I discuss him he says that I am discussing a personality. I thought both of us are personalities.

The Minister for Foreign Affairs and International Co-operation (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir. Since hon. Anyang'-Nyong'o quoted some statistics I wish to inform him that when Mr. George Bush won the election of the United States of America (USA), a great democracy by any description, he had managed to win only 40 per cent of the popular vote, and yet, the Americans did not have to go through the 250th amendment!

Dr. Kituyi: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! I think, with all due respect, this is an abuse of the facilities of debate. Prof. Anyang'-Nyong'o, I think you had better continue with the debate or wind up your contribution and give any other hon. Member a chance.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, surely it is not my mistake: It is hon. Members on the other side who have interrupted me every now and then. But let me tell hon. Musyoka that when Mr. Bush won 40 per cent of the popular vote he did not get a congressional majority. But here, the other side had a voter minority and yet it has a Parliamentary majority. This is completely irregular. If we had proportional representation and good constituency demarcation, it would not have occurred. So, he is further hanging himself with his own rope.

If I could say something about the Bill, Clause 21 is very important, and I want to draw the Attorney-General's attention to it. It is a very dangerous clause and it states:-

"(1) The director may in writing request any person to furnish the Centre with such information or to produce such documents or records as he deems necessary and relevant for the discharge of the functions of the Centre under this Act".

And secondly the clause states:-

"(2) A person who:-

- (a) without reasonable cause refuses or fails to comply with a request under subclause (1) to furnish any information or to produce any documents or records or
- (b) in furnishing such information makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular commits an offence and shall be liable on conviction to a fine not exceeding Kshs30,000 or to imprisonment for a term not exceeding 12 months or to both".

Unless the Attorney-General is establishing a criminal investigation department, this clause cannot be relevant to a research institution. In this clause he is telling people not to offer any information to the research Centre. This is because which may appear as false to the law today could, after several years of research, be proved right. So, unless he is just establishing an inquisitive wing of Government and not a research institution, this kind of clause cannot remain in a Bill establishing a reputable research institution, which is going to look at the whole truth irrespective of whether *prima facie* evidence shows it to be false. The whole principle in research is that a researcher begins with an assumption that a null hypothesis holds. But this clause says that a null hypothesis does not hold right from the very beginning. So, I really think that this whole clause should be expunged from the Bill. If the Attorney-General intended to put in something else and then put it wrongly, he should word the clause correctly. This is nothing but a clause relevant to a criminal investigations department and not to a research institution.

Mr. Deputy Speaker, Sir, the other thing that I wanted to bring to the attention of the Attorney-General is that Clause 20 deals with the use of the words "Centre" and "national crime research". What you are trying to do is to say that you want to preserve the use of the words "national crime research centre" to this institution only. But the way it is put makes one feel that no other institution can use the word "centre". Already I know people who have tried to use the word "centre" in registering companies and businesses since this Bill was contemplated, but they have been refused the use of the word. This is very undemocratic. It is like the rule that only one person in this country can be called "president".

Why should only one person be called "president". In the USA there are presidents of universities and clubs.

You do not become more respected because you are the only person who uses a word. You become respected because of what you do for people. Why do you want to be so selfish? It is like Mobutu who says that he is the only cock in the crowd who does all kinds of things to so many hens. I think this is wrong. I think the protection of the word "centre" here is unfair.

Finally, I think that Clause 5 is extremely important, and I would like the Attorney-General to look at it very carefully. It is about "functions of the Centre". To me this is the hub of the Bill.

Mr. Deputy Speaker, Sir, I am saying that the Centre, as a bureaucracy, should not be established as such. The Centre could still be part and parcel of the university of Nairobi to begin doing this work. It can be a department or a wing of the Department of Criminology, which can be manned together between the Faculty of law and the Department of Sociology.

One of the functions which I think is very important and which has been left out, is a specific research on institutions of Government that is necessary for investigating into crime and for looking into the criminal justice system. At the moment, we have a whole confusion of who is competent enough and who is trained enough to look into crime. We have two institutions, the Criminal Investigation Department (CID) and all kinds of para-police institutions engaged in arresting people for crime. This to me completely confuses the whole idea of identifying crime and apprehending criminals.

Mr. Deputy Speaker, Sir, finally, one of the things that is really bothering us in this country is the whole idea of police reserve and who can be recruited into the police reserve. I have a specific case of youths in Kangemi, who are being recruited, trained and being told that they will be trained to be police reserves. We know that these youths do qualify to go into the police reserve. So, this kind of creation of para-police and para-military institutions using the youth-wings of political parties from time to time is what, in the final analysis, leads to the breakdown of the state. So, when this job of looking into institutions that deal with the criminal justice system is done, one of the things that that department should do is do research and advise the Government to what extent it should from time to time be recruiting people into all kinds of para-military and para-police functions. Historically, from feudal times to the present, these are the people that finally lead to the disintegration of the state and the continued loss of faith of the people in the legitimacy of a government.

Mr. Deputy Speaker, Sir, I beg to oppose.

The Minister for Home Affairs and National Heritage (Mr. ole Ntimama): Thank you very much, Mr. Deputy Speaker, Sir, for giving this opportunity to contribute briefly to this Bill.

I am glad the Attorney-General has come in, and I want to really congratulate him because I have been sitting here the whole day and yesterday and I have seen that he is taking his notes very seriously. So, I hope my friend Prof. Anyang'-Nyong'o will know that at least, the Attorney-General is going to take care of all the points he has raised in his contribution. The same applies to my friend, hon. Muite, and the others.

This draft Bill is very important indeed to this country. It is very important because crime is already a world-wide problem. Crime rates are rising in developed and developing countries so much that it is seriously alarming. So, this Bill, which goes on to try and create a Research Centre and to put the whole crime system into a telescope will help us to see exactly what problems face us as far as crime in this country is concerned. This Bill is important because as I said, crime is world wide; it is affecting some of the highly developed countries like the United States. Even African countries like South Africa have problems of crime. But it is important to do research in some of these things to ensure that we control the rising rate of crime in our society. We should try, as much as possible to create a situation where we will remove gangsters, guns and drug peddlers from our streets, where the main problem is. Recently, we have seen a lot of crime in this country and even in our neighbouring countries. I think this Bill has come at the right time when the Government is seriously working out a process and a system where crime will be researched, investigated and, possibly, controlled in the long run.

Mr. Deputy Speaker, Sir, while dealing with crime, it is important to know that crime is normally associated with other social ills in the society. It is also important to know that social and economic matters, especially poverty, work together to increase the crime rate in any country. Also, the question of the society's moral fibre is a major factor to be considered. When the morals of a society are so low and its culture is not taken seriously, then this also contributes to the high rate of crime in our society. I think it is important that this Research Centre, should also go into the social problems, including the immorality or morality of society, because all these things contribute to the rising rate of crime all over the world, and especially in the developing countries. We should try as much as possible, in the long run, to improve our economy so that unemployment also does not rise to such a position that people will tend to turn to crime.

Mr. Deputy Speaker, Sir, I have looked at this short Bill, and I have seen that it looks like the proposed centre is just another parastatal. We are in the process of trying to reduce the number of parastatals in this country and go into the private market economy and allow people to run their businesses, and not through parastatals where, normally, there is

very little accountability of finances and responsibility. So, I think the best way to look at this, is to try and make a real research body. I think this research body should be under the umbrella of our institutions of higher learning.

(Applause)

I think most of these crime centres in the rest of the world are naturally attached to the institutions of higher learning, where people have time and the know-how to do the proper research on crime.

Most developed countries have got engineering, medicine and crime experts attached to the institutions of higher learning. These ex-officio members of the council are too many and the private people from our universities are probably one or two. I think, there is a very unbalanced membership here. These people, the Chief Justice and even the Attorney-General himself, the Commissioner of Prisons and the Commissioner of Police are very busy people and they do not have time to be called all the time to do research on crime and to find out what social conditions have created the rising crime rates. They could probably be called at certain times when a real research has been done at research centre by proper researchers who have been trained and educated on social problems and people who are well versed with the social situations of any society.

Mr. Deputy Speaker, Sir, to me, although it is important to help these people, I think, we should lean much more on our institutions of higher learning if we are going to get the best out of research on crime and, not only crime, but also on medicine and many other fields. I think, we should, as a society and a Government, turn to these institutions of higher learning to support them, finance, encourage and give them equipments to be able to carry out most of the research that we require, including the research on crime because they are people who would probably give us a lot more than the ex-officio members who come, sit and probably get their allowances and go back thinking that they have done research on crime and we would be reaching a dead end again. We will not be able to help our society in solving the problems that affects it.

Mr. Deputy Speaker, Sir, I want to emphasise again that this research is important because it will have to be co-ordinated with the researchers from other advanced countries of the world; people who have done a lot more research on crime. It is also important to note that most of our sociologists are already in our institutions of higher learning. The control and management of crime, as it were, would entirely have to depend on how seriously we go down to study our social system, including the economic system and comparing it with the rate of crime and so forth.

I am not going to take long on this one, but I want to refer briefly to what my friend, the hon. Muite, was saying yesterday especially about me, the Maasai and Enoosupukia. I think, it is not worth letting a situation like that to go unanswered because, I think, hon. Muite went along to rub and scratch old wounds with the purpose of trying to make them bleed profusely. I think, he has as much a stake as I have in keeping peace in Narok District. I want to tell this House that we have not had an incident at all for the last five years; any conflict between the Maasai and other ethnic groups. We have lots of ethnic groups indeed. The people of the ethnic group from which hon. Muite comes from are the majority of the other ethnic groups. They are doing good business in Narok, they control the retail trade, matatu trade, transport trade and they are happy. We have intermingled together, we are working together, they are registering as voters in that area and we have not had even a small ripple, as far as we are concerned, in that area. For hon. Muite to come out of the blue to scratch and really rub those old wounds to almost bleeding point, is very serious and, I think, he should take care not to try and do that because I consider this thoroughly as an incitement.

Mr. Deputy Speaker, Sir, I want to say very clearly that although this Enoosupukia issue was not understood properly, some people during those old days were told to go out and grab, settle and go into any areas and everywhere. As I had said yesterday, I do not object to people going everywhere to do business.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. The Minister has said something that I did not understand. He said that sometime ago, a certain community was told to go and grab land and settle. Definitely, he is referring to the Kikuyus and the Kenyatta regime. I think, what happened that time was in conformity with the Constitution where every Kenyan is allowed to settle anywhere in this country. Can he substantiate which people grabbed, who told them to grab and where?

The Minister for Home Affairs and National Heritage (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, I think, I want to tell the hon. Member that the truth is that; sometime in our history in the 1970s, there was a major statement which told one group to go out and do everything that was possible to enrich themselves; including grabbing, settling and stealing.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. I think, we are letting history to be written wrongly. The Minister continues to say that it is on record that in the 1970s, a certain group was allowed to go and grab, steal and do whatever. All we want, as a House, is substantiation from the Minister because the current Government is following the footsteps of the previous Government. So, is what we are seeing today grabbing of public utility plots, the following of the footstep of the previous Government? Can he substantiate?

The Minister for Home Affairs and National Heritage (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, there is nothing to substantiate, but I request my fellow hon. Member to read our annals of history and probably somewhere in between, he will find out that this statement was made whether in low key or loudly, but I am sure that if everybody was honest they would accept that fact. Anyway, the thing is that, I am going to refer to Enoosupukia personally and say that this is an area which was a forest and which was invaded. People went out and cut, slashed and burned the whole forest until it became totally barren.

Mr. Mulusya. On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Minister in order to mislead this House and the nation at large? I, personally, was working for the Commission of Lands when the Minister was the Chairman of Narok County Council. Under the Trust Lands Act, any setting apart of land which is under the county council, Trust Land, must be done through a resolution of the local county council where that land falls. All the land which was allocated to those people, the resolutions were done under the chairmanship of hon. ole Ntimama when he was the Chairman of the Narok County Council. So, all those Kikuyus who settled there were allocated land by the Narok County Council under his chairmanship and he was bringing them in large numbers, I saw it personally, so that they can assist him to oust the late ole Tipis who used to rough him up like a rogue elephant. Can he deny that?

The Minister for Home Affairs and National Heritage (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, hon. Mulusya is very ignorant of what is happening. Nobody ever made a resolution and I want you to check to see that it is settled. It is the truth. This was a forest area and if you would only listen a little bit before you start talking about something that you do not know.

As soon as this forest was cut down, the rivers stopped flowing. The water sources were destroyed and there was no water flowing down the rivers in Narok.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. We are discussing the National Crime Research Centre Bill, 1997. Is this matter on whether ole Ntimama was right in making war-like statements in 1992/93 relevant to this particular Bill? Could he be asked to go back to the Bill and let us talk about this Bill instead of Enoosupukia? The crimes you committed are gone.

The Minister for Home Affairs and National Heritage (Mr. ole Ntimama): I was referring to a statement made by hon. Muiteyesterday - you were not in the Chair - but his inference was that crimes were committed. The most important thing is that I was trying to make it clear how this thing came about.

I want to say that when these trees were destroyed, there was no water for the pastoralists and this actually brought the whole problem. I am only saying that we must not old wounds and I hope our hon. Members here understand that so that when they come to contribute they understand that instead of interfering with me.

Everybody in this country has a right. I said very clearly that everybody is entitled to go anywhere and do business like it is happening where I am now. We have thousands of people doing business and they are not Maasais. There are probably lots of people who speak the language of my hon. friend. They are doing good business and if you go there, there are only two languages you can hear in Narok; Kikuyu and Kisii. We are friends, but the truth of the matter is that the Constitution does not give anybody a licence to go out and violate the rights of other people.

The whole situation is such that everybody must admit that for such reasons the British really marginalized us. They pushed us to the corner of the society. They pushed us to the periphery. We had no access to education, health care and so on. It is only these days that we are beginning to wake up and have some access to some of these things, including the infrastructure. This must be understood.

When people read George Orwell's *Animal Farm*, they will find that some animals are more equal than others. They assumed that they were more equal than others. They arrogantly accepted the fact that they were more equal than others. This was the situation in some of these areas before we started talking and projecting the rights of other people. Everybody thought they had superlative rights. They thought they were the only people in the world who could be listened to. They thought they were the best traders. They thought they were the best civil servants. They thought they were the best everything. This arrogance must be punctured and probably totally done away with.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. You can hear that the Minister is debating something completely irrelevant to this Bill. Secondly, he is taking this opportunity to pour vitriol on a tribe which we know is the Kikuyu. The Minister is on record to have told a certain community to "lie low like envelopes". It is very sad that it is him now who is "lying low like an envelope". Is he in order to do that?

Mr. Deputy Speaker: Order! I want to appeal to Members on both sides, especially the Minister who is on the Floor now that he concentrates strictly on the Bill.

The Minister for Home Affairs and National Heritage (Mr. ole Ntimama): Mr. Muite was given a long time to talk about certain things. Let me say that general destruction of forests is criminal. General destruction of the environment is criminal and those people who go on destroying or who did destroy forests actually committed crimes against God, nature, the Maasai community and everybody else.

So, I want to look at it from a criminal perspective so that people know exactly what was happening.

Unfortunately, Mr. Muite is not in and I wanted to speak about this thing when he was in. I kept quiet but hon. Ndicho should know that we did not mention the Kikuyu community. If he thinks that the ethnic group I am referring to is his tribe, it might as well be. People like Muite should have been prosecuted and jailed many times for breaking law with impunity.

I want to emphasize on the social behaviour of the people when it comes to researching on crime. **Dr. Lwali-Oyondi:** On a point of information, Mr. Deputy Speaker, Sir.

The Minister for Home Affairs and National Heritage (Mr. ole Ntimama): Dr. Lwali-Oyondi, I know more about cattle than you know, even if you went to the university. I do not need any information.

I want to say very clearly that this is a Bill that I think is very important and which, if supported by both sides of the House, can go a long way in helping this country. I am sure the hon. Member and my colleague, the Attorney-General, is taking this thing seriously. We must look ahead to a stable country without crime. So, this research centre can prepare us for a battle against crime as every other community would do.

With those few remarks, I beg to support.

Mr. Ndicho: Thank you, Mr. Deputy Speaker, Sir. I want to take this opportunity to thank you for giving me this time to say something about this Bill.

I do not want to speak about the Maasai and the Kikuyus because they have been friends for a long time. We have intermarried so much with the Maasais. My grandfather, whom I am named after, is a typical Maasai. I take it very heavily when the Minister suddenly takes the Floor of this House to attack a whole community. Anyway, I read this bill with a lot of concern. I think it is very important that for the first time the Attorney-General takes some time to write this Bill and bring it to Parliament for debate so that we may try to explore ways and means of controlling crime in this country.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, you know very well that this country is one of the most hit countries as far as crime is concerned. The Attorney-General says that the first objective of this Bill is to research into the causes of crimes. Why many Kenyans are involved in criminal offences. Also the same centre is to research on how to prevent that crime. I think when the Attorney-General was drafting this Bill, he must have put into consideration the reasons why so many Kenyans are involved in criminal activities.

Mr. Temporary Deputy Speaker, Sir, what pushes people of a country like Kenya to this level of crime is poverty. Kenya is rated as one of the poorest countries in the world today. When the majority of citizens are living in abject poverty, there is no way that you can expect crime to be far away from such a society.

Mr. Temporary Deputy Speaker, Sir, recently in Nairobi, the Opposition leaders wanted to meet people and discuss about their own future. We went to Central Park a very peaceful people to discuss about the future of this country.

The Temporary Deputy Speaker (Mr. Ndotto): Was it Uhuru Park or Central Park?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I know what I am talking about. It was Central Park and not Uhuru Park. We were very orderly there and the number of Kenyans that turned up for that meeting was so enormous that even the police officers who were deployed there the previous evening were so scared to start beating the people on site.

Mr. Temporary Deputy Speaker, Sir, the Kenyans who were there were so orderly, only waiting for their leaders to come and address them and discuss how to change the Kenya Constitution. Up to about 12.00 noon, the whole scenario was very peaceful until the Nairobi Area PPO, Mr. Kianda, started flying over Nairobi with a police helicopter. We were near his deputy whom he was communicating with using a walkie talkie. The PPO almost quarrelled with his deputy when he told him to disperse those people and the deputy said: "This is a very large crowd, and compared with the number of policemen we have, they might overrun us". Then we heard him telling him: "This is an order, you must disperse them". That is the time his deputy ordered the policemen to throw the first teargas canister in the midst of Members of Parliament and the Rev. Njoya. From that moment, there was havoc in the City.

Mr. Temporary Deputy Speaker, Sir, people who suffered mostly in this City were the hawkers who had even nothing to do with that meeting. In fact, when I was coming to that meeting, I passed through the City Centre and I even wondered: "If we are going to discuss the fate of these people and they are not even bothered to come and listen to what we are saying, then where are we going?"

Mr. Temporary Deputy Speaker, Sir, when the police started beating people chasing them downtown, people who suffered most were the hawkers. Their wares were destroyed by the running crowd.

Mr. Temporary Deputy Speaker, Sir, we were too astonished to hear the Government blaming hawkers as the people who looted wares from shops. I had an opportunity to go round the streets on the same day and I witnessed that no hawker looted anybody's wares, in fact, it was theirs that was destroyed.

We were also amazed to hear that very innocent people like kiosks owners around the Nairobi river bank, at railway stations, at the Akamba Bus Station, that their kiosks were destroyed and they incurred losses which ran into millions of shillings. What was the result of all this?

Mr. Temporary Deputy Speaker, Sir, in a week's time, the rate of crime in Nairobi, and I am sure that the PPO, Mr. Kianda, in his office must have recorded that the rate of crime for the week that followed that incident in Nairobi was high. Why? Because people were rendered jobless and made to stay idle.

So, under such circumstances, an individual who was selling few fruits, peddling wares and so on, and used to get Kshs500 or Kshs1,000 per day and if the Government has come to destroy all that he had, he has no otherwise, but to involve in criminal behaviour because he has a wife, children and himself to feed.

One KANU hon. Member of Parliament yesterday was making "noise" that his wrist watch was snatched by a street boy. It was snatched because the street boy was hungry.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Your colleague was talking and not making noise.

Hon. Members do not make noise. Can you withdraw that word?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I withdraw. When he was making his contribution, he said that his wrist watch was snatched by street boys. When everybody is at risk of being attacked by criminals, then the situation is serious.

The day before yesterday, as I was leaving my office at the Development House, I found that one of head lamps of my vehicle had been taken away. I did not realise that it had been taken away until when I switched on the lights.

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): On a point of order, Mr. Speaker, Sir. I hate to interrupt my good neighbour while speaking, but I would like to draw your attention to the fact that hon. Orenge has violated the Standing Orders. He has just walked in between you and the other hon. Members without bowing to the Chair.

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

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Orenge, I have not given you the Floor. I am sure you will take note of that.

Proceed, hon. Ndicho.

Mr. Orenge: On point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Mutiso wears glasses and he is not putting them on. I am sure he cannot see very well. You saw me coming and had I violated any Standing Order, you would have directed me.

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Ndicho, can you proceed?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, this is a Government Bill. It has been brought here by the Government. The Government wants this House to debate this Bill so that it is established by an act of Parliament.

This is a centre to carry out research on crime and causes of crime in this country and how to prevent it while it is the same Government that is responsible for the same crime that we are now coming to talk about here.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Munyasia is alleging that hon. Mutiso is incapable of planning a coup that succeeds and that is why he was detained by Kenyatta's Government.

The Temporary Deputy Speaker (Mr. Ndotto): Order, Dr. Otieno-Kopiyo! I am sure you know that I did not hear what hon. Munyasia said. What you said between you and hon. Munyasia has nothing to do with what we are talking about.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I was saying that the Government wants us to debate this Bill. I am saying that the Government also is responsible for the many causes of crime that are taking place in this country. When we look at the level of unemployment, and school drop-outs and the number of people going without food, the Government of the day always blames the Opposition. Anything that goes bad with this Government is blamed on the Opposition. They should let us take the Government and where they have been unable to perform their duties, we shall show them how to do it. We are suspicious that even this centre, once it is established, it might not necessarily be able to research on the causes of crime and prevent them. I strongly support what hon. ole Ntimama said. He said that he is worried and I concur with him that the membership---I hope the Attorney-General is listening to this---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Attorney-General, hon. Ndicho wants you to listen to him!

Mr. Ndicho: Hon. Shikuku should stop engaging him in busy consultations when he is supposed to be listening to what I am saying. Hon. Shikuku has been so vehement in talking about crime and poverty in this country and yet, he is engaging the Attorney-General in busy consultation!

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to call hon. Murungi the hon. Attorney-General? I was talking to hon. Murungi! Since when did hon. Murungi become the Attorney-General?

(Mr. Murungi walked in front of the Chair)

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Murungi, you are walking between the Chair and the Member on the Floor. That is not acceptable!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I concur with what hon. ole Ntimama said about the membership of this Research Centre. The Attorney-General is the Chairman and the other members are the Chief Justice, the Commissioner of Police, Commissioner of Social Services, Commissioner of Prisons and the Principal Probation Officer. This is a very busy team already. The membership of this research team is already a very busy team. For example, the Chief Justice is too busy because we have problems in the courts where we are told that there is a backlog of cases which date back to the 1980s. These cases have not been dispensed off because the Chief Justice is already too busy and now, you want him to become a Member of a very important research centre that will research on crime. When is he going to get time to read the court cases which are already overloading him and to come and do research on crime? That is impossible! I am going to request the Attorney-General to go through this list and substitute these individuals named here with people who are not as busy as this group.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that the Attorney-General and the Chief Justice will do the research? I thought these were just to be in the Council and not to do the actual research.

The Temporary Deputy Speaker (Mr. Ndotto): Was that a point of order or a point of information?

Mr. Ndicho: All I am saying is this: Even if we are going to have technocrats who will be doing this, we should adopt the policy of one-man-one-job. We should have other people who should be reporting to the Attorney-General, when they collect data on crime research. The Attorney-General should not appoint himself the Chairman. Already, we have a lot of problems with the law in this country.

The Attorney-General, who is my good friend - he helped me when I was imprisoned at Kamiti Prison in March. When I applied for bail, his deputy came and said he was under instructions not to oppose my appeal, I felt that I had a friend in the Attorney-General. So, I am very happy. But what I am saying is this: I could have run into problems, if he had instructed the prosecutor to oppose my appeal. I do not know what hon. Dr. Otieno-Kopiyo wants to say!

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Ndicho suggesting that the Attorney-General dispenses justice on the basis of personal friendship with hon. Members of Parliament? I thought he would have done it on some merit other than that! Can the Attorney-General confirm to us that, that is the way---

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

Dr. Otieno-Kopiyo: Does he do whatever he does on the basis of friendship?

The Temporary Deputy Speaker (Mr. Ndotto): Order, Dr. Otieno-Kopiyo! You have no point of order!

Dr. Otieno-Kopiyo: Okay, I apologise!

Mr. Ndicho: He is taking my time! All I am saying is this: The Attorney-General is a very busy person and he should seek the help of this Parliament to identify a team that will help him on crime research in Kenya, if the Government is serious and honest about finding a solution to the crime in this country.

There are so many educated Kenyans who are jobless. If you look at this Bill, in Clause 6(5), it says that members of the Council shall be paid such remuneration or allowances as may be determined by the Minister. The people who are coming here are already people who are employed elsewhere and they are earning a lot of money. Here is a situation where we have got a lot of university graduates who are jobless. Why should we not adopt the policy of one-man-one-job? The Attorney-General is paid a lot of money and here, he is going to be given remuneration and a lot of allowances. Why is it that the Attorney-General cannot have other Kenyans to take this responsibility?

Secondly, I also doubt whether this team will have a breakthrough in investigating crime in Kenya and preventing it. Why? It is because we do not have trained manpower. My submission is that before we even start this centre, we must have people trained in countries like Israel, USA, UK and other advanced countries where they

have crime research bureaus that are professionally managed and conducted. That is the only time that we can say that we have a competent body that deals with crime research in Kenya. The body should not only investigate crime, but it should also prevent crime. The biggest issue here is how to prevent Kenyans from being killed by other Kenyans. It is to prevent Kenyans from stealing from their fellow Kenyans. I think that is the underlying objective of this Bill. This is what the Attorney-General intends to achieve through this Bill.

Mr. Temporary Deputy Speaker, Sir, we are worried that unless the Attorney-General changes the membership, then this organisation is going to be just like any other committee or any other parastatal that has been established by this Government and which has yielded nothing. So, it is upon the Government and I implore the Attorney-General to ensure that membership is very questionable. I concur with the hon. ole Ntimama when he said this. It is quite a questionable thing. Let us have technocrats. Let us have people trained properly on how to research on crime and how to prevent it. In the same vein, I would like to say that the Government or the department of Government that deals with crime already knows the causes of crime and they know why crime is committed in Kenya.

Mr. Temporary Deputy Speaker, Sir, one of the biggest problems that we have, for example, in courts is the corruption by court staff. Many, many files are missing today. That is why you find that cases are not being dispensed off. Cases are not being heard because there is corruption and corruption breeds crime. When a file involving murder or theft case is stolen or hidden, how will that suspect be tried? So, it is upon the Attorney-General to sweep his house first and set an example to the other departments. We have a very, very corrupt society. In every area of our country, we have a lot of problems where there is total corruption.

Mr. Temporary Deputy Speaker, Sir, I was saying that I was jailed in the month of March simply because I was branded a criminal. I have never myself been jailed. That was my first time. I was jailed because I was called by parents of a primary school in my Constituency by the name of Munyu Primary School in Gatuanyaga location, Thika Division of Juja constituency to assist them because surveyors had gone to erect beacons in the playing field of Munyu Primary School in March 1994. When I responded to my constituents' calls and I told the surveyors that "There is no way under the sun that you can erect beacons on school land." We uprooted the few beacons that he had erected. This fellow was about to be lynched by irate parents and the community surrounding the school. It is I who saved him from being lynched by telling him "Brother, you better go because you can see that these are very hostile people and they are going to kill you." In fact, he boarded his vehicle under my protection and it is because I told the people that "If you harm this man or kill him in my presence, I will personally bear the blame because you will be regarded as a crowd, but it will be reported that I was there." This gentleman had been sent by the then District Commissioner, Sammy Oreta. They then cooked a story after two weeks that I was the one who wanted to lynch him. He came to Thika Police Station and recorded a statement. I was asked by the police to report to the station since the Officer Commanding Station (OCS) wanted to see me. When I went there--

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. We have been told that hon. Ndicho had a case sometime back for inciting people. He gave evidence in court and he was convicted and jailed at Kamiti. Now, he is reviewing that evidence here. Why should he not be asked to stick to the Bill because that matter is over? His friend the Attorney-General helped him to get out of Kamiti.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I am trying to show how one can be branded a criminal when he is not. I was convicted of incitement and I thought it was all just a joke, but since 1994 up to March 1997, it is when I was told, "Now, you committed a crime here and you must be jailed for six months without the option of the fine". I had carried money because I knew the magistrates in Thika are very hostile to me. It is very sorry for me to say this, that when plots are grabbed in Thika, the grabbers involve everybody in that seniority and everybody gets a plot. So, somebody like Ndicho exposes these scandals and they are nullified, so that the beneficiaries suffer. You can rest be assured that I have no friend in that department. I have trumped up charges!

I would like to inform the Attorney-General that when this Bill becomes law, I would like the first research to be done on me. I was convicted as a criminal and taken to Kamiti Maximum Prison. I was not put into the normal cells of the ordinary criminals, but I was condemned to the detention cells. The prison warders there told me not to worry because Raila and Matiba were also in this same cell, even Koigi was here some two weeks ago before he was released. I occupied the same cell that Koigi occupied during his detention there. I am sure the hon. Attorney-General has not even gone to that cell, but to reach that cell, you need to go through five strong steel doors. It was constructed in the 1950s by the colonialists. I think, Mr. Attorney-General, you need to go and see that cell.

Mr. Temporary Deputy Speaker, Sir, research should also be carried out on many Kenyans, like myself, who are branded criminals, while they are not. Research should not only be confined to crime, but also to suspects who have got trumped up charges against them. This is the only time we can have a just and fair system of justice in this country.

It is very sad when a citizen of this country is branded a criminal by the Government. When the Government maintains that a certain individual is not a citizen of this country, and then he is stripped of his passport while he is on a

foreign trip. This is crime committed on a Kenyan by the Government. I am referring to the case of Sheikh Balala. As far as the KANU Government is concerned, Sheikh Balala is a criminal who forged his citizenship as a Kenyan and who has now been discovered by the Government and has stripped him of his citizenship. What we read in the Press today is a complete dress down for the Government, while the mother of Sheikh Balala and his brothers are come pictured there. How that in a whole family of seven people, it is one member of that family who is not a citizen of this country? This is a Government that is doing what we call self-defeating. How many Asians have bribed Immigration Officers at Nyayo House, and today, they are Kenyan citizens, the ones hon. Shikuku refers to as "paper" citizens?

Mr. Temporary Deputy Speaker, Sir, a simple Kenyan is branded a criminal because he is holding divergent views from the establishment.

Mr. Temporary Deputy Speaker, Sir, I am privy to the information to the effect that a step-father of Sheikh Balala was an Assistant Minister in this Government. In fact, he went to Lancaster House with hon. Shikuku and hon. Nthenge. Who can dispute that information?

Prof. Mzee: On a point of information, Mr. Temporary Deputy Speaker, Sir. I wish to inform hon. Ndicho that there have been two relatives of Sheikh Balala in this House. One was an Assistant Minister for Finance; the other one is a brother to the mother of Mrs. Khalid Balala, who is a Ummar Basadik. The Attorney-General knows this very well because Sheikh Khalid Balala's mother is also a basidik. So, two relatives of Mr. Balala have been Members of this House: one from the mother's side and the other one from the father's side.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, there you are! Is Sheikh Balala a criminal or not? According to the Government today Sheikh Balala cheated and obtained a passport, an identity card and the citizenship of this country. The research centre to be established under this Bill will have to conduct research and confirm whether Sheikh Balala is criminal or not. If it is established that Sheikh Balala is not a criminal, as he is branded by the Government, the Government will have to apologise to him, his family and the entire Kenyan citizenry. Two, the Government will have to compensate him for the loss and expenses he has incurred when he has been living in Germany.

At one time I had the opportunity to visit Sheikh Balala in Frankfurt, and stayed with him for two weeks because he is my friend. He has rented a small house in the outskirts of Frankfurt. Until some friends had mercy on Sheikh Balala and started giving him something he was living in abject poverty. Do not be cheated because Sheikh Balala was living in abject poverty. He has suffered mental agony because of separation from his wife and other family members. That is the kind of information the Centre to be established by the Attorney-General will have to compile for compensation of Sheikh Balala with a considerable amount of money.

The other thing which this Bill is talking about is rehabilitation of criminal offenders. Going by the facts, as I said before, Kenyans do not commit crime because they love it. Our young people venture into crime because they have nothing else to do. The Government cannot provide jobs, and so most of the them have turned to crime. This morning, we had a problem when the Minister for Finance was answering a question as to why the Government cannot intervene and control commercial banks' interest rates. He said that the Ministry of Finance has allowed the "big wigs" to borrow money outside this country, in the United States or somewhere in Europe, where interest is about five to six per cent so that they can come here and do businesses. Why? Because nobody can afford the interest rates here. The Ministry of Finance can see that the big wigs, big factories and the big investors cannot afford to borrow from the Kenya banks, therefore, it has to give them a leeway to borrow outside. Somebody then asked the Minister here: "If you have allowed the big boys to borrow money from outside, what about the small Kenyans?"

The Attorney-General must know that the socio-economic causes of crime can be attributed to the issue of making money very expensive. It is very expensive to borrow today. Nobody will borrow a loan from any bank at 35 per cent interest rate. Any kind of business, including hawking and Jua Kali, needs money. If you borrow Kshs100, the profit you will make out of that money, if you are lucky, is about Ksh50. If you make Kshs50 profit and then you pay Kshs35 of that profit to the bank, you are left with Kshs15. How on earth can the Government expect the young up-coming Kenyans to thrive? It is impossible. So in effect, the Government is throwing its own citizenry into crime related businesses. If the Government is serious in reducing crime--and we are also ready to help this Centre to research on crime. I would like to tell the Government that one of the causes of crime is unemployment which is caused by high interest rates which make it impossible for people to borrow money from banks. Therefore, nobody in Jua Kali can engage in meaningful profitable business. If he cannot engage himself in meaningful business, then definitely he is going to involve himself in crime. It is high time that the Government took this issue of unemployment with the seriousness it deserves because it is one of the causes of crime in Kenya.

The Government has tried a little bit by creating the National Youth Development Fund (NYDF) and the funds was raised in December, 1996. Though the President said that this money would be given out to the youth by January, 1997, we are now in June, 1997 and this money has not been given out. In Thika, we received a cheque of Kshs11 million. I was very concerned about this fund because I wanted the youths in my constituency to benefit. All

that I saw was the cheque itself of Kshs11 million from the Office of the President. Up-to-now, I do not know where that money is. I have been going to the District Commissioner and telling him: "Okay, if the money is here and we have got our youth, why do we not then give this money out so that they can trade with it?. Every time, I am told: "No, first, form sub-locational committee, then locational committee, then divisional committee and those committees will report to the DDC, and then the DDC will sit down and deliberate on the information brought from the rural areas. When we receive that information, we are going to give out the money." The young people in Thika and in the country in general were waiting earnestly for that money. Unless the Government gives out that money now, the Kenyan youth will feel cheated. I am telling the Government: "Unless you distribute the money, you are not going to---

An hon. Member: The money has been distributed!

Mr. Ndicho: Yes, it has been distributed to the districts, but tell me of even one young man in Kenya who has received Kshs10 or Kshs100 out of that money to go into business?

An hon. Member: Kisumu!

Mr. Ndicho: My hon. friend tells me that Kisumu---

The Temporary Deputy Speaker (Mr. Ndotto): Order, Mr. Ndicho, address yourself to the Speaker!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, we have---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Members, it is now time to interrupt business. The House is adjourned until next Tuesday, 17th June, 1997 at 2.30 p.m.

The House rose at 6.30 p.m.