

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 25th April, 2007

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

INTRODUCTION OF PUBLIC TRANSPORT BILL

Mr. Mirugi: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, in view of the fact that the public transport sector contributes significantly to the national Exchequer; aware that cartels have started creeping back into the industry; further, aware that traffic police have failed to tame the actors in that industry; noting that there is a rise in public service vehicle accidents, leading to deaths of thousands of Kenyan citizens; considering that a court of law ruled against the so-called Michuki Rules; this House grants leave to introduce a Bill for an Act of Parliament entitled The Public Transport Bill to provide for an independent regulatory body that will oversee and streamline the public transport sector and for matters incidental thereto and connected therewith.

ADOPTION OF REPORT OF SELECT COMMITTEE ON DEATH OF DR. OUKO

Mr. Sungu: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-
THAT, this House adopts the Report of the Select Committee Investigating the death of the late Hon. (Dr.) Robert J. Ouko, EGH, MP, laid on the Table of the House on Wednesday, 11th May, 2005.

ESTABLISHMENT OF GOVERNMENT-SUPPORTED SPECIAL EDUCATION SCHOOLS

Prof. Olweny: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, in view of the fact that there are several children in the country living with disabilities, who need special education, and that special education is too expensive for them, and taking into consideration that there are no adequate Government-supported special education schools in the country; this House urges the Government to establish, at least, one fully Government-supported special education primary school and secondary school in each district to cater for the

education of children
living with disabilities.

SELECT COMMITTEE TO INVESTIGATE SENIOR APPOINTMENTS IN
PUBLIC SERVICE

Mr. Ojode: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, in view of the recent public outcry against the manner in which appointments to public offices are made; aware that the NARC Government won its electoral mandate based on fair distribution of public resources, zero-tolerance to corruption and nepotism, and general legal and administrative reforms; taking into account that there are over 40 tribes in the country, and considering that the unfair allocation of public resources, including senior positions in the Government, may cause great division, despair, despondency, dissension and national disintegration; this House resolves that a Select Committee of the House be formed to investigate, inquire and interrogate all Government departments and parastatals to find out how all staff equipment and all promotions to senior positions at or equivalent to Job Group "P" and above were done since the current Government took office and report its findings to the House before September, 2007, and that the following be Members of the Select Committee:-

Hon. Uhuru Kenyatta, MP;
Hon. Joshua Ojode, MP;
Hon. Kenneth Marende, MP;
Hon. Musa Sirma, MP;
Hon. Julius Arungah, MP;
Hon. Charles Kilonzo, MP;
Hon. Daniel Karaba, MP;
Hon. Dr. Hezron Manduku, MP;
Hon. Amina Abdalla, MP;
Hon. Abdi Bahari, MP;
Hon. Otieno Kajwang, MP;
Hon. Linah J. Kilimo, MP, and,
Hon. Simeon Lesrima, MP.

RATIFICATION OF AMENDMENTS
TO EAC TREATY BY PARLIAMENT

Mr. Cheboi: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, aware that the East African Community Treaty was ratified by the Parliaments of the three partner States before it came into force; cognizant that Article 50 of the Treaty provides that any amendments to the Treaty be ratified by all the partner States; further, cognizant that Parliament is the sole legislative arm of the Government of Kenya; this House resolves that any amendment to the existing Treaty be submitted to the National Assembly for ratification.

Mr. Temporary Deputy Speaker, Sir, this is a party-sponsored Motion.

INTRODUCTION OF EQUAL
OPPORTUNITIES BILL

Mr. Arungah: Mr. Deputy Speaker, Sir, I beg to give notice of the following

Motion:-

THAT, in view of the worrying trend of entrenchment of nepotism, favouritism and lack of a fair, transparent and balanced recruitment to all cadres of the Public Service; bearing in mind that legal remedies for ensuring this balance are limited, this House grants leave for introduction of a Bill entitled Equal Opportunities Bill, 2007 to provide for a fair, transparent and balanced recruitment devoid of nepotism, favouritism and unfair ethnic consideration to the public sector, and for matters incidental thereto and connected therewith.

Mr. Deputy Speaker: Very well. Next Order!

QUESTION BY PRIVATE NOTICE

NON-ISSUANCE OF ID CARDS TO KHWISERO RESIDENTS

Mr. Arungah: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Immigration and Registration of Persons the following Question by Private Notice.

(a) Is the Minister aware that over 3,000 people in Khwisero Constituency applied for national identity cards (IDs) since April, 2006 but the cards have not been issued to them?

(b) When will the identity cards be issued to enable them obtain voters' cards in readiness for the forthcoming general election?

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

(a) I am aware that the correct number of people who applied for identity cards since April, 2006 in Khwisero is 4,733 and not 3,000. Out of this a total of 2,804 identity cards have been processed and issued to the owners.

(b) A total of 2,804 identity cards were processed and issued to the owners by 30th March, 2007. The processing of the remaining 1,929 applications is ongoing and the identity cards will be ready before the end of June, 2007.

Mr. Arungah: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for this reply because I am glad that some identity cards have since been released.

Mr. Deputy Speaker, Sir, the information I have is that only 800 identity cards have been received at the division. I would like to know where the 2,000 of the balance have been taken to.

Mr. Mwaboza: Mr. Deputy Speaker, Sir, according to our records we have dispatched these identity cards. Now, it is incumbent upon the divisional or district registration officer to further dispatch them to the centres where the identity cards were applied for.

Mr. Deputy Speaker: Mr. Assistant Minister, did I hear you right? You are talking of 2006, but you said that the remainder will be ready by June?

Mr. Mwaboza: Yes, Mr. Deputy Speaker, Sir. They will be 1,900 plus identity cards.

Mr. Deputy Speaker: That will have been a year since the applications were made. Is that correct?

Mr. Mwaboza: Yes, Mr. Deputy Speaker, Sir. We are saying that out of the 4,733 identity cards, 2,804 of them are ready. They must have been dispatched to either the district registration office or the division registration office. The balance of 1,929 are the ones that are in process and they will be ready for dispatch by June, 2007.

Mr. Deputy Speaker: This is quite an issue.

Mr. Lesrima: Is the Assistant Minister aware that the biggest constraint in this whole exercise of identity cards is inadequate allowances for staff to go out there and reach the people. They simply do not have enough money. What action is he taking to address this issue?

Mr. Deputy Speaker: We are talking of a different issue here. The applications are already

there. It is a matter of completing what has been applied.

Mr. Mwaboza: Mr. Deputy Speaker, Sir, I have said that the ones that are already processed have been dispatched. The problem is further dispatch made from the district registration centre to the divisional levels where we have some other registration officers. Despite that, we have a practical problem of those people in the interior villages coming to the divisional centres to collect them. We have advised that the various chiefs and sub-chiefs should be able to take the list of the identity cards that have been sent to the divisional level to be stuck in the offices of the chiefs or sub-chiefs or the same to be relayed to the public in any *barazas*. That is what we are encouraging.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the Assistant Minister said that the balance of the 1,900 will be processed by June. He does not seem to understand the import of this Question because if these identity cards are not available members of the public cannot register as voters. By the end of June, there will be no further registration of voters in this country. Of what use will that be for voter registration exercise in this country if you are going to issue identity cards after the voter registration exercise has been closed?

Mr. Mwaboza: Mr. Deputy Speaker, Sir, we have stepped up efforts and the hon. Members will appreciate that the Ministry is doing a lot. However, in my understanding, listening to the Chairman of the Electoral Commission of Kenya, there is an ongoing voter registration exercise. I believe that there will be another one not later than June this year.

Mr. Deputy Speaker: The identity cards will not have been received by then.

Mr. Maore: Mr. Deputy Speaker, Sir, we are talking about the people who have applied. We are having a problem with this Assistant Minister not making it possible for the young people who have attained 18 years of age to apply for identity cards because they are being told to produce affidavits.

Mr. Deputy Speaker, Sir, in my constituency, I have over 10,000 youth who cannot register because they are being asked to produce affidavits which cost Kshs2,000 and this amount is too much to ask from them. What will the Assistant Minister do to waive this issue of producing affidavits because it is serving no purpose?

Mr. Mwaboza: Mr. Deputy Speaker, Sir, the issue of an affidavit arises where a person is over 18 years and has not registered. That is provided for under the statutes. There is not much that the Ministry can do. However, to speed up this effort, we have been in communication with the Minister in charge of internal security so that we may gazette some of the DOs to be able to give out these affidavits in those interior parts where the courts of law are not within their proximity. If they are within that range then the normal process follows. It seems that one has fallen on deaf ears and it is not possible. However, today while we were having our meeting in the offices, we came up with an idea, that we should do it administratively for the youth in this country to be registered.

Rev. Nyagudi: Mr. Deputy Speaker, Sir, this issue is a very serious one. I had asked the Assistant Minister earlier about the issue of Muslims who have to go through the vetting process. Some youth have received the waiting card. Could the Assistant Minister undertake to dialogue with the ECK so that those who have waiting cards can be allowed to register as voters while they wait for the actual identity card?

Mr. Mwaboza: Mr. Deputy Speaker, Sir, that does not fall within our purview. It falls under the Ministry of Justice and Constitutional Affairs.

Mr. Deputy Speaker: Hon. Members, you know this is a weighty matter. It is a matter of national concern. Certainly we will not finish it during Question Time. You will allow me to proceed because a lot of time has already been spent on this Question. The Assistant Minister can see the mood of the House and he knows it is a matter of national concern. Therefore, I can only now ask Mr. Arungah to ask the last question.

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

Mr. Deputy Speaker: What is it? It had better be a point of order!

Mr. Kosgey: Mr. Deputy Speaker, Sir, this is a very important matter as you said. The

beginning of rigging of elections starts with the denial of the voters card. The denial of a voters card is traced to the denial of the national identity card. At the moment there are thousands of Kenyans who have no identity cards.

The ECK set up registration stations all over the country, but the clerks are sitting there without registering voters because many youths do not have identity cards. We understand that in Central Province identity cards are issued on a daily basis. There are people who have already been registered while others applied for identity cards in February this year and up to today they have not been issued with identity cards. So, even if the ECK sets up registration centres---

Mr. Deputy Speaker: Mr. Kosgey, what are you doing now? Are you on a point of order or are you debating?

Mr. Kosgey: Mr. Deputy Speaker, Sir, would I be in order to ask this Assistant Minister to give us a proper road map to registering Kenyans before the ECK registration of June? He should stop saying that he had a meeting in his office!

Mr. Deputy Speaker: Order, Mr. Kosgey! I have been very patient. You rose on a point of order, but this is not a point of order. It is a question. Due to public interest, I will let the Assistant Minister respond.

Mr. Mwaboza: As I said earlier, the Ministry has stepped up the registration exercise for all the registrable population in this country. We have projected that by the end of June, 2007, there will be an estimated population of 3 million who will be unregistered. A total of 2.1 million will be registered because we have already registered 904,097.

It is projected that by the end of April this year it is estimated that 550,000 voters will have been registered. By May, 2007; 750,000 will have been registered. By June, 2007, 800,000 will have been registered. We are stepping up the number of machines that process the identity card.

Initially they were 5,000, we increased them to 25,000 and now we are increasing them to 30,000 registrations in a day.

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

Mr. Deputy Speaker: Order, hon. Members! This is the first Question, but it is almost taking 30 minutes. There will be no point of order, regarding this Question!

Last question, Mr. Arungah. I have a constituency. I am also concerned about this issue. Maybe that is why I have allowed this Question more time than others.

Mr. Arungah: Mr. Deputy Speaker, Sir, one point is coming out very clearly. Hon. Members have a lot of interest in this issue. I would like to request the Assistant Minister to clarify what measures he is taking to dispel the notion that certain areas are deliberately being denied issuance of identity cards in favour of other areas? What is being done to correct that impression which is prevalent everywhere?

Mr. Mwaboza: Mr. Deputy Speaker, Sir, I am not aware of the supposed selective issuance of identity cards in certain areas in the country. As a Ministry, we have disbursed Kshs200,000 to every district registration officer to facilitate the issuance of identity cards through mobile registration. In any event, if there is any registration officer from any part of this country who is not going by this policy, then we wish to be informed and necessary action will be taken by the Minister.

ORAL ANSWERS TO QUESTIONS

Question No.190

NUMBER OF TEACHERS EMPLOYED IN
KURESOI IN THE LAST THREE YEARS

Mr. Cheboi asked the Minister for Education:-

- (a) how many teachers have been employed to serve in schools within Kuresoi Constituency in the last three years; and,
- (b) how many of the said teachers still serve in the constituency.

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

(a) The number of primary and secondary school teachers employed to serve in schools within Kuresoi Constituency in the last three years are 108 primary school teachers and 13 secondary school teachers.

(b) The number of primary school teachers who are still working in Kuresoi Constituency is 72 out of 108. All the 13 secondary school teachers are still serving in their respective stations within the constituency.

Thirty-six primary teachers were transferred out of the constituency to other schools within Nakuru District between 2003 and 2006 due to security and other reasons. Twenty-five newly-recruited teachers were posted to the constituency in 2006; towards the end. The area will further be considered to be given more teachers when we recruit more teachers as is the case with other constituencies.

Mr. Cheboi: Mr. Deputy Speaker, Sir, I am extremely disappointed because this Question was deferred last week to today. The Assistant Minister said then that he would give a better answer with more details. In fact, the Assistant Minister has actually reduced the details. The answer he gave last week was much better than what I have today. I think he is trying to avoid mentioning some particular details which he had given to me. We insisted that we wanted teachers who are being recruited to Nakuru to be those who come from the district, but the Ministry said that they would not go by that. Nakuru was almost the only district in the country which recruited teachers from other areas. We were comforted by the fact that it is the Government policy that teachers will not be transferred for five years. Thirty-six teachers have been transferred and the Assistant Minister said today that this is because of security and other grounds. In the details which he had given me last week, he had even included teachers from Olenguruone zone where there has never been any security issue. Outside that, that was our quota---

Mr. Deputy Speaker: Ask your question now!

Mr. Cheboi: Mr. Deputy Speaker, Sir, when will the Assistant Minister replace these teachers or return them because there is no security problem in Kuresoi Constituency?

Dr. Mwiria: Mr. Deputy Speaker, Sir, it is not true that the answer was doctored. But part of improving the answer is not just adding information. Sometimes, you may remove information which is not accurate. So, there is nothing inconsistent with the fact that, some of the information that was there last time is not included there.

I would like to say that the teachers who were recruited were for the districts. When we recruit teachers for districts, you can be moved within the district for a number of reasons, and security is one of them. Sometimes, you change your marital status. Other times, you request to take up a degree course and so on. There are many reasons that led to that. The additional answer that I have given includes the fact that, 21 teachers were recruited and posted to Kuresoi towards the end of last year. In view of the balancing act that we undertake, and given the number of teachers that we will have to recruit, obviously we would consider Kuresoi because it has lost many teachers.

Mr. Mwancha: Mr. Deputy Speaker, the establishment of teachers in our schools is in an extremely deplorable state. Today, we have classes with up to 100 students. We have read in the newspapers that teachers will be recruited. Could the Assistant Minister use this chance to tell the House when he will employ more teachers? How many teachers does the Ministry intend to employ? What is the Government's long-term plan to ensure that we get quality education as opposed to "quantity" education that we are getting now?

Dr. Mwiria: Mr. Deputy Speaker, Sir, we recruit teachers every year. But we have not recruited all the teachers that we need to recruit. This year, for sure, in the months of May or June, we will advertise for positions of teachers. But that will depend on how much money we will get from the Treasury. But we plan to recruit more teachers than the number we have been recruiting annually. All that will, surely, depend on the resources that are available. But we will do our best. We have also realised that teachers are a very key input for quality education in any institution.

(Mr. Sambu stood up in his place)

Mr. Deputy Speaker: Mr. Sambu, and then the last question!

Mr. Sambu: Thank you, Mr. Deputy Speaker, Sir. The Constituencies Development Fund (CDF) has shown us that, if we devolve resources to constituencies, you get more equitableness. Could we instruct the Ministry to order the Teachers Service Commission (TSC) to start recruiting teachers at the constituency level?

Dr. Mwiria: Mr. Deputy Speaker, Sir, that is a proposal that will be considered. But I have no guarantee that it will be accepted.

Mr. Cheboi: Mr. Deputy Speaker, Sir, the Government is trying to implement free primary education. But, on average, in all my schools, we have three teachers employed by the Government. The rest are employed by the parents. We sit in the District Education Board (DEB). Could the Assistant Minister categorically tell this House that, in the future, only qualified teachers from Kuresoi Constituency will be employed in those schools? If indeed, it is true, as you say, that there is the issue of insecurity, could you consider only teachers from Kuresoi?

Dr. Mwiria: Mr. Deputy Speaker, Sir, even teachers from Kuresoi are concerned about insecurity. So, even if we recruit them from Kuresoi, that problem will still be there. We will continue to recruit from the districts. We will assume that many qualified candidates from Kuresoi will apply to the primary schools within that constituency. When they apply, and they happen to be at the top in terms of points, they will be the ones who will be given the first priority.

Question No.118

MEASURES TO REVAMP
COFFEE INDUSTRY

Mr. Karaba asked the Minister for Agriculture:-

- (a) what measures he is taking to revamp the coffee industry; and,
- (b) whether he could consider compensating coffee farmers in times of crop failure.

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

- (a) The Government has taken the following measures to revamp the coffee industry:-
First, the introduction of direct sales of coffee to operate alongside the coffee auctions.

Secondly, the establishment of Coffee Development Fund to provide sustainable and affordable credit to farmers.

Thirdly, it has granted a debt relief of Kshs3.2 billion to coffee growers through the co-operatives.

(b) Other than setting up mitigating measures mentioned in part (a) above to improve farmers' status and ability to cope with the crop failure occasioned by natural calamities, the Ministry finds it adequate to deal with such situation as indicated in part (a) above.

Mr. Karaba: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. However, I would like to ask him whether the idea is to assist co-operative societies or farmers, who are the direct beneficiaries of those societies. In that case, instead of giving Kshs3.2 billion to offset debts owed by co-operative societies, I thought he should have started with the farmers. What is he doing to ensure that farmers will benefit from the revamping of the coffee industry?

Mr. Kaindi: Mr. Deputy Speaker, Sir, a liability is a liability. If the liability is tied to the co-operative societies that are owned by farmers, they will still suffer. I have said that through the Coffee Development Fund, we have set aside Kshs500 million to assist those farmers. It is going to be accessed in two tranches. The first tranche is Kshs100 million. It was divided into two and disbursed. A total of Kshs40 million was disbursed through the co-operative societies and Kshs60 million through the Agricultural Finance Corporation (AFC).

After the Supplementary Estimates were passed yesterday, it is our intention to pass another Kshs400 million to farmers, so that it can make a total of Kshs500 million.

Mr. Mirugi: Mr. Deputy Speaker, Sir, I would like to ask the Assistant Minister whether he will implement a policy that the Government announced during Madaraka Day celebrations in 2003; that it was going to implement the Guaranteed Minimum Returns policy. When will the Ministry of Agriculture implement that policy so that it can cushion farmers in key sectors against losses due to crop failures?

Mr. Kaindi: Mr. Deputy Speaker, Sir, under the strategy for revitalising agriculture, that is one of the areas that we are discussing. Once it is agreed on, that will be one of the options to take.

Mr. Sambu: Mr. Deputy Speaker, Sir, when we passed a legislation here to liberalise the coffee market, we were assured that coffee farmers will produce enough coffee to sustain a small factory that would mill the coffee and sell it outside the country. That has not been effected. Could the Assistant Minister give us an assurance that, any coffee farmer who can afford to buy a small mill will be allowed to sell coffee directly to overseas markets?

Mr. Kaindi: Mr. Deputy Speaker, Sir, as a Ministry, we have continued to encourage farmers who have the capacity to act along the lines that the Member is discussing. It is our considered opinion that, under the programme that we have laid down, we have licensed 43 marketing agents. That is one of the areas that farmers can take direct interest in.

Mr. Deputy Speaker: Last question, Mr. Karaba!

Mr. Karaba: Mr. Deputy Speaker, Sir, the directors who were appointed to run the Coffee Development Fund are the source of the many problems that are affecting the farmers. Could the Assistant Minister ensure that all the directors who run the Coffee Development Fund come from coffee-growing areas? That is because they understand farmers' problems and their solutions.

Mr. Kaindi: Mr. Deputy Speaker, Sir, the giant co-operative societies that we are dealing with at the moment have been given money to give to the farmers. Some examples are Embu Sacco, Meru Sacco, Taifa Sacco in Nyeri and Gusii Sacco. If they have any management problems, I would urge Members to bring them to our attention so that we can deal with them.

Question No.186

DELAYS IN COLLECTION OF TEA
FROM BUYING CENTRES

Mr. S. Koech asked the Minister for Agriculture:-

- (a) whether he is aware that tea farmers in Konoin are incurring huge losses due to spoilage caused by delays in collection at tea buying centres by the tea factories;
- (b) what measures he was putting in place to ensure the situation is rectified; and,
- (c) whether he could compel the Kenya Tea Development Agency (KTDA) to compensate tea farmers for losses incurred so far.

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

(a) Yes, I am aware that tea farmers in Konoin area are incurring losses resulting from delayed collection of tea from collection centres.

(b) The Ministry has encouraged farmers to construct two new factories in Lorok and Kobel in order to rectify the situation.

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

Mr. Deputy Speaker: Order, Mr. Khamisi! You should be seated! Please, sit down!

The Assistant Minister for Agriculture (Mr. Kaindi): Mr. Deputy Speaker, Sir, I will repeat part "b" of the answer.

(b) The Ministry has encouraged farmers to construct two factories. These factories are being constructed at Lorok and Kobel in order to rectify the situation.

(c) Under the Agency arrangement between the KTDA and the farmers, the Minister for Agriculture, it was stated, should not interfere with the operations because they are paid on mutual management agreements. Issues of loss can be best addressed internally by the concerned factory.

Mr. S. Koech: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for the unsatisfactory answer, I wish to state that I have always had the mistaken belief that this Government cares for the farmers. How can it turn a blind eye when things are going wrong?

If the farmer has toiled the whole day, delivers his tea to the required tea buying centre and the factory management fails to collect it, who is responsible for the loss?

Mr. Kaindi: Mr. Deputy Speaker, Sir, the bigger problem for those factories is the capacity. The capacities for which they were designed have already been bypassed because, particularly during the rains, the harvest becomes bigger than the designed capacities. What we have continued to do over the years, from the current 57 factories, there are seven more under construction. Three have already been planned. However, the bigger issue is the question of the infrastructure. That the roads in those areas, particularly, during the rains are impassable.

Mr. Deputy Speaker, Sir, to address that, as a short-term measure, together with the KTDA, we have improved on the collection centres so that even if the leaves are not collected in a day, they are collected within the next 12 hours. This is not a sustainable measure because it interferes with the quality. Our long-term interest is to ensure that we look at the catchment areas and be able to devise some mechanisms through which you can sufficient factories to deal with the leaves.

Mr. Gachagua: Mr. Deputy Speaker, Sir, could the Assistant Minister clarify because he has just said under part "c" of his answer that the Ministry has a policy not to interfere? Basically, what we are asking for here is interference. What plans does the Ministry have for tea farmers alongside the Question he answered a little earlier? That the Government has bailed coffee farmers to the tune of Kshs5.8 billion. Could the Assistant Minister consider interfering in the tea sector so that, that particular problem in Konoin is also addressed?

Mr. Kaindi: Mr. Deputy Speaker, Sir, the Ministry appointed a task force and it has just completed its work. They have interrogated and have been able to discuss with various stakeholders within the sector. The recommendations of that task force, I know that part of the terms of reference, was to look into the issue of losses. I believe that the experts who did that will be able to bring this report, discuss it with the Committee of Parliament and other stakeholders to see whether through those mechanisms we can be able to develop a mechanism like the one hon. Members alluded to on coffee.

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

Mr. Deputy Speaker: Sorry, I have to go to Mr. Salat. He has not asked a question this afternoon.

Mr. Salat: Thank you, Mr. Deputy Speaker, Sir. You heard the Assistant Minister talk about the capacity in the factories which are run by the KTDA. We have cases where the Kenya Tea Board (KTB) has received applications by farmers who want to open private factories but have not been licensed. Could such applications be licensed so as to assist those factories to meet the production? What is the Ministry doing about this?

I have an application here by farmers in Kericho who have been seeking to be licensed to process tea. Why is it that the Ministry is not licensing those farmers who are able to build their own factories?

Mr. Kaindi: Mr. Deputy Speaker, Sir, I think not to appear to divulge the report, the honest opinion is that we encourage private sector partnership in most of these commodities. It is true that, that was one of the areas that were being looked into. I am sure that very soon, this is one window and option that we can be able to look into. It is true that the KTDA has not been able to build sufficient factories for the farmers.

Mr. Deputy Speaker: It seems that there is a big contradiction. The Assistant Minister said that the KTDA lacks capacity to process the leaves. Then Mr. Salat says that farmers are being denied licences to operate factories to process the same tea. Therefore, Mr. Koech is asking: Who is responsible? The farmer has plucked his tea, delivered it, yet it is not collected. Would it not be better, as a policy, to issue guidelines that those willing or able to set up factories to process tea be given licences rather than restricting them and doing nothing?

(Applause)

Mr. Kaindi: Mr. Deputy Speaker, Sir, in fact, that is what I conceded to. However, I said so that we can develop a structured programme, we accepted the stakeholders. That has already been completed and we are just waiting for the report. I know categorically that, that is one of the options we are looking into.

Mr. S. Koech: Mr. Deputy Speaker, Sir, the Government is the biggest beneficiary of tea business. Could it consider partnering with the farmers to build factories in order to alleviate this problem the way it is doing for coffee farmers?

Mr. Kaindi: Mr. Deputy Speaker, Sir, you know it is this House that amended the Act and created liberalisation for that sector. Indeed, if hon. Members feel that, that is the best way, I know that hon. Members at that particular time were very categorical when we were amending that Act - then it is up to them to bring those proposals.

DEPLOYMENT OF NSIS TO
COMBAT CATTLE RUSTLING

Mr. Lesrima asked the Minister of State for Administration and National Security whether he could deploy the National Security Intelligence Service (NSIS) at the district level to detect movement of cattle rustlers as a proactive preventive measure.

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

There are officers from the NSIS deployed at both the district and divisional levels who are working closely with the District Security Intelligence Committees (DSICs) all over the country.

Mr. Lesrima: Mr. Deputy Speaker, Sir, my Question was more specific. We are trying to find out if, indeed, those officers analyze intelligence reports on crime apart from just analyzing intelligence reports on perceived political enemies of the State.

Mr. Deputy Speaker: Mr. Assistant Minister, the hon. Member wants confirmation whether the officers are deployed for political purposes or whether they can also be used internally.

Mr. Kingi: Mr. Deputy Speaker, Sir, I thought he wanted to know whether they are there and we have confirmed that they are there. They are not there for political reasons. They are deployed there for security reasons.

Capt. Nakitare: Mr. Deputy Speaker, Sir, it is deplorable for the Assistant Minister, Office of the President, to say that the NSIS officers are there and they have been giving him information. In Saboti Constituency, leaflets were distributed by people belonging to a heinous movement. It did not take a week before my people were massacred with the full knowledge of the intelligence people. Who are those NSIS people? Who are they serving? Are they serving Kenyans or are they there because of political motives? What is the purpose of them being in the districts? The Assistant Minister said that they are enough.

Mr. Kingi: Mr. Deputy Speaker, Sir, the NSIS officers are there to collect information and they have a way of sharing that information with other arms of Government. Once in a while, this information is used in order to arrest such criminals. It may happen that the information comes late and before it is made use of, an incident happens. However, that does not mean that the officers are not doing a commendable job.

Mr. Muriithi: Mr. Deputy Speaker, Sir, it is nice to hear the Assistant Minister tell us that the National Security Intelligence Service (NSIS) is deployed to keep an eye on the wrongdoers. However, one fails to understand why our people are being massacred in Mt. Elgon, Tana River, and as late as yesterday, in Banana Hill where a policeman was shot from behind and he lost his life. This is something that is unheard of in this world. How come a policeman is ambushed from behind and yet we have the NSIS and the Criminal Investigations Department (CID) officers? What is the Assistant Minister doing to ensure that people do not lose their lives to criminals?

Mr. Kingi: Mr. Deputy Speaker, Sir, whereas I agree with the hon. Member that there are a number of incidents that have occurred in the country recently, I would like to say that the information that these officers have collected has been used to arrest some of the criminals who have taken part in crime in the areas mentioned.

Mr. Lesrima: Mr. Deputy Speaker, Sir, it is a bit unfortunate that we provide Kshs6.6 billion for this agency in our Budget. It is a pity that it is under-utilised. Is the Assistant Minister satisfied that the information being gathered by these officers is accepted, utilised and respected by the other arms of the Provincial Administration?

Mr. Kingi: Mr. Deputy Speaker, Sir, yes, I am satisfied and that is why I have said that some of this information has been used in the past to arrest hardcore criminals who have been disturbing innocent citizens. Of course, we will endeavour to improve.

Question No.181

EQUIPMENT/PERSONNEL FOR
HEALTH FACILITIES IN HAMISI

Mr. Khaniri asked the Minister for Health when she will equip and send personnel to Jepkoyai and Kaptech health facilities which were constructed using Constituency Development Fund and completed this year.

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

My Ministry has no immediate plans to equip and post personnel to Jepkoyai and Kaptech dispensaries since they are incomplete. However, the local dispensaries committees should link up with the office of the District Medical Officer (DMO) in Vihiga for final inspection of the facilities. This will enhance a recommendation from the area to be taken to the Ministry of Health to facilitate the gazettelement of the institutions.

Mr. Khaniri: Mr. Deputy Speaker, Sir, I am a bit disappointed with the answer from my good friend, Dr. Machage, who I thought, having visited this particular area, would look at this request a little bit more favourably. Nevertheless, this particular problem is not confined to Hamisi Constituency.

I know that many hon. Members, through CDF, have put up health facilities and are all waiting for the Ministry to send staff and equipment to these particular facilities.

Mr. Deputy Speaker, Sir, personally, through CDF, we are putting up six health facilities, out of which three are ready. Only one of the health facilities has received personnel and equipment from the Ministry. What comprehensive plan does the Ministry have towards these facilities that we are putting up using the CDF money?

Dr. Machage: Mr. Deputy Speaker, Sir, indeed, my Ministry appreciates the work the hon. Member has done in his constituency. It is true that we have so far gazetted only one dispensary at Kapchamwany, and I am aware that he has three more lined up for gazettelement. However, there are a few things that he has to do with his committee so that we can facilitate a fast deployment of personnel and supply equipment to those institutions. Actually I am very happy with the hon. Member's efforts in his constituency with regard to developing these institutions. I assure him that we shall take them up. I would urge him to do just a little bit more of what needs to be done in those institutions.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, it is not only the health facilities built through the CDF which are lacking staff. In my constituency, we have health facilities which had been built previously and yet they do not have enough staff. When is the Ministry going to post sufficient staff to all the health facilities in the country?

Dr. Machage: Mr. Deputy Speaker, Sir, it is true that there is under-staffing in quite a few health facilities in the country. However, the Ministry has taken this matter up and in the last four months, we have employed up to about 3,000 nurses and we are in the process of employing even more. When funds are available in the new financial year, we will be able to cater for these facilities. We know that we have a deficiency of nearly 10,000 workers so far, but we need funds, which this House will approve very soon so that we can employ more workers. There are trained workers in the country and, therefore, we shall get them.

Mr. Deputy Speaker: Mr. Khaniri, ask your last question!

Mr. Khaniri: Mr. Deputy Speaker, Sir, the Assistant Minister, in his answer, said that the Ministry has no immediate plans to equip and post personnel to these particular health centres because they are incomplete. Could he, please, give an undertaking that as soon as we prove to him that the facilities are complete, he will deploy personnel and supply equipment to those facilities?

Dr. Machage: Yes, Mr. Deputy Speaker, Sir. It is my responsibility to do exactly that, and especially so if we are satisfied that the facilities meet our standards.

Mr. Deputy Speaker: Next Question by Mr. Mbai!

Question No.205

SURVEY/ADJUDICATION OF
ITHIANGE SETTLEMENT SCHEME

Mr. Deputy Speaker: Mr. Mbai is not present today. The Question is dropped.

(Question dropped)

Question No.206

DRYING UP OF LAKE KAMNOROK

Mr. Boit asked the Minister for Environment and Natural Resources:-

- (a) whether he is aware that Lake Kamnorok had dried up occasioning an acute water shortage to residents and wildlife that depend on the lake; and,
- (b) what measures he is taking to rectify the situation.

The Minister for Environment and Natural Resources (Prof. Kibwana): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Lake Kamnorok has dried up occasioning an acute water shortage to residents and wildlife that depend on the lake. The gradual drying up of the lake is mainly due to the siltation attributed to poor farming methods, soil erosion and weak sandy soils around the lake.

(b) My Ministry has stepped up measures aimed at reducing the siltation of the lake such as the planting of drought-resistant trees within the lake's catchment areas. My Ministry has also joined hands with other stakeholders, such as the Ministry of Agriculture, to ensure the use of proper farming methods around the lake. The Ministry of Roads and Public Works and the Baringo County Council have been tasked with the filling up of gullies which drain water off the lake.

I would also wish to state that other stakeholders, such as the Kenya Wildlife Service (KWS), are sourcing funds from other development partners and agencies, including Global Environment Facility (GEF), to help address the problem.

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

Mr. Deputy Speaker: Just a minute Mr. Mwancha! The Question was by Mr. Boit, therefore, he gets the chance to ask a supplementary question first.

Mr. Boit, please, proceed!

Mr. Boit: Mr. Deputy Speaker, Sir, I would like to appreciate the answer given by the Minister. However, the silting of this lake was a long process. The water levels had been reducing for many years and the Ministry must have been seeing this. The stakeholders like the Kenya Wildlife Service (KWS) and the county council have been there and watching the water levels go down. The same is the case with Lake Elementaita and Lake Naivasha. They are also drying up.

Are we going to wait until all lakes are dry before the Ministry takes action?

Mr. Deputy Speaker, Sir, people and animals live around these lakes yet there is no water. What are we going to do with them? How long will the de-siltation take? Are you going to sink boreholes?

Mr. Deputy Speaker: Mr. Boit, what question are you asking the Minister?

Mr. Boit: Mr. Deputy Speaker, Sir, I am asking him what immediate action the Ministry is taking to ensure that the animals living around this lake survive. We have elephants living around the lake.

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

Mr. Deputy Speaker: Mr. Mwanicha, will you sit down? I am still dealing with Mr. Boit!

Mr. Boit: Mr. Deputy Speaker, Sir, could the Minister tell us what to do? The plan the Ministry has is very beautiful but it may take 20 years. For the time being, could the Assistant Minister undertake to tell us whether they will sink boreholes in that area?

Mr. Deputy Speaker: Mr. Boit, let me guide you for clarity purposes. If you look at the Standing Orders, a question must be short and precise. If I were the Minister answering you, I would not know which question to answer. I now give you a last chance to ask your question!

Mr. Boit: Mr. Deputy Speaker, Sir, what measures is the Ministry taking to rectify the situation? I want an immediate measure. Animals and people are thirsty. We want boreholes to be sunk immediately.

(Laughter)

Prof. Kibwana: Mr. Deputy Speaker, Sir, thank you for your guidance and protection. The main stakeholder here is Baringo County Council. The lake is within a national game reserve and it is the county council which has primary jurisdiction.

Secondly, it is because the local population have been encroaching on the lake's upper catchment areas such as Kakimok and Kepiambus forests. Some of the activities leading to the drying up of the lake are by the locals. The Ministry and Baringo County Council are trying to stop the local population from interfering with the forests or engaging in cultivation practices which result in soil being washed away to the lake.

Mr. Deputy Speaker, Sir, to be very specific, the Ministry of Environment and Natural Resources, the Ministry of Lands and the Ministry of Agriculture are planning to discuss with the county council, the measures I have outlined and how to implement them.

Mr. Mwanicha: On a point of order, Mr. Deputy Speaker, Sir. To me, this is a very sad day for this House. That is a very sad answer, especially considering that it is from a professor in charge of the Ministry of Environment and Natural Resources! He should be aware that snow on Mt. Elgon, Mt. Kenya and Mt. Kilimanjaro has all disappeared and that, the lakes in the Rift Valley are all drying up. Would I be in order to ask the Minister to bring a fitting answer to this House?

Mr. Deputy Speaker: Mr. Mwanicha, you made a point of the environmental degradation, particularly on Mt. Kilimanjaro and Mt. Kenya. However, it would have been better if you asked a Question on this issue rather than say you want the Minister to bring another answer to this House. I think it is a very valid question.

Mr. Minister, could you address yourself to the issue of degradation and environmental change affecting the mountains the hon. Member has referred to?

Prof. Kibwana: Mr. Deputy Speaker, Sir, I may be a professor of law, but I am not God. So, when the hon. Member tells me about the things happening as a result of climate change and the way we do things against the environment, this House requires to help our country mainstream environmental issues. The environment is just an issue like HIV/AIDS, the youth and gender. This is a collective effort. It is not something you can say one Ministry or a few people are responsible for. However, within the Ministry, we are trying what is possible to mainstream the issue of climate change.

Mr. Deputy Speaker: Mr. Boit, look at my clock! It is already an hour since we started Question Time. Therefore, last question!

Mr. Boit: Mr. Deputy Speaker, Sir, I was suggesting to the Minister to sink some boreholes. How soon can he sink them to prevent the elephants from killing my people? The boreholes will also help our people. When we go to Mr. Chepkitony's constituency for water, they refuse to give us water. Mr. Professor, I know you!

Prof. Kibwana: Mr. Deputy Speaker, Sir, I am going to ask the Minister for Water and Irrigation, who is present in this House, to look into Mr. Boit's request for boreholes.

Mr. Deputy Speaker: Hon. Members, that is the end of Question time!
Next order!

BILL

Second Reading

THE POLITICAL PARTIES BILL

*(The Minister for Justice and
Constitutional Affairs
on 19.4.2007)*

*(Resumption of Debate
interrupted on 19.4.2007)*

Mr. Deputy Speaker: Mr. Muturi you were on the Floor and you have 25 minutes!

Mr. Muturi: Yes, Mr. Deputy Speaker, Sir.

Mr. Karaba: On a point of order, Mr. Deputy Speaker, Sir. You recall that last week, I alerted the Chair on the Ministerial Statement I sought on grabbing of Lenana High School land. The Minister was to issue that Statement today.

Mr. Deputy Speaker: Sorry, Mr. Karaba. You will raise that matter tomorrow. We have already moved to another Order! Therefore, we cannot move backwards. It will be the first thing immediately after Question Time tomorrow! We have already gone to the next Order and called the hon. Member who was on the Floor to contribute. We cannot go back to Statements.

Mr. Muturi, you have 25 minutes to contribute. Please, proceed!

Mr. Muturi: Mr. Deputy Speaker, Sir, I hope I may not necessarily take the entire 25 minutes.

Mr. Deputy Speaker, Sir, last week during my contribution to this Bill, I indicated that this is a welcome proposition. During the long recess, all of us have been saying that among the issues that we need to look into, as a House, is the enactment of this law.

Mr. Deputy Speaker, Sir, looking at the proposal on the Bill, I take issue with Clause 1.
For clarity I will read:-

"This Act may be cited as the Political Parties Act (2007) and shall come into operation on such day as the President may by notice in the Gazette appoint."

Mr. Deputy Speaker, Sir, I take issue with this provision because knowing the way political parties have been treated in this country in the recent past, if we leave the operationalisation of this Bill to the President to decide when the law takes effect, we run the risk of the law not being operationalised this year.

Mr. Deputy Speaker, Sir, we have all been clamouring for this particular law. Therefore, in as much as I support the Bill, I would be proposing that a time-frame be set so that it is definite that after the law has been assented to by the President within the framework contained in the Constitution, then the operational date is clear to everybody. For example, that three months after the Bill has been assented to by the President or two months as the House shall direct, then the law will take effect so that all political parties in the country, thereafter, will begin to operate within the provisions of this particular law. Therefore, it is my proposal that at the Committee Stage, appropriate amendments be introduced which should carry the support of the entire House.

Mr. Deputy Speaker, Sir, I had indicated that one of the qualifications is that a party shall not be registered if it is ethnic, age or gender based and that a political party must garner 5 per cent of national vote in the last two general elections. My query with that provision is, in as much as I do not support the existence of briefcase political parties or parties for purchase, we should provide that the national votes must be calculated on the basis of the electoral votes obtained by that political party in the presidential, if it had a presidential candidate, parliamentary and civic elections. This is so that we do not kill parties that could very well have had a number of civic leaders spread countrywide but did not present a presidential candidate. If the national vote is calculated on that basis, then I believe that there is merit in giving some threshold.

Last time, I gave an example of the small parties that could have one or two Members of Parliament in the last general election. Even in the coming general election, they will have one or two Members of Parliament. They also have a few councillors. We should make clear provisions, that if after two consecutive elections, a party does not garner a specific percentage to be stipulated, just like the 5 per cent which is stipulated here, but has got councillors and Members of Parliament elected, then those Members of Parliament will cease to belong to that political party and either must choose another party or become independent Members. That is, they do not belong to any other political party. At the end of their term, when their party is proscribed by the operation of law - that is what the Bill proposes - then they will either revert to being independent or they will be expected to join any other political party. We should not jeopardise the existence of those Members that may have been elected on those political party tickets.

Mr. Deputy Speaker, Sir, I indicated that there is need for us to provide a minimum threshold of the budgetary allocation annually by the Minister for Finance. That should be made mandatory. The Minister for Finance must be given some threshold to operate from. It may not necessarily be a percentage. It could as well be a particular threshold that he must not go through. I am saying that to avoid a situation where unnecessarily too many political parties---

I carried this Gazette Notice of 13th April, 2007 just to demonstrate the bizarre situation that obtains in this country. When I went through it, I was surprised to see some symbols here. I saw a hoe, a star, spectacles *et cetera*. You cannot believe it; they are 70. Some of them include, a small hut and an omnibus. The one known as Movement for Democratic Advancement Party of Kenya has a symbol of an omnibus. I have never heard of this. The other symbol is a small broom. There are so many and one wonders what it is that we are doing.

Mr. Deputy Speaker, Sir, if all these parties are going to benefit from national resources, we must make clear legal provisions as to why they should so benefit. What we are trying to do is to create the institution of a political party as a clearly defined institution that qualifies for funding

from the national kitty. Therefore, we must demand that those institutions should have certain qualifications and criteria. The mere fact that a party begins from a particular region does not in itself become a reason why a party should not be registered. The parties should be given room and opportunity to grow. I want to welcome a provision in the Bill that a party will not be deregistered if within two general elections, it is able to garner the stated threshold or any other threshold that Parliament may set.

Mr. Deputy Speaker, Sir, the reason why I am saying that we should not also try to stifle the growth of parties from regions, is because we have seen that even in the developed countries, for instance in Germany, the Greens began as a tiny party but today, it is a very serious party within the Republic of Germany. Therefore, it is important that whatever provision we set should not appear as if we are trying to stifle others' efforts. I would want a provision within this Bill that recognizes the formation of coalitions. I am happy to note that the Committee on the Administration of Justice and Legal Affairs in their Report which was tabled here yesterday, proposes in a new Clause V(a), that where two or more political parties resolve to form a coalition before or after an election, the instruments of the coalition agreement shall be deposited with the Registrar for purposes of arbitration between the coalition parties under this Act.

This is a very good provision. It is, of course, informed by the current problems that befell NARC. There was no proper machinery under which the various groups came together to form the political party or the political outfit called NARC. This is a good innovation and I hope that both sides of the House will pass it without any fuss.

Mr. Deputy Speaker, Sir, it is important that when political parties agree, those agreements should be put in writing and deposited somewhere so that, whenever disagreements occur, like we are seeing here--- We have problems with the nomination of Members to the East African Legislative Assembly (EALA). Those disagreements could be resolved quite easily by either the Registrar or a tribunal which the Committee, once again, and I commend their efforts, also proposes! The Committee has proposed a Political Parties Disputes Arbitration Tribunal (PPDAT), which should be able to resolve those kind of disputes within the shortest time possible. That is very important. If we leave all manner of disputes to be resolved in our court system, and especially disputes of a political nature, we run the risk of making the political situation in this country polarised and volatile. Our court system is too slow! One does not need to go far than to look at the election petitions that were filed after the 2002 General Elections. Several of them have not been determined to date. Therefore, disputes between and within political parties should be, as a first instance, resolved elsewhere other than within the judicial or the courts system.

Mr. Deputy Speaker, Sir, there is a proposal to limit individuals to contribute a maximum of Kshs1 million to political parties. Should individuals feel that they want to contribute more than the Kshs1 million, they should seek permission from the Registrar. I am not able to understand the logic, if any, of that requirement. A sum of Kshs1 million may sound as big money today. But we are not making this law for today. The law should be made in such a way that--- We are looking for transparency. We have stated in the Bill that all donations and monies coming from the Treasury--- Indeed, I think it should be monies appropriated by Parliament to go to the Political Parties Fund (PPF). If we have also provided that other donations, which must be disclosed--- What is important is that, whoever donates to a political party, whether in cash or in kind, that donation should be made available for inspection. There is a record of it and the Registrar is made aware. If there is a certain political party, such as the one called *Sisi na Nyinyi* or *Nyinyi kwa Wao*--- If there is a political party like that one---

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

Mr. Muturi: I am saying "if"!

Mr. Deputy Speaker: Capt. Nakitare, what is it?

Capt. Nakitare: Mr. Deputy Speaker, Sir, did you hear the hon. Member say there is a political party called *Nyinyi kwa Wao*? Which party is that? It is a strange connotation in this House.

Mr. Deputy Speaker: Mr. Muturi, what did you say?

Mr. Muturi: Mr. Deputy Speaker, Sir, I said, if, for instance, there was a party like *Nyinyi kwa Nyinyi* or *Nyinyi kwa Wao* or *Nyinyi kwa Nini*--- If a political party like that one was formed and Capt. Nakitare wished to contribute Kshs100 million to that party---

The Assistant Minister for Foreign Affairs (Mr. Wetangula): And he can!

Mr. Muturi: I am told he can! All that will be required for us to provide in the law is a record of that contribution or donation. The Registrar or any other person that keeps the records is notified that Capt. Nakitare has contributed that amount to that particular political party. But limiting members to only Kshs1 million may, in a sense, very well kill the institutions that we want to build and nurture. That coupled with the fact that, we have not quite made it clear as to the amount of money that will go to the Political Parties Fund, I think it could very well stifle the growth of political parties due to lack of sufficient funding through donations from supporters, sympathizers and well wishers.

Mr. Deputy Speaker, Sir, there is the requirement for the provision of 25 per cent going flat to all political parties and 75 per cent being divided among political parties on the basis of the strength of votes obtained in the last general election. That 75 per cent or such other figure this House will agree should not just be within Parliament. It is only fair that we should look at--- Some parties will not have hon. Members here. But they will have many councillors. Some parties will have one or two hon. Members, like the ones we have today. When we talk about the national vote, the formula must be clearly spelt out so that, that 75 per cent or whatever other figure or percentage we will set, is worked out not so much on the basis of how many votes the presidential or parliamentary candidate alone will get, it should, in my proposal, be the total votes obtained by that party at the civic, parliamentary and presidential elections, wherever the three of them apply. That way, we will not kill some parties which could very well grow into some very serious political players in the country. We should do that to nurture them. But, in my view, I think that the requirement of 75 per cent may be on the lower side. In my proposition, I think we need to raise the threshold, which is given to political parties on the basis of their strength in the manner proposed, to a little higher than the 75 per cent. I will not mind if we made it 85 per cent to 90 per cent, so that we could try to clean up the system. The symbols of political parties are very many. They are too many for a young democracy like Kenya. We could get the threshold to around 10 per cent based on registration and 90 per cent based on the votes obtained in the previous general elections.

Mr. Deputy Speaker, Sir, I know that there are fears that, once you register a political party, if you say that the kitty will be, for instance, Kshs1 billion, like in the case of the Youth Enterprise Development Fund (YEDF)--- I hear there is a threat of creating a Women Enterprise Development Fund (WEDF) and, maybe, another one for men. If we will have a kitty of Kshs1 billion--- The Chairman of the Electoral Commission Kenya (ECK) has gazetted 70 parties. If each of them was to get 10 per cent, that would not be too big. Of course, we will be telling them: "Unless you can also raise funds from other sources, if you do not qualify for anything more within two general elections, you pack off and go." If that law was in operation, many such parties would be at home. But the danger is: Knowing how industrious and ingenious Kenyans are, they will always be forming new parties. I do not know what other criteria we will use. Ten years may sound a long period but, for people who want to form briefcase parties, they will wait! In the meantime, they will be getting money from PPF. It is for that reason that I feel we need to raise the threshold of the national vote and reduce the amount that goes to the parties on the basis of mere registration.

Mr. Deputy Speaker, Sir, I know there has been a lot of talk about engendering everything

that we do in this country. I do not know whether I will be in breach of the House rules, but the Departmental Committee on the Administration of Justice and Legal Affairs tabled their Report here yesterday. The Report is available to all of us.

Since I will not have an opportunity to contribute to this Bill again, I do not know whether I would be in order to comment on some provision in their report that says:

"No political party shall benefit from the Fund if its registered national office bearers do not reflect, at least, a third of either gender."

I find this a very interesting proposition by the Committee. If people do not vie for positions--- The hon. Minister for Justice and Constitutional Affairs has always vied against men in very serious General Elections and defeated them. Now, we are being told by the Committee that if a political party does not have one-third of its national office bearers being, at least, a third of either gender--- I do not know who is going to bring people--- It is not everybody who is interested in politics. My wife, for example, would not want to be involved in politics. Are we saying that we should just pick any women and tell them--- In as much as we may not want to say it, we are just being polite to say: "At least, one-third of either gender." What is proposed here is that the national office of every political party shall have one-third women. If they are not vying in that political party--- For instance, now there is a party called "Omnibus" and another one called "Chama Cha Maskini." If no woman wants to associate with Chama Cha Maskini, where will it get one-third of women? There is another party which has a symbol of a broom and small hut. Another one has a symbol of an iron box. Now, if a sufficient number of women does not want to run for offices in those political parties, you will be denying those parties funding. I think we should be careful about the way we go about these things, so that certain things, really, belong to the Constitution and the others belong elsewhere. There are some that belong to policy. I am happy that I have been given an opportunity to comment on this report.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, last week, an issue was raised about the location of the Registrar of Political Parties. I want to acknowledge receipt of a letter dated 20th April, 2007. It is written to all Members of Parliament by the Chairman of the Electoral Commission of Kenya (ECK). He seems to take issue with the fact that the Registrar of Political Parties is shown in the Bill to have operational autonomy. According to him, he will also be operating within the ECK, which is also autonomous. So that we do not split hairs over nothing, we need to state categorically whether we want the Registrar of Political Parties or whoever, to be located within the ECK, or want to give the function of registering political parties to the ECK. If, indeed, that could cause any form of friction, I think we should address it, as a House, and agree on how best to deal with the issue of where the Registrar of Political Parties is located.

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

The Assistant Minister for Foreign Affairs (Mr. Kembi-Gitura): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to speak for a very short time, because there are many hon. Members who want to make their contribution.

Mr. Temporary Deputy Speaker, Sir, I wish to make a few remarks in support of the Political Parties Bill, that is now up for discussion in this House. I am happy about this Bill because, at last, we are moving towards introducing party or political discipline in this country. Over the last many years, we have seen a lot of indiscipline, whether in individuals seeking

political seats, or in parties seeking to bring the Members of Parliament to Parliament or have councillors elected in the country. But now, at least, we are moving in the right direction. This is a very good start, despite the fact that there are several issues in the Bill, as the previous speakers have raised, that need to be considered.

Mr. Temporary Deputy Speaker, Sir, in the Memorandum of Objects and Reasons, it is said that the idea is to create an independent office with autonomy to make impartial decisions within the ECK, because that is the definition of the Commission. Indeed, except at Clause 3 of the Bill---

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, there is so much noise directly behind me that it is not even possible for me to concentrate in what I am trying to say.

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members!

The Assistant Minister for Foreign Affairs (Mr. Kembi-Gitura): Mr. Temporary Deputy Speaker, Sir, indeed Clause 3 of the Bill says that the office created shall be an office within the Commission, and it shall have operational autonomy. I have had an occasion to look at the proposed amendments by the relevant Committee of the House, and also the letter that has been circulated to hon. Members by the Chairman of the ECK, which raises several important issues.

Mr. Temporary Deputy Speaker, Sir, I am happy to see that the Committee on Justice and Legal Affairs has proposed to remove the words "operational autonomy" from the Bill. This is because it is not feasible that we have an officer with autonomy within an organization that is autonomous.

In short, if you have the Registrar of Societies as an officer within the ECK, but is autonomous himself, then it means that he is not answerable even to the Chairman of the ECK or even the ECK itself. That is going to create problems. Therefore, I am happy to see that the Committee has come up with that amendment.

Mr. Temporary Deputy Speaker, Sir, I wish, also, to thank the Chairman of the ECK because, as the Chairman, I think it was incumbent upon him to bring it to the attention of the House, that there was that anomaly which was going to create problems within the Act itself.

Mr. Temporary Deputy Speaker, Sir, Clause 9 of the Bill, at the beginning says that a person who has attained the age of 18 years has a right to participate in political activities which are intended to influence the composition of policies of the Government. Now, I do not quite understand what the words "influence the composition and policies of the Government" mean. I do not know whether this means that a person who has attained the age of 18 years would have the right, for instance, to run for a Parliamentary seat. If this is the intention - by influencing the composition and policies of Government, there are many ways that one can do this - then it will be in contravention of Section 34 of the Constitution which says that for a person to run for a Parliamentary seat, one has to have attained the age of 21 years. That, in my opinion, again, needs to be harmonized, and/or made clear, so that we are sure that the words "influence the composition and policies of the Government" do not become words that need to be interpreted by a constitutional court or High Court. They should be easy to understand so that they are not in conflict or at cross-purpose with the provisions of the Constitution.

Mr. Temporary Deputy Speaker, Sir, I quite agree with the provisions of Clause 9 which talks about party discipline, and particularly where one loses his or her seat if he joins or advocates for more than one political party. One of the biggest problems that we have had in this country over so many years, like I said in the beginning, is lack of party discipline. This becomes quite obvious as we come closer to the nominations for elections at the party level. You will find that a person is in party "A" and if he loses in the nominations, he moves to another party to seek nominations

there. If he fails to be nominated there, he will go to a third party. I call that party indiscipline. Since a lot of these provisions are not within the laws of this country and in the party constitutions, at the end of the day, you will find there are people in this august House who do not in truth have allegiance to what can be called party politics but their only intention was to find their way to Parliament. I think it is high time that we started creating political party history like we have seen in other countries where if you say you are a member of the Conservative Party, for instance, it is a serious issue. For you to move to another party, it is not for a small reason, like losing party nomination. This has become quite clear as we have watched the nominations in the by-elections that are currently going on in the country where people are moving from one party to another.

I hope that we are going to find time soon when we bring the so-called essential minimum reforms, if at all they will come or when we have a constitution of this country, like we had in the Bomas Draft and also in the Wako Draft, where you had to be a member of a party for, at least six months, before you could seek to be nominated under that party. That is one area that I see clearly is going to bring discipline into party politics in this country. This will also change the political landscape of our country.

Mr. Temporary Deputy Speaker, Sir, Clause 24 of the Bill states that one cannot contribute more than Kshs1 million to a political party within one calendar year. I have no problem with that provision. The only problem I see, and a previous speaker did mention it, is that every time Kshs1 million becomes not as much money as one would have thought it to be at the beginning, it would mean that you have to come back to Parliament to amend this Act. If you read Clause 24 carefully, you will find that although it says that one cannot give a sum exceeding Kshs1 million in one year, there is a proviso which says that:

"Provided that the Registrar may, on request, allow a person to contribute an amount exceeding Ksh1 million".

I think that is a major contradiction. If there is a mischief meant to be prevented by saying one cannot give more than Ksh1 million in one year, then there cannot be a reason again where the Registrar should have the discretion to allow an applicant to give a party more than Ksh1 million and have a discretion to refuse another applicant to give more than Ksh1 million to another political party. That is subject to political manipulation. It can be a very clear way, again, towards corruption on the part of this so-called "independent Registrar of Political Parties".

Mr. Temporary Deputy Speaker, Sir, I have noticed that the Departmental Committee on Administration of Justice and Legal Affairs has proposed that in place of Kshs1 million, we put a figure of Kshs5 million. The amount of money that we put in this clause does not matter. I would propose that we have an opening where this can be changed across the board and on a level playing ground to all the political parties so that the Registrar is not partial in any way. I would propose that, that clause should read that:

"It should be an amount not exceeding such term as the Registrar of Political Parties shall prescribe from time to time by way of gazette".

So, we do not have to come back every time and because the Registrar shall be a person within the Electoral Commission of Kenya (ECK), I do not think that, that will be a very complicated thing to do. I think it is going to give a level playing ground for all the political parties so that, at least, nobody feels disadvantaged.

Mr. Temporary Deputy Speaker, Sir, some hon. Members have commented on the proposals that have been brought by the Departmental Committee on Administration of Justice and Legal Affairs. This committee proposes to do away with Clause 19. Clause 19 provides that:

"A political party may appeal to the High Court against the decision of the Registrar to cancel its registration. The decision of the High Court shall be final".

I think there will be a lot of danger if that clause is deleted. I think another party, in this

case the High Court, should have the final say on whether or not the decision to cancel a political party is right or wrong.

The decision to cancel the registration of political parties has very, very far reaching implications because it means that the party would then have to be dissolved. It also means that a lot of people will be affected because it will not affect just the officials but also the people who call themselves members of that political party. It is very important that, that watchdog position of the High Court or another body other than the Registrar himself is there to see to it or to decide whether or not the decision to cancel or deregister a political party was right or wrong. The Registrar will become a very powerful person, if at his own behest and decision, he is able to deregister political parties with all the consequences that go with it.

Mr. Temporary Deputy Speaker, Sir, finally, there is the issue, again, of the cancellation of political parties which is contained in Clause 25. Clause 25 puts certain duties and obligations on the part of the political parties. It states that within a certain time after the elections, the political party has to do certain things which are mandatory under the provisions.

Clause 25(4) says:

"Without prejudice to any other penalty provided in the Act or by any other written law, the Registrar shall cancel the registration of political parties which-

- (a) refuses or neglects to comply with this section; or
- (b) submits a statement which is false in any material particulars;"

The political party that is cancelled or deregistered, because those are semantics, may already have a Member of Parliament. A Member of Parliament may be elected on a political party. An hon. Member is sworn in on January of the relevant year, but the party does not submit the matters that it is supposed to submit as required under Clause 25. The question is: What happens to the hon. Member who has been elected under a party that has been deregistered? What are the consequences of deregistering that party to the particular Member? So, these are issues that are not as easy as they would appear on the face of it. It will have far reaching consequences. The hon. Member will cease to be a Member of Parliament. He will have to join another party, but those things are not provided for in this Bill and they could be in contravention of the provisions of the relevant section of the Constitution.

Mr. Temporary Deputy Speaker, Sir, there are many issues that we need to consider and that are important. This will most likely again come at the Committee Stage when we consider the amendments that have been proposed. However, all in all, I would say that the essence and intentions of the Bill, the Memorandum of Objects and Reasons that have been given show that we are now better positioned where we wish, as a nation, to bring back or to have discipline within our parties where we are going to eradicate even corruption and be able to guide the way that parties should be governed and which parties should benefit from the Government funding so that we have equal or fair playing grounds.

With those few remarks, I beg to support.

Mr. Achuka: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nichangie Mswada huu.

Yangu ni machache. Ningetaka kuomba Bunge hili lirekebishe maneno ya kuandikisha vyama vingi hapa nchini. Vyama vingi sasa vimetambaa kote nchini. Kama vile Waswahili walivyosema, wingi wa kila kitu ni sumu. Kwa hivyo, tukiendelea kuwa na vyama vingi nchini, vitatawanya wananchi. Kwa hivyo, ningepomba tujaribu kutambua vile vyama ambavyo vinaweza kuongoza nchi hii kwa utaratibu na kuifanya iwe na demokrasia ya ukweli. Ningependekeza tuwe na vyama vitatu au vinne kama vile inavyofanyika kule Amerika au Uingereza. Kule Amerika, ambapo kuna watu wengi kuliko Afrika, kuna vyama viwili tu. Kwa nini nchini Kenya ambako kuna watu wachache kuliko Amerika, tuwe na vyama zaidi ya 30? Kwa hivyo, mapendekezo yangu

ni tuongee pamoja na tukate kauli kwamba tutakuwa na vyama vichache. Hii itafanya shughuli ya kuhudumia wananchi kuwa rahisi na ya haki.

Jambo lingine ni kuhusu wale watu wanaowania viti vya Bunge, ambao wakikosa kuchaguliwa katika chama fulani wanahamia kwa chama kingine. Ningependekeza kwamba tuwaruhusu watu kufanya hivyo. Hiyo ni kwa sababu, kuna watu wengine ambao wanajua kwamba wanapendwa na wananchi, lakini wanakataliwa na chama chao. Ilhali, wale ambao hawapendwi na wananchi wanapendelewa na kamati ya uchaguzi. Ukikataliwa na kamati ya uchaguzi, utafanya nini? Itakubidi uhamie chama kingine.

Kwa hayo machache, ninaunga mkono.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, this country has a very interesting history of party politics. At Independence, we were enjoying multi-partyism, until KADU decided to disband itself and join KANU. That was their own decision at that time.

In 1969, KPU, which was formed in 1966 was banned. That took us into the bad days of single party politics in this country. There are days that are not very interesting to remember, when Kenya had a single party system. This is particularly in the late 1970s and 1980s, when the Lords of KANU would wake up and decide to kick an individual out of the party. That would be the end of many things for an individual who was kicked out of KANU. If one was kicked out of KANU, he was denied many other things in this country. He would even lose his job.

Mr. Temporary Deputy Speaker, Sir, this Bill is intended to help Kenyans to streamline party politics and have their rights in party politics. It is very unfortunate that even today, when we have multi-partyism, the Government still interferes with party politics. Recently, we had problems with the Orange Democratic Movement (ODM). We also had problems with KANU splitting and one group registering itself with the Registrar of Societies and another group also coming in. It looks like a few people in the Government are trying to interfere with parties in this country.

The party politics that we have had in this country have been characterised by defections and counter-defections. Of course, the early defections had a lot of Government hand in them, particularly in the early 1990s, when the Forum for the Restoration of Democracy (FORD), was formed, which later split into FORD(K) and FORD(A), and further into FORD(P) and all the other FORDs that we have in this country. Then a few other parties were formed. There were defections and counter-defections from one party to another, particularly from the Opposition parties to KANU. That was all Government interference, particularly for those who defected from Opposition parties to KANU.

Even today, a number of hon. Members have moved from the Opposition to the so-called Government of National Unity. We are still seeing the hand of the Government in disorganising parties and trying to control parties other than the ruling party. I hope that when this Bill becomes law, it will bring sanity to the politics of this country. The Bill may not help if the Registrar of Political Parties has autonomous authority within the Electoral Commission of Kenya (ECK), which is also supposed to be autonomous. That must be addressed before this House passes this Bill. Otherwise, we will still have the same problems that we have had with parties, which have caused a lot of political chaos in this country.

There are a few clauses in this Bill, some of which my colleagues have talked about that I need to revisit. In Clause 3, we should give the ECK the powers to appoint the Registrar of Political Parties rather than having an individual sitting within the ECK having autonomous power, while the Chairman of the ECK also has his powers. Let us give the Chairman of the ECK the powers to appoint and give duties to the Registrar of Political Parties. That way, we shall have sanity in our political parties. Things will be more organised with the Electoral Commission of Kenya (ECK) as regards the registration of political parties, and having a structure for running of political parties in this country.

Mr. Temporary Deputy Speaker, Sir, what is suggested under Clause 6 looks to me like we are in those days when the Government would wake up one morning and ban any political party it thought was not being run well. It reminds me of 1969, when the Kenya Peoples Union (KPU) was banned. What we have in Clause 6 provides for such a possibility, because if the Registrar of Political Parties, or the ECK, is pro-Government, he can mess around. He can deregister so many parties if he feels that the people running those parties are anti-Government.

The Assistant Minister for Health (Dr. Kibunguchy): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member on the Floor to say that Clause 6 provides for the banning of political parties when that clause, very clearly, talks about registration of political parties?

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, we have over 80 parties in this country. When this Bill becomes law, the Registrar of Political Parties may decide that some of these political parties fall in the mentioned categories and decide to deregister them. That is what I am trying to say.

Clause 7 talks about public officers. However, even elected leaders in this country are public officers. Members of Parliament and councillors are also public officers, unless we make it very specific as to who a public officer is. So, that is something which needs to be addressed. Subclause (c) of Clause 7 seeks to deny Kenyans serving in the public service their right to participate in political decision-making.

Mr. Temporary Deputy Speaker, Sir, at this point in time, Kenyans have matured enough. Let us allow civil servants to join political parties. They are not going to overturn anybody's Government. Why should we restrict Kenyans to an extent that they should not even make known their feelings about political decisions? As a country, we have passed the stage of banning Kenyans from making political statements. Some Members of Parliament are in this House because they were "kicked" out of public institutions, including universities, because they made their ideas known. As a country, we have gone beyond that point.

Clause 9(3) provides that a person shall not be a member of two or more political parties at the same time. That is the biggest problem in this country today. So many people would be out of the business of being politicians if we were to adopt that clause. What I am trying to suggest is that we should find a way of creating room for coalition parties. Even the ruling party, NARC, is actually a coalition of parties. The ODM(K) which is becoming stronger every day, is also a conglomerate of parties.

Mr. Temporary Deputy Speaker, Sir, Even the so-called Government of National Unity is comprised of people from all kinds of parties. It is composed of hon. Members from different parties.

Mr. Muite: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Professor, would you like to be informed?

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, Mr. Muite is a learned man. His information could be useful. So, let me hear him.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I wanted to inform the professor that if he looks at the amendments proposed by the Departmental Committee on Justice and Legal Affairs under Clause 5A on page six, he will see that the Committee has recommended the very point that he has made. The proposed amendment is as follows:-

"Where two or more political parties resolve to form a coalition before or after an election, the instruments of the coalition agreement shall be deposited with the Registrar for the purposes of arbitration between the political parties under this Act."

So, that point has been catered for, and I agree with it.

Prof. Olweny: Thank you. That is good information to the House. So, if that comes in, then, probably, Clause 9(3) will be looked at again.

Clause 9(5) talks about a person who has been deprived by the decision of a court of competent jurisdiction--- This reminds of those old days of KANU expulsions, when people would be expelled from their parties. Those days were a nightmare. So, if we leave this part of this Bill to become law, we will be giving room for expulsions from parties. We will be legalising things that KANU did illegally to Kenyans. So, it is my feeling that this part of Clause 9 will deny Kenyans their right to belong to parties of their choice. If you have a problem in court, and you have been convicted, let it remain there. Let us not take that court decision to the political parties. Doing so will be very unfair.

Mr. Temporary Deputy Speaker, Sir, Clause 12(d) talks about resemblance of names. We have many parties sharing names, different only in single letters. I do not know what the Registrar of Political Parties will do, because most of our parties share very similar names. So, we may have to have a second look on this subclause.

Those are the few comments I want to make in support of this debate.

Thank you.

The Assistant Minister for Education (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute in support of this Bill. A good number of the relevant comments have been made. So, I will, basically, be, really, brief and avoid repeating what other hon. Members have already said.

The Temporary Deputy Speaker (Mr. Khamasi): I am interested in your position, because we have been listening to the same arguments being used time and again. So, if you could let us hear something new, I will appreciate.

The Assistant Minister for Education (Dr. Mwiria): I hope so, Mr. Temporary Deputy Speaker, Sir. But there are some contributions made by hon. Members which I have not listened to.

Firstly, on the issue about the Registrar being given the responsibility of deciding whether or not to register a political party, even though under the ECK, how do we ensure that the team that will be given that responsibility will be non-partisan? Secondly, what measures are we going to take to ensure that the Registrar does not delay the registration of a political party? Do we have a deadline? For instance, if you do an application, by what time must you be given a response as to whether or not that political party is being registered or not?

Mr. Temporary Deputy Speaker, Sir, Clause 5 is on characteristics of who should form a political party. We are told that you should be 18 years and over, but what about other characteristics of people who form political parties? If you have been associated with some criminal activity, can you - even though you may have cleared your name with time - be allowed to form a political party? What are we asking for in terms of educational background? Do you have to have certain minimum qualifications in order to be entrusted with the responsibility, and for people to take you seriously as a person who can lead a political party?

What is your record for bringing people together as Kenyans and so on? In other words, may we require a letter of good conduct from people who register political parties if we require the same from even messengers and drivers? Is it not important for that person to be one of integrity and of un-questionable character? There is the issue of a political party not being restricted to one region. It should not be just regions. You can have a political party that is restricted to several regions, but it is meant to close out other regions, even if it is one major region. So, again, if political parties are clearly limited to particular part of the country and organise themselves on the basis of excluding others, that should be considered.

But the most important issue is how we can enforce that. Do we insist that every political party must have a record of so many members from every constituency? Should we insist that locations of political party offices must be evident? They should not just have an office in Nairobi. Should we insist that we should have an office of a political party in the province, district and even in the constituency? The more difficult we make it in terms of the criteria that we are talking about, the more likely it will be to get to a limit of those political parties that Members are talking about; a maximum of two to three.

In fact, I wish it was possible for the Government to form just three political parties and ask all of us to choose which one we want to join. That would make it much easier.

Mr. Temporary Deputy Speaker, Sir, about membership, I wonder whether it would be useful to give ideas about classification of members. I am thinking about that because most political parties have a clause for life membership. But it turns out to be nonsensical because many life members of political parties will soon be life members of other political parties. Many of those parties, as you know, you can still lose your membership even when you are still alive.

There is also the issue of writing to the Clerk of the National Assembly if you are getting out of a political party. What do we have as way of ensuring that, that information is made public? Could it be through a Kenya Gazette? Should we ask people to place an advertisement in the newspapers, so that we all know? People who voted for such Members in their respective parties should know clearly that they have deserted that party for another one.

Mr. Temporary Deputy Speaker, Sir, on the issue of moving from one party to another, I think the point has been made. A person who has been refused nomination by one party should not use that as an excuse to move to another party, unless he or she has a very good reason to do that. But the problem here is: If we say we leave it free--- Sometimes, you are penalised by a political party even when you are not the one to blame. That will defeat the very purpose of eradicating political "prostitution". Maybe, we can leave it to the Electoral Commission of Kenya (ECK) and the Registrar of Political Parties to supervise the process of nomination and ensure that there is no victimisation of members of political parties that do not agree with the so-called leaders of those parties. What would be the period of implementation? It is not enough to give certain restrictions, especially when one is resigning from a political party. I think there should be some time limit in terms of when certain rules can be put in place. That will ensure that whoever has breached those restrictions is subject to punishment. How do we also check the excess of political parties and political leadership? How do we ensure that members of political parties that are more prominent do not witch-hunt and penalise those that they do not like?

I realise that there is going to be an Appeals Tribunal. I think it is important to check on that. But it is also important to find ways and means of dealing with leaders of political parties who interfere with other political parties.

Mr. Temporary Deputy Speaker, Sir, Clause 14 spells out how money raised for political parties should be used. I think we should also allow licensing of radio and television stations for political parties. That is important because if we have a Government that is against free media, it will make it impossible for political parties in the Opposition to have access to free media.

There is also the issue about registration of political parties. I think a point has been made about the need to ensure that membership is across districts and constituencies. But also, for people who are going to be founding members of political parties, we should have their profiles. I think we should see their profiles. It is not enough to just have a list of people, without knowing what they represent in terms of business interests, political orientation and their general beliefs with regard to issues that could make a difference. We should know what they stand for. Those profiles should also reflect other demands. We are now talking about gender equality. We are talking about representing marginalised groups and so on. I think founding members of political parties should

also be seen to reflect that kind of thinking.

Mr. Temporary Deputy Speaker, Sir, Clause 16 (6) states that a fully registered political party will lose its status if it does not hold any elections in six years. Why do we not limit that to the term of Parliament which is five years, so that we could have consistency?

Mr. Temporary Deputy Speaker, Sir, on the issue of 25 per cent of the money available being distributed equally among political parties, first of all, it will depend on how much money is available and how many political parties there are. I think the emphasis should be on stronger political parties. We should also limit the number of parties that can benefit from that Fund if we, indeed, want to reduce the number of ethnic-oriented political parties. I think it should be possible to say that we shall support only five political parties depending on the numbers of people who have registered with those parties.

Mr. Temporary Deputy Speaker, Sir, but on the other issue of ensuring that the limit of contribution by individuals should be only Kshs1 million, how do we enforce that? It would be very difficult, unless we have a tax deductible system where, if you have contributed to a political party, you are eligible for a tax rebate. If we introduce that system, we will know who has donated money to a political party. It should not be free for all. Anybody should not be allowed to donate money to a political party, irrespective of whether you got your money through drug trafficking or other criminal activities! I think it is important to know who is contributing money to political parties. What are their sources of income and what is it that brings them to the political party that they intend to support?

Mr. Temporary Deputy Speaker, Sir, points have also been made about a coalition. I agree with the need to restrict political parties. That is the only way to ensure that people do not form political parties to make money or advance their ethnic, religious or other interests that have nothing to do with the common good of the people.

With those few remarks, I beg to support.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, since the Departmental Committee on the Administration of Justice and Legal Affairs has done some work on this Bill and we made a report, I shall be very brief. Ours now is to listen to the contributions from Members so that, during the Committee Stage, we can take on board the suggestions and wishes of hon. Members. The Committee is a servant of this House.

Mr. Temporary Deputy Speaker, Sir, I would like to begin by thanking the Minister for Justice and Constitutional Affairs for taking the initiative to bring this Bill to this House. That is a major milestone. The fact that, for the first time, in the history of this country, we shall be funding political parties from the Consolidated Fund, is a milestone in developing parliamentary multi-party democracy.

Mr. Temporary Deputy Speaker, Sir, the amendments we have proposed at this stage are intended to enhance the objective that the Bill seeks to achieve. They are not to undermine it but rather, to enhance the attainment of those objectives. We will see that we are, for example - this is a point that the hon. Member for Kiharu was raising - suggesting that instead of every dispute going to the Judiciary, disputes between parties or even within a party, sometimes require a more informal setting to resolve than the Judiciary. We want to safeguard also the Judiciary in terms of over-politicising it.

Mr. Temporary Deputy Speaker, Sir, so, we provided for a tribunal which is going to be chaired by a person appointed by the Chief Justice and who is qualified to be appointed a judge of the High Court. It is a tribunal that can resolve the dispute between even coalition parties or within a party.

It is a tribunal to which one will be able to appeal against the decision of the Registrar. We think that the adoption of this will enhance the objective of this Bill.

One of the other things that are not in this Bill and we require to have it in mind, is that the funding of political parties is such an important issue that, if you remember, we are recommending it in the minimum reforms. That, the principle of funding should be anchored in the Constitution. So, we hope that when we come to the enactment of the minimum reforms, we will give constitutional anchorage to this Political Parties Bill by stating in the Constitution that there would be a fund for political parties which will be administered in such manner as may be prescribed by an Act of Parliament. This will ensure that it is anchored in the Constitution and that tomorrow, there is no question of, for example, deleting this Statute, amending it or diluting that principle of funding of political parties.

Mr. Temporary Deputy Speaker, Sir, obviously, we have got to draw a balance. Now that we are funding political parties, one does not want to see a situation where each and every individual will go to form a political party, the so-called briefcase political parties. However, I think that point is catered for because of the manner of the distribution of funds. The distribution of the bulk of the funds from these Political Parties Fund is going to be proportional to the total number of votes cast for a particular party in the previous General Election. This will ensure that very many political parties, unless they are serious parties, can actually get the threshold for funding; will not qualify for funding.

I think that is one provision so that on the one hand, you are not violating the Constitution by preventing people from forming political parties because that is their freedom of association. What we are doing is that by saying that unless a political party garners a certain percentage of votes in a General Election, that party will not qualify for the bulk of the funding from the political fund. I think that strikes a good balance!

Even in the countries where there are only two or three dominant parties, it is not by legislation because the freedom of association is so fundamental. You cannot prohibit people from forming parties. It is evolution! Even in the USA, it is not constitutional; in the UK, it is also not constitutional. There are several examples because evolution in other countries is not towards two or three dominant parties. The evolution in many countries, including Germany and Italy, they are permanently in coalitions. You cannot force people that they must belong to a particular party. It is not a matter for legislation. It is not a matter for Constitution! It is a matter that you leave to political evolution. Until such time that the parties actually have the culture of democracy, internal party democracy, parties that are founded on ideology and not parties which are vehicles for attaining political powers: Parties that can be identified - have an identity - on the basis of their ideological inclination. Until we reach that point, you will have this proliferation of parties.

Mr. Temporary Deputy Speaker, Sir, looking at the recent experience of this country, one can safely predict that for a long time, this country is going to have coalition governments. That is why, in fact, we want to enact these essential reforms so that we regulate coalitions. If a party producing the winning presidential candidate does not also garner a majority of seats in this Parliament, that party will be constitutionally obligated to enter into a structured coalition with another party or parties. This business of poaching will come to an end. If one accepts an appointment as a Minister or Assistant Minister without his or her party being a coalition partner as a party, that individual will, by operation of law, lose his or her seat and go back for a by-election. This will ensure that parties and coalitions are going to be structured. It will act as a balancing check because if the Government of the day, that does not enjoy a majority, has coalition partners wishes to pilot through proposals or policies in this House, that party will be obligated to go and negotiate with its coalition partner(s).

So, this Political Parties Bill, again, has got to be contextualized. We need to re-arrange the constitutional order so that we provide for constitutional coalitions, which is a good thing. In making the proposals we are making here, we are anticipating that this country is certainly going to

see coalition governments for quite some time to come. This is why we are requiring where parties actually elect to go into a structured coalition, they will be required to deposit the instruments of coalition. This will ensure that even Mr. Speaker will know that this and that party is a grouping within a structured coalition and be treated as such in the management of Parliamentary business.

This is something that also ought to be catered for in the Standing Orders (SO). I hope that when the SO are re-written, that accommodation, acceptance and legitimacy will be found. Therefore, I would like to end by urging hon. Members to approach this in a positive manner. We are correcting a major historical injustice!

(Applause)

For a long time, we treated parties as if they are societies. Political parties are registered. If you go and form a society for selling fish or eggs, your society and a political party are regulated and governed by the same Societies Act. It is a shame that for so many years, we have not recognised that political parties are in effect, by nature and essence, not societies. They are political parties! They have always needed a separate statute to regulate and to govern them, away from the other societies.

We are also correcting a major imbalance of allowing the Executive to be the one to decide which political party to register or not; who has won an election when a party has disputed elections and who has not won. There are many historical injustices that we shall be correcting by enacting this Bill. One of the most pathetic cases is told by Ngugi wa Thiong'o in one of his books. In those days before 1982; before Kenya became a *de jure* one party state, there was a humble individual from Githunguri who woke up one morning and decided: Since this Constitution allows multi-partyism--- Those were the days of Jomo Kenyatta, the first President. This humble man from Githunguri who was found in Block E in Kamiti Prison by Ngugi wa Thiong'o decided to go and register a political party.

When he presented his papers, he was taken up to a Mr. David Coward, who was the Registrar-General then. He was welcomed, given a cup of tea and told to come back in three days' time to collect his certificate of registration. He went back to Githunguri a happy man.

On the third day when he arrived in the Office of the Registrar-General thinking that he was going to get another cup of tea, he took his seat and within a few minutes, the one and only Charles Njonjo walked in with *askaris* and then looked at him. The man was arrested and driven to Kamiti Maximum Prison where he was served a detention order for seeking to register a political party. When Prof. Ngugi wa Thiong'o found him there, he had stayed there for over five years. Prof. Ngugi wa Thiong'o asked him, "What are you doing here?" And so he told Prof. Ngugi wa Thiong'o the whole story. He told him that he did not know why he was being detained. He told him, "I went there to register a political party and this is what happened to me. That is why I am here."

Let us enact this Bill so as to ensure that such a thing will never happen again. The power to register a political party must be taken away from the Executive and vested into an autonomous Electoral Commission. That is why I am saying that this Bill needs to be contextualised in the wider constitutional order. We must amend the Constitution to give meaningful autonomy to the Electoral Commission so that they can administer this Political Parties Fund and so that they can oversee the Registrar of Political Parties, which is going to be a very important position. I want to appeal to hon. Members to support this Bill. Let us have all their views, and I know that we shall accommodate as many of them as possible during the Committee Stage.

I also want to appeal to the Minister to reciprocate. Let us do what is best for this country. This is not about who is winning. This calls for a non-partisan, by-partisan approach. It is for the

good of this House and the country at large. It is for the good of everybody. So, let the Minister also accommodate the amendments and views that hon. Members are putting forward.

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

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for attempting to bring to this House what she thinks is important for political parties in this country. However, let us look back at the history of this country and also the history of political evolution internationally.

I think we should not lose sight by trying to dramatise what happened some years ago where people were being arrested for merely proposing to form a political party. That was enough to put somebody in detention! The issue here is whether we are still in that situation or not. In my view, if I were to advise this House, this Bill should not have been rushed to this House the way it is.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Let us hear a divergent view.

Mr. G. G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I say so because this Bill does not address anything new. If I were to advise this House, this Bill ought to have come after serious consultations among members of political parties like we are doing with the constitutional review process. This is just a paper, but it is going to get into the hearts of Kenyans. If we do not look at this matter keenly, we are going to create dictatorships within political parties.

What will happen if, say, Maj. Madoka today decided to walk away from KANU? Who are we to interfere with his political decision? What makes us think that we can be the headmasters or headmen of political parties through a monitor called the Registrar of Political Parties? The philosophy of a political party is not that of a religious organisation. A political party is a party of people who have agreed to come together to find a way of changing the situation in a country both politically, economically or administratively. That is what I understand about political parties. Again, a political party must be organised nationally.

As we sit here, we deceive ourselves that we have a national political party in the country. I think it is a shame to all of us. We all know that we have regional political parties in this country. However, when we come here, we always want to dramatise as if we have a very important political party in this country.

Maj. Madoka: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that there is no national party in the country, and yet KANU is the only national party in the country?

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, when I formed KANU as a political party, I am not sure whether Maj. Madoka had finished his primary education. He should, therefore, listen to the words of wisdom. We are not here to play around with other people.

(Laughter)

I was in the forefront in the formation of KANU. Those days, KANU was a national political party because Kenyans had a war to fight. They were fighting colonialism and they had to unite to fight it out. For people to unite to gain political power for the sake of taking over Government, that can never, any more, become a national issue. You will never find one national political party that is cohesive enough to take over the Government. That is why KANU is now fragmented into so many political parties. All the 82 political parties in this country come from

KANU. Can we claim that we have discovered something new that is called a national political party? I think that the philosophy of forming a political party is different from what hon. Members in this House understand.

Mr. Temporary Deputy Speaker, Sir, it is as if hon. Members here were orphans waiting for somebody to bring a Bill in this name for them to receive it without thinking. I think it is high time that we became responsible for our own actions. We are told that the purpose of this Bill is to create a framework where registration of political parties will be centralised somewhere. Which political party has not been registered today? All the political parties that have applied for political registration have been registered.

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the hon. Member for Laikipia West say that it is as if Members of Parliament were waiting to receive without thinking? Is that not a little insulting? Every hon. Member here thinks!

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I hope that my friend, hon. Muite, will not personalise this Bill as if it is his brainchild. Let the Bill be debated by all Members of Parliament who are not members of the Departmental Committee on Administration of Justice and Legal Affairs. We have no information about where he got his ideas from. Therefore, let him give us the freedom to debate this matter. The philosophy of forming a political party is what concerns us more.

In the 1960s and 1970s, the entire African region was controlled by foreign powers during the "Cold War". No political party was allowed unless it was supporting a certain "ism". It was either capitalism or socialism. However, this does not mean that those who were there during those days were not educated enough, read law or good politicians. They were controlled out there.

Mr. Temporary Deputy Speaker, Sir, the environment has changed. This is the time hon. Members of Parliament should think for Kenyans. Are we ready to do what we are trying to do now? We are saying we are going to fund political parties. First of all, we should have been men and women enough to say that a certain percentage of the taxes collected should go to political parties' funding. We are just saying the Ministry of Finance shall give us some money and it will be divided equitably among the political parties. Are we not deceiving ourselves? What are we talking about? Why can we not say 2.5 per cent of taxes collected would go towards funding political parties? I think we should be brave enough to give this Bill what it deserves.

Mr. Temporary Deputy Speaker, Sir, I have said this before but I want to say it again; if somebody knows that he or she is being undermined in his or her political party by a clique of people in good books and is denied the right to be a member of the political party by implication, that gentleman or lady has every right to cross the Floor and leave him or her alone. That is a democratic right! I would hate to see that Maj. Madoka, if I may refer to him once again, wants to change his political face and there is a law that stops him from doing that, I would not think I am a good politician if I were in that Parliament. We are fighting for freedom. The whole world is fighting for freedom. This is happening and yet you come here, cluster and decide to deny people their freedom. It is their birthright to be where they want to. Let us not simplify this matter. I know some hon. Members may think that I am trying to do something they did not expect.

Mr. Temporary Deputy Speaker, Sir, when we talk about money being allocated to political parties and narrate what is supposed to be done, it is all theoretical. It looks like we have discovered the world of angels. It looks like we are going to have new people in this world. We are going to be the same politicians with the same feelings, ideas and tribalistic aspirations!

Mr. Temporary Deputy Speaker, Sir, by passing this Bill, we will legitimise ethnicity and tribalism. Look at this Bill deeply and you will see that we are trying to legitimise and fund ethnicity and tribalism. After the money---

Mr. Muturi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member

in order to continue misleading the House and himself that by passing this Bill we are legitimising ethnicity? In Clause 6, the Bill clearly says that the Registrar shall not register a political party founded on ethnic, age, tribal, racial, gender, regional, linguistic, cooperatives, professional---

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, let me accept the feeling of the hon. Member. However, let me tell him that the Registrar is not going to come from heaven. He is the same person that we have in this country. We are talking as if we are going to get a person from heaven to manage political parties. That is the feeling of my friend over there. We are the same people.

When we talk about funding political parties and at the same time say the money cannot be used to maintain offices of political parties, I think we are deceiving ourselves. A political party without offices--- We claim that we shall use that money to support publicity and whatever. Mr. Muturi must understand that we have this Bill with us. It is a matter of reading what it says. I just do not want to repeat it by reading because every hon. Member has it.

Let me explain my feelings. If there is a political party that we are going to support, first of all, we have to consider employment like we have done with the Constituencies Development Fund (CDF). We have to employ full-time officers for political parties. That is the reason I am suggesting that we are rushing this Bill. We are not very serious about it. Let us be serious and accept this is a new idea. As good as this Bill may be, let us be honest to ourselves. If we are not ready to provide political parties with funding, let us shelf this Bill until we are ready.

Mr. Temporary Deputy Speaker, Sir, we are rushing this Bill as if the situation has worsened and political parties will not be registered. Under the current law today, without "Cold War", which political party cannot be registered? Any political party can be registered. Those that have applied for registration have all been registered! What is the discovery in this Bill? I think time has come when we have to re-look at our *maneno* here instead of rushing to something that may not be good for this country.

I would support any Bill that would fund political parties at the grassroots. Let every branch of a political party be funded by the Government.

Mr. Temporary Deputy Speaker, Sir, Clause 23(3) says:

"The money allocated by Parliament under this Section shall be distributed as follows---

It says: "As follows", but who decided this and what were the factors considered? Has an angel, who will divide this money, already been born? I think it has to be legal that any political party which has hon. Members in the House gets money without discrimination.

Mr. Temporary Deputy Speaker, Sir, after passing this Bill, there will mushrooming of political parties. Today, there are 82 political parties but this will rise to 150 very soon; it will not be my surprise because you have opened floodgates.

Mr. Temporary Deputy Speaker, Sir, there are other small tribes like where Mr. Muturi comes from that might decide to form their own political party. Therefore, let us be honest to ourselves. Time has come when we want to be seen by the people of this country that when hon. Members are sitting here, they know what they are talking about. For example, when you say that you are not going to receive money from outside this country, what machinery do we have to check on that? Today, no political party is allowed to solicit money outside the country. But are we capable enough to stop them? Who are we to think that we are now capable because this piece of legislation has been passed? That we are now going to stop everybody from getting money from out there, when we have vehicles like the Hummer coming into the country. What power do we have? Why do we cheat the country by creating a situation like this one? I think we are not being genuine.

Mr. Temporary Deputy Speaker, Sir, I do not believe that this Bill received serious political input from politicians. I think it was a couple of civil servants who sat down and decided that this

thing needs to be done this way. I am very unhappy because of the way I see things being done here. First of all, we have no power to stop anybody from supporting any political party out there. In fact, if we follow the political history, which political party has been able to survive without support from out there? Which one?

Mr. Angwenyi: FORD(P)!

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, FORD(P) maybe very special.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. G.G. Kariuki, do not be distracted by side-shows. Concentrate and address the Chair!

Mr. G.G. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to continue by looking at Clause 15(i) regarding the obtaining of more than 250 members. The people of this country have been crying for freedom and human rights. We are talking of amending the Constitution, yet we are now going back again in the same cage and pretending that we are free. I think we are happy slaves. The chain of colonialism and dictatorship is being taken away from us but we are going back to chain ourselves. What a shame! I think hon. Members and the people of this country should be given their rights. Being a member of a political party is not a crime. Mr. Temporary Deputy Speaker, Sir, if I want to form a political party with my 250 people, that party should be let to become a political party. Who is to stop me from declaring it a political party? Let me form my own political party and let the people reject it. No Government or any other dictatorial agency should come in. As a person with experience, I would like to tell hon. Members never to allow any other dictatorship from any corner. For example, who is going to say, "no" to the Hummer in Luo land? Who would dare say that? He will never come back here! Is that what we really want; that, somebody in Central Province can decide, for example, that Mr. G.G. Kariuki is not a Kikuyu and, therefore, cannot be elected?

Archbishop Ondiek: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to say that if you oppose the Hummer, which is a very cheap vehicle being bought here locally, you cannot come back to this House?

An hon. Member: That is obvious!

(Laughter)

The Temporary Deputy Speaker (Mr. Khamasi): Proceed, Mr. G.G. Kariuki!

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, a member of a political party, according to Clause 7, may only be expelled when he or she has infringed on the constitution of the party. Who is the supervisor of the political party constitution? This matter has been going to court since time immemorial and the courts have failed to determine what constitution the political parties want. It is a serious Act which should not codify how members of a political party will behave. Let us give them the freedom they deserve.

Mr. Temporary Deputy Speaker, Sir, if you consider Clause 8, as I said from the beginning, it states:-

"Any person who suppresses or attempts to suppress any lawful political activity of another political party---"

Can you see the contradiction? Who is going to supervise this? That you are not allowed to suppress other political parties. We are out there for competition. Maybe I do not know the meaning of suppression. I am very sure that KANU will not come and support NARC(K). They will use all means to defeat the policies and aspirations of NARC(K). Here, we are deceiving ourselves that, "anybody who suppresses---" This is a shame! This Bill was not written like a political Bill. We should look for a political Bill which will protect Kenyans from all the insinuations in terms of dictatorship.

Mr. Temporary Deputy Speaker, Sir, there are hon. Members here who are convinced that they have discovered the survival of the political movement in Kenya. Let me tell you that we have discovered what is going to bring a lot of problems in this country. I want to protest that this Bill will not last for the next five years. It will be amended in the process because it is unworkable the way it is.

I am not a lawyer but I have done---

Mr. Muturi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise on a point of order to inquire as to the hon. Member's disposition. He began by congratulating the Minister responsible for this Bill and throughout his contribution he is lambasting and saying the language used is bad, civil servants wrote the Bill and so on. What is his position?

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, it is only fair for those who have no political experience to listen to the most experienced hon. Members. Mr. Muturi, I think you need to listen to me!

Mr. Temporary Deputy Speaker, Sir, I do not mind what the hon. Member is saying! But I have my freedom. If we are not careful, our freedom is being curtailed right here, unless the Chair is not with us. You can see the emotions of some hon. Members.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. G.G. Kariuki, I want to assure you from the Chair that you are very well protected.

Proceed!

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, there are some emotional hon. Members who have, perhaps, given some undertaking that they will have this Bill passed. Let us listen to the other side of the coin. Let us listen to other people because this Bill belongs to all us. I thank the Minister for Justice and Constitutional Affairs. I said that she attempted to bring what we would call a Political Parties Bill! It is not, if you want to hear from me! The question of oppressing other political parties should not arise here because political parties are there to compete for power and take over the Government.

Mr. Temporary Deputy Speaker, Sir, having said that, if you look at Clause 14, it talks about the issue of holding or addressing public meetings in any area in Kenya. Who has stopped us from holding meetings? Who has stopped hon. Members or members of the public from holding meetings? The current law allows anybody to organise and address a political meeting if, he or she, has given a 30 days notice to the appropriate authorities. So, there is nothing new here.

Mr. Temporary Deputy Speaker, Sir, before I sit down, I urge hon. Members to, please---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. G.G. Kariuki! Your time is up!

Hon. Members: Sit down! *Tosha!*

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I urge hon. Members, before I sit down, not to pass this Bill.

Mr. Poghiso: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to continue from where my senior colleague and friend has ended, with the appeal that he never got to finish! I will not take as long as he did. I hope I will finalise my contribution in less time.

Mr. Temporary Deputy Speaker, Sir, this is a very crucial Bill to be debated in this House. I am glad that I have the opportunity to discuss something about political parties in this House. I believe that this House, especially this Parliament, does not merit discussing this Bill. But since it has to be done by somebody in some "House", we can go ahead and debate this Bill. I do not think we are the best to exemplify any reforms on political parties, being who we are in this House and, specifically, in this Parliament.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for publishing this Bill. It

is a straight forward Bill. It only attempts to create a framework in which we can build political parties in this country as we go along. I have said that, in this country, what we have are vehicles to go to Parliament. We do not really have political parties. They are just names of political parties. They are vehicles, bicycles or motor cycles that take us to Parliament. We can see that from the very recent events. Let us take the case of Magarini Constituency by-election. If I am an aspirant in one vehicle going to Parliament and it is derailed or, somehow, the brakes fail, I jump out of that vehicle and get into the next one, which is not related to the first one in any way. People do not believe in political parties. Kenyans are nomadic when it comes to political parties. We move a lot. So, when we define our political parties, we need to understand our own culture and the context. We are not faithful to political parties. We do not have clear definitions of political parties. Even the definitions that we have do not define political parties. This document is a framework. It is a sketch on which to build our political parties for the future.

Mr. Temporary Deputy Speaker, Sir, having said that, I would like to move to Part I of the Bill. I agree with most of the definitions. But the one that confounds me is the one that defines the founding members of political parties. It reads:-

"Founding members of a political party" means the persons who are specified in the written declaration under section 16(2) to have contributed or offered to contribute either in cash or in kind to the initial assets of the party in respect of the first year of its existence."

At the moment, we have founding members of very many political parties. The same people are founding members of several other political parties. That situation will not change. What we need to do, and we cannot legislate, is look out for the behaviour or mannerisms of Kenyans as we go out to multi-party dispensation. This is the only Parliament in many years where-

--

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, if you could protect me from a group of hon. Members who are consulting in loud tones just behind me!

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! If you want to consult, do so in low tones, so that we hear the hon. Member.

Proceed, Mr. Poghio!

Mr. Poghio: Mr. Temporary Deputy Speaker, Sir, I want to focus on four or five issues. We need a different group of people who are committed to forming political parties to stand by this Bill, when it is passed. I am not sure whether we qualify for that. I do not think so. This is the only House where you find the Leader of Government Business on that end, being named as a leader of another party. The Leader of Official Opposition is scampering to become a presidential candidate in a different party. That is all here in this House. We do not need to go very far to say that we need to reform our manners. We need to agree that we will change based on the rules that we make in this House. Right now, no hon. Member should be attacking another. No hon. Member should be saying: "That side is wrong to poach!" We should now come out of that because everything is free for all at the moment! The referee has taken a break. Everybody is actually kicking the ball in any direction they want. I do not think it is right for us, at this point, to think that any hon. Member is morally above the other. We need to come out and say: "We are determined to change from now on." Otherwise, we will only be enacting more Bills and not standing by the rules that we make.

When it comes to qualifications, I would like to suggest that, in terms of the leadership of political parties, it is important - and I do not know why Kenyans are running away from that - to set out academic parameters as well. It is not difficult to set out academic parameters or

qualifications. Who qualifies, academically, to lead a party? We do not have to say there are university degrees that are equivalent. You can put them down as well. That forces people to strive to attain certain academic credentials in order to lead. We better not run away from that. As you know, from previous experiences, the only qualification that is required of an aspiring candidates for a parliament seats is a proficiency certificate in either English or Kiswahili. They are tested by language boards. We know that those language boards were always controlled by some people.

So, we do not want those kinds of qualifications which do not help, in people striving to attain certain academic qualifications. For example, to qualify to be a Member of Parliament, what is wrong with saying one has to have a minimum of a Form Four or Kenya Certificate of Secondary Education (KCSE) certificate? Why can we not set parameters so that people set to equate whatever qualifications they have, so that they amount to that? That is one of the issues that I would like to be included in the Bill.

The other issue which is difficult is the one pertaining to the political parties funds. That is going to be a difficult thing to manage. Just as we do not have commitment to political parties, we are not really well known for upholding fiscal discipline *per se*. We are not particularly famous for declaring our records and so on. This fund is going to be managed by the same Registrar who also registers people and parties. I think we are going to have a Registrar who is really more preoccupied with money than political parties. Fiscal discipline is something that we need to inculcate in this country, so that people may learn to report and keep books. That is lacking. In this Bill, we have a shortage of people who can do this kind of thing. I think we just need to commit ourselves to fiscal discipline. This fund should not be under the Registrar. It must be kept better than being under the same Registrar of Political Parties.

I would like us to make it difficult for people to associate along tribal lines. I know that this Bill tries to say that. But I think we should really make it difficult for people to purely form parties out of tribal or regional alignments. This section of the Bill must be strengthened, so that somebody from Kacheliba, northern Turkana or North Horr, for example, can actually qualify to be a leader of a political party. Today, we have people from marginalised areas who are leading political parties. I want to congratulate those parties which have allowed people from far-flung areas to become their secretaries-general or interim chairmen for a week or so. That is a good sign.

But I would like a situation where people from those areas can become presidential candidates in their respective political parties. As I speak now, that is not easy. In fact, the race for presidential candidature in this country is not going to allow people from small and remote places to contest, because of the way things have been running hitherto. For example, parties are saying that one must pay so much money to become a presidential candidate. One must pay a lot money, for example, Kshs2 million and so on, just to register. If I were to contest, I would need to sell very many cows, just to become a presidential candidate of a political party.

We must make it difficult for people to associate along family, tribal and regional lines. One of the measures to put in place is to put quotas to the political parties; that you must be seen to have, in your membership, people from all over the country. People in leadership should be allowed to grow within the parties. That is not going to be easy. I look forward to a time when they can allow people who are now in leadership of these parties, and who merit, to be supported, so that they can actually become presidential candidates.

Mr. Temporary Deputy Speaker, Sir, I have been in this Parliament for sometime now. I first came here in 1988 and I have been here up to this time. I know that I am now qualified to run for the Presidency. But there are people who are running for the Presidency even when they are not qualified. So, it is very possible that things are upside-down in this country.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on the issue of political party ideologies. If we can reach a point where we can know where we stand and what our manifestos

are all about--- When KANU and KADU were started, they had ideologies. They even had their own alignments during the Cold War era. We should get to a point, within this Bill, where we understand the ideologies, manifestos and principles of our political parties. We should be able to know, for example, where or when one party departs from the other in terms of principles. When will we get to that point? That is what we should be dwelling on, so that I know, for example, out of principle that if I am not nominated in KANU, which is my political party to date, I am not going to move to the Democratic Party, because I know that my principle does not allow me to go there. I have to step down first, then, if I want to join the other party because of what I have seen as good, I will go through another process of being acculturated into the other party, a few years down the line. I should not be given a post in another party the same day I move from my party. I think we better come out of those kind of things. We must be able to know that I am at the centre, for example, and Mr. Muturi is on the right, while Mr. Sambu is on my left. If we can reach that point, that will reduce the number of political parties in this country, because there are not too many principles and ideologies out there. We do not have to fund 66 political parties. We have very few of them which are based on principles.

Mr. Temporary Deputy Speaker, Sir, as we look at this attempt by the Minister to organise political parties, and I thank her for that, we need to work on our own culture, character and principles. So, we may have to borrow from elsewhere. We do not have to re-invent the wheel on principles and ideologies. We may have to borrow from elsewhere.

Mr. Temporary Deputy Speaker, Sir, as I conclude, I do want to urge hon. Members that it is good to stand in their political parties. It is good to belong to a political party. I admire those people who belong to the Democratic Party and KANU and have not been moved into these bigger categories. It is good to stand by our political parties. It is good to be small, but be firm.

As they say, good things come in small packages. Small is good. I would encourage those who believe that they belong in those small parties not to move around and try to belong to big political parties. FORD(K) has been able to stand as a small political party and I am glad that there are others who want to stand like that. I think that is good. The pressure of big political parties does not need to carry us very far. I am saying this because I know that there is a lot of peer pressure of politics to belong to big parties. We do not have to do that.

Mr. Temporary Deputy Speaker, Sir, as I bring this to a close, I am saying that if the Registrar of Political Parties is to be in place this year, and if this Bill is to come into effect this year, we will ask ourselves: What is going to happen to the status quo? At the back of our minds, we will also ask ourselves: What is going to happen to the arrangement as it is today? It would look more like what the Bible describes as the last days. It will be more disarray because it would mean some people will have to move from where they are. So, I am not so sure that the publishers and drafters of this Bill really did intend for it to come into effect this year because it is a Bill that can disorganise this year and all of us. Some of the things that I see in here where you have to move from where you are, things have to change and some order has to come, we have to think whether this is really what we intend to do.

Mr. Temporary Deputy Speaker, Sir, this Bill intends to re-organise. It is assuming that we have been organised but attempts to re-organise. It says:

"This will be a departure from the previous practice where political parties were registered under the Societies Act".

We are having a new registration; an independent office; which means we will not be able to influence it. I am assuming that means we will not be able to influence it from where we are but I can only assume that. However, there are many cases going on about the struggle in political parties as we know it. There are many issues that will come to light that will make this difficult to implement. So, I think as we go on discussing this Bill, we need to have a lot of consensus along

the way so that we all agree if we want this Bill to come into effect this year or it is something for prosperity.

Mr. Temporary Deputy Speaker, Sir, I want to agree with the clause which talks about the people who cannot be founding members of political parties; those who are serving in the Civil Service. However, there is a category of people who are serving in the private sector known as the church. You know in a way, it is a service to the public, and you know I am actually a member of a church. That is why I agree that a Bill should be brought here to regulate those things. If, by definition, the bishop of my church is allowed to be a leader of a political party or qualifies to be one, you know that is potential for chaos in the country. So, let us not also ignore that these movements, like the church and so on, are public institutions. I think we need to realise that those are public institutions. The pastors are public servants and those followers in the mosques and churches. So, we need to also think about those. Should we really have political parties? I know that this Bill is trying to restrict the religious aspect but right now we have situations where some of the parties are simply a reaction from religious leaders. When you attempt to deregister them, it also becomes a problem. So, I think that we need also to regulate movements. I know that we do not want to be restricting people since there is freedom of religion and expression but we need to be very careful that we do not allow public institutions which are meant for the greater good of this country to also take up political work.

So, I agree with the restrictions of those political parties that are registered and which will divide Kenyans. So, I am glad, and I am hoping that it will not be a bad thing to regulate; that is, not to allow churches and mosques to be used for politics but maybe that our people can unite. That is the only place where our people can unite and I am hoping that we would not have problems with religious groups thinking that we are muzzling them because their calling is to another world. It is other worldly. That is something that I need to add to this and I am glad that it has been said. I, personally, support church work and this Bill but I like it when it says, "The Registrar of Political Parties shall, before he comes to the registration of political party, inform the political party in writing of the intention to cancel the registration and direct the political party to within 90 days remedy the breach or comply with the provisions of this Act." If there is any law breached, there is an allowance of 90 days in order to correct that so that there is no chaos in this country.

Mr. Temporary Deputy Speaker, Sir, I just have one more issue to talk about. I want to talk about transitional provisions in Clause 37 of this Bill. I am glad that the transitional provisions are there in this Clause although they are not exhaustive. Clause 37(2) states:

"An Original Party, which does not apply for registration under sub-section (1), shall be deemed to be an unlawful political party
Provided that an Original Party in respect of which-

Those are some of the things that I like for us not to kill or destroy; what was original in this country. There are some parties in this country that we can say are the backbone of this country's political system that we may not necessarily allow for them to disappear. That brings me to this point that political parties, like my own party KANU, really should not be allowed to disappear from this country so that we do not allow for machinations that may want to remove this party from existence. I am passionate about this because I know that most of us in this House belong to that party and that all our founding fathers base their politics on the principles of this party. I am asking my colleagues on the Government side that whatever they do when they want to move on to their own other parties, they should leave the political party known as KANU alone and go on their own.

Mr. Temporary Deputy Speaker, Sir, I want to thank you for that and I support.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to the debate on this very important Bill.

I want to thank the Minister for bringing this Bill to the House because it has given us reason to delve into our political situation and see how we can address party politics and democratise our parties. I was reading the history of political parties in the 18th Century and I found out that political parties came to be because people were addressing the issue of ideologies. This Bill does not address that issue at all, whereas it is a problem in this country. Today, I can be in FORD(P), tomorrow in FORD(K), the next day in FORD(A) and the following day in another FORD. What is the difference between these FORDs? There is none. What is the difference between FORD(P) and KANU? None! It is just that the personalities leading them are different.

What is the difference between NARC(K), NARC(Ngilu) and NARC(G.G. Kariuki)? There is no difference, except the fact that one has refused to quit being the interim chairperson. So, we are not addressing the issue of ideologies which is a very important issue. We must have party differences. For example, you should know that if you went to Nyanza, you will eat ugali, if you go to central Kenya, you will eat *githeri* and if you go to Eastern Province, you will eat *muthokoi*.

This Bill needs to address the issue of ideologies, which has been very well expounded by hon. Poghismo. You must know that when you join a party, that party captures your imagination as to how you want to be ruled. Do you want to be a socialist? Do you want to provide free medical care or you want to take every penny that is in the citizens pockets? Do you want to give all public property to your friends or you want to retain them for public use? These things are happening in this country because there are no ideologies.

Mr. Temporary Deputy Speaker, Sir, recently, we saw people demonstrating so that their party could be registered. Indeed, their party was registered after demonstrations. I cannot understand whether by demonstrating, they were addressing the cause for their non-registration. Again, this is because there are no ideologies. The ideology of one ODM, which I do not know who owns it, and the ideology of the ODM which is managed by the supreme leader are not different. It is only the leaders who are different. One leader is known and the other one is not known. That is an issue that we must address in this Bill.

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

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

The second issue that we should address in this Bill is the issue of amorphous parties in this country, especially with the bait of being funded. Kenyans are very enterprising. After we pass this Bill, the next day even before the Bill is implemented, there will be about 1,000 parties in this country. People will see this as an avenue to make money. You will only need to form a party and you will be eligible to get public funds. Is that what we want? Do we want to give money to people to form political parties? We must address the issue of having national parties which have membership throughout the country.

Mr. Temporary Deputy Speaker, Sir, why do we require the President to get 25 per cent votes in five provinces and yet we do not require his party to have 25 per cent of the registered voters in five provinces? We require the President to get 25 per cent votes in five provinces because we want him or her to look national. Why can we not have the same requirement for political parties? We should require that before a party is registered, it must have a threshold that will demonstrate that it is national. For example, suppose we say that the minimum membership for any party must be 50,000 registered voters in any province, that will make it possible for a party

to appear national.

If you require a party to have only 200 people from a province, you will have a party with only 1,600 members in a population of 34 million people.

Mr. Temporary Deputy Speaker, Sir, this Bill should have addressed the issue of membership threshold on the basis of regions. That is the only way we can avoid parties being regional, tribal and sometimes, canonistic. We have studied other democracies. For example, in the United States of America, you cannot register a political party unless you can raise more than 500,000 voters from 26 States, which are more than half the States in the USA.

If you cannot have 500,000 voters in your party, that party cannot be registered. Why do we think that we have a better developed democracy than the USA, a democracy which has existed for over 200 years while ours has existed for only ten to 15 years? If we increase the threshold to 50,000 or 100,000 voters per province, we will reduce the number of parties in this country to manageable levels, such that, if we devote part of our Budget to them, it will be seen to have worked and it will not be too much for the nation. If we were to have 1,000 parties and we want to give to each one of them Kshs20 million to let offices, recruit officers and run around the country, that will add up to Kshs20 billion. Will this country be able to bear that kind of burden? We must address the issue of the threshold of membership in each province.

Mr. Temporary Deputy Speaker, Sir, in this Bill, we have talked about an independent Registrar of Political Parties and we are taking him to Mr. Kivuitu, in the ECK. This is the person who refused to give the orange symbol to ODM, but when they gate-crashed into his meeting, they were promised a symbol and the next day, they were given. We want to have an independent Registrar of Political Parties in that office, so that we can gate-crash there and we get what we want. Is the problem today the fact that parties are registered by the Registrar of Societies or is it that we have not made a law to empower that person to effect his or her decisions independently? We can enact that law and he or she can make independent decisions in that office or preferably, get that Registrar in Parliament, where he can be accessed by the people who deal with parties.

Mr. Temporary Deputy Speaker, Sir, if we increase the threshold and ensure that there is a difference of ideologies, then there will be about two or three parties in this Parliament. Therefore, that person will be able to manage those parties, ensure that their accounting is done properly and the funds they are given are properly utilised. He will ensure that their accounting is done well, the funds given to them are properly utilised, the ideologies of those parties do not change, or the parties do not merge, and that if parties wish to merge, they are de-registered, so that they merge with the parties whose ideologies match.

I would suggest, therefore, that we do not transfer the Registrar of Political Parties, if we are going to have one, to the Electoral Commission of Kenya (ECK). We are still grappling with the problem of the independence of the ECK. I think that is a much more fundamental issue than the independence of the Registrar of Political Parties. As I have stated, I do think the Registrar of Societies has failed to register a party that was within the regulations of this country. So, I would have preferred that we de-link, completely, the Registrar of Political Parties from the ECK. Even if we were to address the issue of the independence of the ECK, we should not transfer the Registrar of Political Parties to the ECK.

With regard to the sources of funds, we are saying that the Minister may provide funds. Suppose the Minister does not provide funds, how are we going to get funds? I thought that we should clearly have stated here that, maybe, 0.5 per cent or 1 per cent or 0.1 per cent of our Budget, or some other definite proportion of our revenue, will be devoted to this funding. We should even have said that, before that funding is released, the party itself will have to have some counterpart funds of some sort. Otherwise, the word "may" suggests that at one time the Minister may provide some funding while at other times he may not. Today, the Minister may give Kshs1 million, and

the next day Kshs10. It will be within his or her discretion to give money to political parties. I do not think that is a law we want to make in this House, where we have got discretion as to what we want to give.

Mr. Temporary Deputy Speaker, Sir, we are saying that the money to be provided must be used to promote political parties. If any money is going to be used to promote political parties, it must be adequate, otherwise there is no use in giving a party Kshs1 million and expect it to promote its activities throughout the country. That amount will not even be enough to take a bus ride to all the constituencies in this country. So, some of these issues need to be, seriously, re-looked into. We are saying that the funds will provide a continuous vital link between the people and the organ of State.

Where you have got 95 parties, how are they going to be linked with the people and the organ of State? You have got 95 parties, where only one party is ruling. How are you going to link a party with a membership of 200 people per province to the people of Kenya? The State organ is the ruling party, and the Government of that ruling party. How are you going to relate that to the people of Kenya when it can have a membership of 200 people in each of seven provinces and 3 million people in one province? Would you consider that party to have a link with the people of Kenya?

Mr. Temporary Deputy Speaker, Sir, some of the issues brought out by this Bill, therefore, need to be looked at more seriously and, maybe, amended to reflect what we intend to achieve. Is this money going to be paid directly or indirectly, and in accordance with which regulations? How are we going to promote a party unless it has people who are going to go out there and promote it? Are these people going to be volunteers or what? Are we going to pay them, either directly or indirectly? What will this money be for? Will it be for buying stationery? How is this money going to be used to promote a party?

You are saying that you cannot remunerate anybody directly or indirectly from that Fund. Those are some of the clauses that we need to deal with.

M. Temporary Deputy Speaker, Sir, the Bill also says that we cannot source funds from abroad. If we have got people in the diaspora--- Recently, if it was not for the competition in Orange Democratic Movement (ODM), they would have raised millions of shillings in the United Kingdom (UK). I understand that Bishop Deya was ready to give them all the money he has got from selling all those kids. They would have brought that money to this country. How can we stop that? That is a major source of funds. We do not know how many kids Bishop Deya had sold.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Angwenyi! Let us address the subject of this Bill.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I was saying that you may find some people who have entrepreneurship skills; people who can even sell air. They fill their wives or their women and you can see something protruding. You think she is pregnant and you tell somebody: Give me Kshs1 million and when she gives birth, I will give you the kid" You say: "By the grace of God, I did not get a kid! Let me go and get one from Kenya." So, you raise money that way. You want to assist ODM or even Ford-People. Why do you want to refuse us from getting that kind of money? After all, it is a foreign exchange inflow to a country. You may have a friend---

The Assistant Minister for Health (Dr. Kibunguchy): On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt my friend, Mr. Angwenyi but is he truly in order to question miracle babies when they come from the heaven? Is he in order to question that? That is not something to dwell on. He cannot question that!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, until today, I thought that he was a medical doctor who knows how a baby is formed. But in any case, I was not questioning miracle babies.

Mr. Temporary Deputy Speaker, Sir, I was saying that miracle babies were being sold by Bishop Deya. Bishop Deya wants to give ODM money. Why are you refusing it! That is what I am saying.

The Temporary Deputy Speaker (Mr. Poghismo): Order! You know, Mr. Angwenyi, you want to keep on talking about somebody. Whatever you are talking about is yet to be proved. Please, do not make it a subject of this Bill. It has really nothing to do with this Bill.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, if this Bill is properly enacted to take into account the basic needs of our people, it can emancipate us from poverty, conflicts and make this country a great country. Imagine the day we will have only two or three parties in this country. A party that enjoys its membership from every corner of this country. If such a party takes over the Government, there will be no grumbling. Why are the people grumbling today about the NARC Government? It is because the party is not represented throughout the country. If Ford-People was to take the Presidency and the Government, it will not be in more than four provinces. People would be grumbling in the remaining three provinces. That is all we should address. If a party that is nationally established and its jurisdictions are known takes over the Government, there will be no grumbling anywhere in the country. The party would be represented all over the country. That is what happens in modern democracy. The Labour Party is in every corner of the United Kingdom (UK). The Conservative Party is in every corner of UK. The Liberal Party is in every corner of UK. That is why, when Labour Party takes over the Government, there is no grumbling from any corner of the country. It is represented throughout the country. But this Bill is advocating for sectional parties.

From where I come from, even clans culminate into parties. My clan is definitely more than 200 people. So, if they got my clan and Capt. Nakitare's, which is 200, they will be called a party. However, it will be a party of clans. That is what I am talking about! I am saying that we should enact a law that cements Kenyans together. We should enact a law that engenders us to be national. It should be a law that I am proud of in whichever section of this country I am, if I am a member of a party. We want to use public funds for that because they are derived from every corner of this country. When a young lady buys a towel in Tana River, she pays taxes. When a cattle rustler in Samburu sells his cow, he also pays taxes. Even when a Kisii who is a *matatu* thief sells his *matatu*, he pays taxes. These are taxes which are going to pay for this fund. The taxes are collected nationally and, therefore, the parties that are going to benefit from this fund must be national. We must ensure that the law makes them national. That is what I am saying!

So, Mr. Temporary Deputy Speaker, Sir, as much I would want to commend the Minister for bringing this Bill, I wish the Departmental Committee on Administration of Justice and Legal Affairs contributed to this and their Report came out, ensuring that where the Minister has not been able to capture some aspects that are important, they should have been captured. I wish that Committee--- I saw the Chairman of that Committee being very emotional about this Bill. This Bill does not belong to a Committee or a person. This Bill belongs to us all. It belongs more to the people who are outside this Parliament. I wish they had delved into the Bill seriously without emotions, fear or favour. They should have even asked us to go to a workshop for us to give our input and information so that we make this a very good law. Otherwise, if we go ahead as it is today without amendments or working on it more seriously, we are going to enact a law which will survive for, may be, one or two years. Or it will be a law which may not be, in my view, implemented.

As I said, I could challenge why my tax would be paid to a party that does not obtain from where I come from; that does not have hon. Members from where I come from. Why would we pay for them? We can see these things coming and it will be a constitutional right. Why do you tax me to pay so and so, yet I do not benefit from him? Why should you tax me to pay so and so who has a

different idea from mine, yet I have no chance of ever getting that fund?

Mr. Temporary Deputy Speaker, Sir, I would like to support the Bill with a caution that, probably, we go for a seminar and look into these ideas thoroughly. Let us not hurry on these things. This will ensure that when we come out with a law, it will be one that the Minister for Justice and Constitutional Affairs will be proud of for the rest of our lives.

With those few remarks, I beg to support.

The Assistant Minister for Health (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, I would like to commend the Ministry of Justice and Constitutional Affairs for coming up with this Bill. I am very sure, having listened to hon. Members contribute, that very good amendments are going to come up, to make what is a good Bill even better.

Allow me to start by saying, at the risk of repeating what my colleagues have said, that we must talk about this Registrar of Political Parties. I believe that there are only two ways we can deal with this post. One way is to come up with an office that is completely independent of the Executive and the Electoral Commission and call it "Office of the Registrar of Political Parties". The other way is by giving powers of registration of political parties to the Electoral Commission so that we do not have conflict within one body. This is something that we can very easily end up experiencing in this country. So, either we separate them completely or give the powers to register political parties and administer the Political Parties Fund to the Electoral Commission.

Mr. Temporary Deputy Speaker, Sir, the other thing that we need to give to the Office of the Registrar of Political Parties so that we can bring sanity to political parties is that, and it has to be mentioned specifically in this Bill, the Office of the Registrar of Political Parties should maintain the register of party members. If you go to the rural areas now, especially at this time when the spirit of electioneering is catching up, anywhere you will stop, you will find young men - and now, increasingly, young women - having more than two different cards for different parties. So, when they see my friend, Mr. Muturi, they flash out the KANU card or the ODM(K) card. When they see me, they flash out the NARC(K) card and when they see Mr. Angwenyi, they bring out the FORD(P) card. That kind of thing needs to be dealt with specifically in this Bill. In the end, when it comes to the time for nominations, for example, the just concluded Magarini Constituency nominations, we would like to have a situation whereby not just anybody will nominate candidates for political parties. Candidates for those parties should be nominated by known registered members of those parties. What is happening now is exactly what happened in the last General Election where nominations were being conducted by everybody. It is very easy, if that is the situation, for parties to gang up and say, for example, that we shall remove Mr. Muturi because he is very popular and so that we can meet a weaker candidate in the General Election.

I would, therefore, like to urge the Minister to take this matter into consideration that one of the duties of the Office of the Registrar of Political Parties that should be spelt out clearly is that a register of all members of a political party be maintained. That is the only way we can ensure that members do not belong to two different parties at the same time. Once your name appears on the Registrar's list against your identification number, and in this age of computers, it will be known straightaway that you already belong to more than one party.

Mr. Temporary Deputy Speaker, Sir, many hon. Members have talked about Clause 6. I would like to say that this is one clause that I will support wholeheartedly. This is because we want parties that have a national outlook or what others would call "parties that have the face of Kenya".

We do not want political parties that are confined to certain small regions. We also do not want political parties registered because of gender, tribal, racial and other factors which are enumerated in the Bill. More importantly, we do not want political parties that have tribal inclinations. This has been one big problem in this country. We have political parties that tend to be tribal.

Mr. Temporary Deputy Speaker, Sir, clause 6(i)(f) states that, "... does not allow regular periodic and open election of its office bearers". It would have been better for this clause to specifically state the time span within which political parties would be required to have open democratic party elections. The way it has been left with the word "periodic", it could be after five years or ten years. I would want this clause to be specific even if the elections are held within the constitution of the specific political party. This is an Act to bring sanity in political parties. Many political parties do not conduct regular elections and get away with it. I hope the Minister would consider giving a time span within which parties are required to hold elections.

Mr. Temporary Deputy Speaker, Sir, I know a lot has been said by hon. Members. When you look at the opinion polls in this country, Kenyans are more comfortable with coalitions. I think coalitions are there to stay for sometime. I would, therefore, like a provision in this Bill that talks about coalitions. Mr. Muite mentioned this, but I hope we can pass it as a House. After having gone through the rule of KANU for many years, Kenyans are much more comfortable with coalition arrangements. I hope that, that can also be looked into.

Mr. Temporary Deputy Speaker, Sir, clause 15 talks about provinces and districts. However, I wish we could look into this because most political parties are recognising constituencies. A constituency is a political unit. I would propose that rather than talk about provinces and districts, we talk about constituencies. If you want a political party to be national and have the face of Kenya, it must have membership in all the constituencies in this country.

Mr. Temporary Deputy Speaker, Sir, clause 18(e) says, "---has not, for each of the two previous general elections secured at least five per cent of the national vote". Again, we come to the same question; how are we going to count the national votes?

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghishio): Order, Dr. Kibunguchy! You will continue for 20 minutes when the House resumes!

Hon. Members, it is now time for the interruption of the business. The House is, therefore, adjourned until tomorrow, Thursday, the 26th April, 2007, at 2.30 p.m.

The House rose at 6.30 p.m.