

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 2nd April, 2002

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

## PRAYERS

## NOTICES OF MOTIONS

### AMENDMENT TO WILDLIFE CONSERVATION AND MANAGEMENT ACT

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, this House do grant leave to introduce a Bill for an Act of Parliament to amend Section 11 of the Wildlife Conservation and Management (Amendment) Act No.16 of 1989, in order to provide for compensation of loss of life to the tune of Kshs1 million, and compensation of loss of crops, animals and any other property destroyed by wild animals.

**Mr. Kombo:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:-

### PROVISION FOR FUNDING OF PARLIAMENTARY POLITICAL PARTIES

THAT, in view of the need to enhance multiparty democracy in this country, and realising that most political parties are faced with serious organisational, management and financial crisis; this House do grant leave to introduce a Bill for an Act of Parliament entitled the Political Parties Fund Bill to provide for public funding for parliamentary political parties.

### ADJUSTMENT OF RETIREMENT AGE FOR PUBLIC SERVANTS

THAT, in view of the fact that life expectancy for Kenyans has averaged at 65.2 years; noting that public servants are required to retire at the age of 55 years whereas their counterparts in the private sector retire at the age of 65 years; this House urges the Government to introduce an amendment to the Public Service Act and the Civil Servants Code of Regulations to provide for all public servants to have an option to retire at the age of 55 years and compulsory retirement at the age of 65 years.

### ESTABLISHMENT OF AN INDEPENDENT ANTI-CORRUPTION AUTHORITY

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled the Constitution of Kenya (Amendment) Bill, to amend Section 26 of the Constitution to provide for the establishment of an independent anti-corruption authority.

### PROVISION FOR COMMENCEMENT DATE OF CBK (AMENDMENT) ACT

**Mr. Donda:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, this House do grant leave to introduce a Bill for an Act of Parliament to amend the Central Bank of Kenya (Amendment) Act 2000, to alter the commencement date of the said Act.

## ORAL ANSWERS TO QUESTIONS

*Question No.007*

### ENCASHMENT OF MR. KOMBO'S PENSION CHEQUE

**Mr. Obwocha** asked the Minister for Finance:-

(a) who cashed a pension gratuity cheque No.119233 for Kshs353,146 dated 27th November, 1999, erroneously sent to the Manager, Kenya Commercial Bank, Litein Branch on A/C No.142053735, in respect of a pensioner, Mr. Herodion Maoga Kombo (APN/PC90952), and;

(b) whether the culprits who cashed the cheque have been apprehended and what action the Minister has taken to pay Mr. Maoga his dues.

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

(a) This particular case is still under police investigations, but it has been established that Mr. Herodion Maoga Kombo did not receive his commuted pension gratuity amounting to Kshs353,146 paid on 27th November, 1999, vide cheque No.119233. The cheque in question was fraudulently encashed by another person.

(b) A replacement cheque No.201935 was issued on 5th March, 2002, for the same amount. The cheque was sent to the Manager, Kenya Commercial Bank, Nyamira, where Mr. Maoga maintains an account.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I have two questions. The Ministry has made the same mistake it made in 1999, by sending this cheque to an anonymous bank. I want to give the Minister a copy of the original cheque, which got lost, to assist in the investigations. I hereby table it.

*(Mr. Obwocha laid the document  
on the Back Bench)*

**Mr. Deputy Speaker:** Order! Mr. Obwocha, I will not accept that document! Where have you tabled it?

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, Backbenchers do not have a Table!

**Mr. Deputy Speaker:** Mr. Obwocha, this is not a joking matter! If you want to table documents in this House, by now all of you ought to know what to do. I will not tolerate this kind of a joke, if that is what it is.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I had no intention of joking. I beg to lay the document on the Table.

*(Mr. Obwocha laid the document  
on the Table)*

My first question is that---

**Mr. Deputy Speaker:** Mr. Obwocha, go back to your place!

*(Mr. Obwocha went back to his place)*

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, could the Minister table any document to prove that the Ministry has sent a replacement cheque to a different bank so that we could then follow the issue up?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I have information that the cheque, dated 5th March, 2002, was, indeed, sent to the Manager, Kenya Commercial Bank, Nyamira, for the credit of Mr. Maoga, who has an account in that branch. I did not carry any documents with me to prove that the cheque has been paid to Mr. Maoga, but I have no doubt that it was paid because I have not received any complaints from him to this effect.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, from the contents of this Question, you can see how the Government treats its retirees. The replacement cheque was sent on 5th March, 2002. That is a month ago. Could the Minister confirm that the cheque has been encashed by Mr. Maoga? Did the cheque include interest for the three years that it has taken before the replacement cheque was released?

**Mr. Obure:** Mr. Deputy Speaker, Sir, the question of interest does not arise. We recognise that this was a very unfortunate case. This cheque was not received by the person who was supposed to receive it. There was a mistake because somebody intercepted the cheque and encashed it. We are taking this matter seriously and we are also taking every measure necessary to ensure that the person who encashed the cheque is apprehended, and we believe we are very close to this.

**Mr. Deputy Speaker:** But Mr. Angwenyi's question also included the requirement that you produce evidence

to show that the cheque has, indeed, been cashed.

**Mr. Obure:** Mr. Deputy Speaker, Sir, I did not anticipate this question at all because the cheque was sent to Mr. Maoga through his account. We presume that he received it because he has not complained since then.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, arising from the Minister's reply, he has not answered part "a" of the Question. Who cashed the pension gratuity Cheque No.119233? What is the name of the person the Minister is investigating?

**Mr. Deputy Speaker:** That is what their interest is!

**Mr. Obure:** Mr. Deputy Speaker, Sir, indeed, that is exactly what we are investigating. The truth of the matter is that the suspect, or the person who perpetrated this crime, is not known yet. Somebody obtained an identity card, which was prepared in the name of the pensioner; Mr. Herodian Maoga. All he did was to place his own photograph on that identity card, using precise particulars of Mr. Maoga. In the process, he was able to open an account with the Kenya Commercial Bank, Litein Branch. We have the details of that individual here, plus his photograph. I have just instructed the Anti-Fraud Department of the Central Bank of Kenya to proceed with the case.

We are immediately placing an advertisement in the newspapers, including a reward for anybody who can help us identify this particular individual who perpetrated this particular crime. So, the process of investigation is going on. At the moment, we have also gone ahead to order interdictions of members of staff at the Pensions Department, particularly those who are connected with this particular payment, because some of the files have gone missing since then.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, there is a syndicate in the Pensions Department and NSSF, where certain individuals are opening accounts using names of pensioners. When they see that pensioners are going to be paid, they process fake documents to open accounts and cash money meant for pensioners. It is a very serious matter which the Minister must investigate! Since the Minister is in charge of pensions now, could he order the Pensions Department to issue cheques to people and make sure that they come to collect their cheques personally, instead of sending the cheques to various banks because that is where the culprits get the excuse to open accounts using the names of the pensioners and cash the cheques fraudulently?

**Mr. Obure:** Mr. Deputy Speaker, Sir, it has come to my notice that, indeed, what hon. Obwocha is saying is true. There exists such a cartel of people who have defrauded pensioners of their money. As I said earlier, I have put a mechanism in place to ensure that, that cartel is uprooted and that pensioners are no longer cheated of their hard-earned pensions. In the meantime, some of the measures may include the proposal made by Mr. Obwocha. But, I can assure this House that we are right on top of this situation and we will make sure that we protect the pensioners' funds to the best of our ability.

*Question No.015*

FOREIGN EXCHANGE EARNINGS  
FROM AGRICULTURAL PRODUCE

**Mr. Gatabaki** asked the Minister for Finance:-

(a) how much agricultural produce did generate in terms of foreign exchange to the Kenyan economy in the last five years; and,

(b) which those agricultural products were and how much each did generate during the same period in monetary terms and as percentage of the entire export.

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

(a) Agricultural produce in the last five years has generated, to the Kenyan economy, the following amounts of money in foreign currency: In 1997, we were able to fetch a total US\$940 million. In 1998, agricultural produce fetched US\$994 million; in 1999, we were able to fetch US\$986 million. Unfortunately, we could not get updated figures for the last two months of 2001; namely October and November, but between January and October, the same year, we fetched US\$713 million.

**An hon. Member:** You mentioned the year 2000, but you did not give us the figures for that year!

**The Minister for Finance** (Mr. Obure): Mr. Deputy Speaker, Sir, for the year 2000, we were able to collect US\$881 million. For the first ten months of the year 2001, we were able to collect US\$713 million.

(b) The agricultural produce which contributed to these earnings includes; coffee, horticultural produce, processed fruits and vegetables; tea and pyrethrum.

The respective percentages which Mr. Gatabaki has asked for are as follows: In 1997, coffee fetched 14 per cent; in 1998, the same crop fetched 11 per cent. In 1999, it fetched 10 per cent and, in the year 2000, 9 per cent.

**Mr. Deputy Speaker:** Mr. Obure, how long is that list?

**The Minister for Finance** (Mr. Obure): Mr. Deputy Speaker, Sir, it is not very long.

**Mr. Deputy Speaker:** We cannot listen to it the whole afternoon!

**The Minister for Finance** (Mr. Obure): Sorry, Mr. Deputy Speaker, Sir. I will read it very quickly. In the first ten months of 2001, we fetched 5.1 per cent.

Tea fetched the following: In 1997, 20 per cent; 1998-27 per cent; 1999-27 per cent; 2000, 26 per cent and the first ten months of last year, 23 per cent.

Horticultural produce fetched the following: In 1997-7 per cent; 1998-8 per cent; 1999-10 per cent; 2000-12 per cent and 12 per cent for the first ten months of 2001.

Lastly, pyrethrum fetched 1 per cent for all the period except the first ten months of last year when it contributed 0.7 per cent so far.

Finally, processed foods and vegetables fetched 3 per cent throughout the years except the last ten months of last year, where the contribution was 0.7 per cent.

Thank you.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, let me thank the Minister for Finance for his comprehensive answer to the Question. The purpose of this Question is to indicate how the structure of the economy of Kenya is. Who contributes to the economy of this country or who gets the benefits from the taxpayers' funds?

Mr. Deputy Speaker, Sir, tea, coffee and horticulture produces almost 50 per cent of the total foreign exchange earnings to this country, yet the areas that produce tea, coffee and horticulture---

**Mr. Deputy Speaker:** Order! Order, Mr. Gatabaki! This is not the time to lecture us on the economy of this country! Ask your question!

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, the areas where almost 50 per cent of the economy of Kenya is generated are the worst in the provision of services such as infrastructure. The Government, being aware of these fundamentals, what measures is the Minister taking to ensure that the areas that generate the produce that earns foreign exchange for the vastness of the economy is provided with sufficient infrastructural facilities?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I do not agree with the hon. Member's proposal that the areas which have contributed significantly to the development of the national economy have been neglected. On the contrary, it is not so because if you visit these areas, you will find that the pace of infrastructural development is pretty well spread.

Secondly, I would like to say that---

*(Messrs. Mbitiru and Keynan entered  
the Chamber without bowing)*

**Mr. Deputy Speaker:** Order! Hon. Murathe and Keynan, could you go back to the Bar and bow?

*(Messrs. Mbitiru and Keynan went to  
the Bar, bowed and entered the Chamber)*

**Mr. Obure:** Secondly, Mr. Deputy Speaker, Sir, under the Poverty Reduction Strategy Paper (PRSP) and the Medium-Term Expenditure Framework (MTEF), you will find that the residents of these areas have been consulted adequately. They have given their priorities and aspirations. The available resources will be channelled to address the concerns raised by Mr. Gatabaki.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, I would also like to congratulate the Minister for giving us this very useful information. I know when he was the Minister for Agriculture, he came up with regulations and a law to provide for tea and coffee. When will the Government come up with proposals for a proper Act to regulate horticultural crops which are also important crops in this country?

**Mr. Obure:** Mr. Deputy Speaker, Sir, that question will be better dealt with by the Minister for Agriculture. But I am aware that plans are underway, and consultations are going on with various stakeholders, to come up with a framework that will be agreeable to all stakeholders. I believe that is on the way and it should be in this Parliament soon.

**Mr. Shill:** Mr. Deputy Speaker, Sir, what measures is the Minister putting in place to make sure that also livestock generates some foreign exchange to the economy of this country?

**Mr. Obure:** Mr. Deputy Speaker, Sir, livestock is a very important component. In fact, it contributes significantly to general economic activities in this country. The Government has not forgotten livestock. I know that the Minister for Agriculture also has got very detailed plans to reform that particular sector, so that it can move along with the rest of the sectors in contributing to the economy of this country.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, I would like to congratulate the Minister for being appointed in absentia to a key position in KANU.

Considering these statistics, and the importance of these crops to the economy of this country and the necessity of having access to funds, and since Treasury has some control over the banking institutions; could the Minister ensure that a substantial proportion of the banking facilities, say, from 25 per cent upwards, is specifically set aside for the agricultural sector?

**Mr. Obure:** Mr. Deputy Speaker, Sir, that is a very good proposal for consideration, particularly now that we have embarked on the process of preparing the Budget.

**Mr. Deputy Speaker:** Next Question, Mr. Angwenyi!

*Question No.011*

CONSTRUCTION OF TEA FACTORY  
IN KITUTU CHACHE

**Mr. Angwenyi** asked the Minister for Agriculture:-

- (a) whether he is aware that the Government has made several specific promises since 1990 to construct a tea factory in Kitutu Chache in Kisii Central District; and,
- (b) when a detailed survey and construction of the tea factory will commence.

**The Assistant Minister for Agriculture and Rural Development** (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the Government has made several specific promises, since 1990, to construct a tea factory in Kitutu Chache in Kisii Central District. However, I am aware that on 10th, the local zonal tea committee approved the building of a tea factory at Kianchere after joint efforts between Kitutu-Chache and West Mugarango. This was after realisation that Kitutu Chache produces only three million kilogrammes of green leaf which is not enough to sustain a factory.

(b) The demand for a tea factory at Kitutu Chache will be considered after a three-year period evaluation of the impact of the upcoming Kianchere Tea Factory. This is because the demand for a factory must be backed by sufficient tea leaf production.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, arising from the reply by the Assistant Minister, I am confused about the operations of the Government. The highest level of the Government in Kenya did promise people of Kitutu Chache, in 1990, that a factory would be built somewhere in Kitutu Chache Constituency. In fact, the former hon. Member for Kitutu Chache Constituency, the late Zakary Onyonka, may God rest his soul in eternal peace, was instructed to look for suitable places where the tea factory would be built. He identified five suitable places. As if that was not enough, during the 1997 general elections, the highest level of Government in this country, after considering all the factors, promised that a tea factory would be built in Kitutu Chache Constituency. However, the factory was never constructed. In 1998, the highest level of the Government in this country again gave an undertaking that a tea factory would be built in Kitutu Chache Constituency. It was not done. In the KANU Parliamentary Group Meeting, His Excellency the President instructed the then Minister for Agriculture, Mr. Obure, to conduct a survey and establish a suitable place for the construction of a tea factory in Kitutu Chache. We have never seen anything out of that survey. Which Government does the Assistant Minister say is not aware of these instructions and directives?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I am not aware of anybody from the highest office of the Government giving these instructions and directives in 1997 and 1998 as has been alleged by the hon. Member. What I am aware of is that, due to congestion at Tombe Tea Factory and other surrounding factories, there were proposals of putting up a new tea factory. Kianchere Tea Factory, under construction, was as a result of a demand by the residents of Kitutu Chache. Marani in Kitutu Chache was one of the several sites considered for an upcoming tea factory. But it was disqualified because of the low tea leaf production in relation to the proposed catchment areas. As I said earlier on, the new tea factory was sited on the border of Nyamira and Kisii Central District to assist Kitutu Chache and other surrounding larger catchment areas. As I said, Kitutu Chache produces an average of 3 million kilogrammes of green leaf annually. The upcoming factory at Kianchere requires 10 million kilogrammes of green tea leaf per annum to sustain itself. It will serve Kitutu Chache and the surrounding catchment areas.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, I believe the highest authority of this Government is the President. The hon. Member who asked this Question indicated that the President gave instructions, on several occasions, that a factory be built at Kianchere. Why has it taken this Government more than four years to put up a factory at Kianchere after the President has instructed the Ministry to do so? Is the Assistant Minister not obeying the orders of His Excellency the President?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I am not aware of those instructions.

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, it is extremely embarrassing that the Assistant Minister should stand here and say that he is not aware of the instructions the President has given three times. Now, these instructions were not given in a room. These instructions were given at public meetings, and I am one of the persons who were present. The time the late Dr. Onyonka raised this issue, the President was touring Kitutu Chache Constituency. Then he travelled through Nyamira District, on departure. The President repeated that in a public meeting at the Kisii Stadium. We would understand the argument if it was a question of the production capacity.

**The Minister for Tourism and Information (Mr. Musyoka):** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Muchiri and Mr. Nyachae to invoke the name of the President as their authority, when the Standing Orders are very clear?

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, the President's name comes in because he is the one who spoke and promised. We are not bringing in a new issue, but just clarifying the position. We are prepared to discuss whether the amount of tea being produced in the area is enough to justify the establishment of a factory or not. But we should not deny the promises.

**Mr. Deputy Speaker:** Ask your question!

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, is it in order for the Assistant Minister to mislead the House when it is publicly known that the President made the promises?

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

**Mr. Sumbeiywo:** Do you want to ask another Question?

**Mr. Deputy Speaker:** Order, Mr. Sumbeiywo! Answer the question!

**Mr. Sumbeiywo:** Sorry, Mr. Deputy Speaker, Sir. If, indeed, His Excellency the President gave the instructions at all, a feasibility study was done and it was found out that Kitutu Chache Constituency could not produce enough tea green leaf to sustain one factory on its own, and that is why Rianjore Tea Factory, which borders Kitutu Chache and its environs, was constructed.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, there is a little controversy about this factory; whether it should have been in Kitutu Chache Constituency or Rianjore. Rianjore is somewhere between West Mugirango, Kitutu Chache, and Kitutu Masaba. I think the little controversy has been somewhat solved and we do not want to revive it as a community. It is a fact that is in the records of this House, the last speech the late Dr. Onyonka made in this House was a passionate plea for that promise to be fulfilled. He must have known that his days were numbered and he was requesting that at least this one promise be fulfilled. In view of the commitment by the Head of State and the passionate plea by the late Dr. Onyonka who served the Government for a long time, could the Government consider putting up a factory for Kitutu Chache? In any case, since that time, the production of tea has increased tremendously, and a factory does not necessarily have to be where the most tea is produced. Does the Assistant Minister know the distance between Kitutu Chache, Marani and Tombe?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, the factory, which is under construction at Rianjore, will be commissioned early next year. That is the time when an evaluation of its impact will be reviewed, so that if there is need to construct another tea factory at Kitutu Chache, that is the time the Government will consider putting up another factory. To satisfy Mr. Anyona further, I would like to inform him that the factories are graded as per the production capacity. For example, Tombe Tea Factory is a three-line factory which can handle 3 million kilogrammes per year. Rianjore is going to be a two-line factory that can handle 10 million kilogrammes of tea per year. A one-line factory handles 5 million kilogrammes per year, and would cost about Kshs250 million to put up. So, all in all, evaluation of the impact of the new factory will be reviewed in three years' time after it is commissioned.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, maybe we should appoint various Ministers to Ministries if they have some professional knowledge about them. When you build a factory, it must not be in the area where the tea comes from. Rianjore is far away from Marani, and probably further than Tombe is. Our problem is very poor communication network, and so our tea rots by the wayside. Could the Ministry consider establishing a tea factory in Kitutu Chache, Marani and Gesenyi so that it can be supplied with tea leaves from Bonchari, Lower Nyaribari Chache, Lower West Mugirango and Kitutu Chache which produces 7 million kilogrammes today? Without corruption, a factory can only cost about Kshs100 million. It can only cost the Kshs150 million he is talking about because of corruption. We would like to construct one in Kitutu Chache at the cost of Kshs100 million. Could the Assistant Minister consider that?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I am not aware of any factory being constructed; and how corruption comes in. I am talking about a factory that is going to handle one line. That will cost about Kshs250 million. The construction of a new factory will be considered when the new factory at Rianjore starts its operations.

*Question No.019*

## REVIVAL OF CHAPALUNGU WATER SUPPLY

**Mr. Deputy Speaker:** Mr. Kimeto's Question is deferred! He is unavoidably absent. His Question will be asked on Thursday afternoon.

*(Question deferred)*

Next Question!

*Question No.002*CONSTRUCTION OF TOILETS  
IN KISUMU MUNICIPALITY

**Mr. Sungu** asked the Minister for Local Government:-

(a) when the Kisumu Municipal Council will construct toilets/ablution blocks in the following public markets within the Municipality; Kibuye, Mamboleo, Manyatta, Nyamasaria, Kowino, Angola, Chiga and Kosawo; and,

(b) in view of the absence of public utilities within these markets, what justification the Municipality has to charge levies on traders in these markets.

**The Assistant Minister for Local Government** (Mr. Sirma): Mr. Deputy Speaker, Sir, I beg to ask the Chair to defer this Question until next week, since I am not satisfied with the answer I have. I have consulted with the hon. Questioner.

**Mr. Sifuna:** On a point of order, Mr. Deputy Speaker, Sir. I do not know whether it was a typographical error on not. The Question is with regard to the Kisumu Municipal Council. Why are they degrading the Kisumu City. I thought it should be Kisumu City Council. Could they correct that error?

**Mr. Deputy Speaker:** Order! The Chair believes that this Question was asked before Kisumu Municipality was elevated to city status, and the more reason why I cannot understand the Assistant Minister's failure to reply to this Question.

**The Assistant Minister for Local Government** (Mr. Sirma): Mr. Deputy Speaker, Sir, there are some technicalities which are misleading in the answer.

**Mr. Sungu:** Mr. Deputy Speaker, Sir, we have consulted and agreed that the Question should be answered afresh with more information from the ground, because a lot of the information available here is erroneous.

**Mr. Deputy Speaker:** Really, we must be serious. As I have said many times before, every Minister is responsible for the answer he brings to this House. So, I do not know who you are striving to give you an accurate answer, because you are saying that the answer you have been given is not satisfactory.

**The Assistant Minister for Local Government** (Mr. Sirma): Mr. Deputy Speaker, Sir, we also depend on information which we collect from the ground. But some technicalities have arisen which have made the answer invalid.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. There is a matter which has arisen that needs clarification. It is our understanding that an answer brought to this House is the Assistant Minister's answer, and often, it is signed by the Minister. So, when the Assistant Minister stands up and says that the answer he has been given is erroneous, is he doubting the substantive Minister or he is a mouthpiece of a civil servant?

**Mr. Deputy Speaker:** I think we are now becoming a little academic about the whole issue. The Question is deferred.

*(Question deferred)*

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. Under the rules, the Minister is required to supply his written reply to the Clerk. I would like to believe that he has done so. Now, he has come to the House and said that the answer is misleading! In that case, he has actually flouted the rules of the House. If he is going to bring a different answer, could he follow the procedure in the rules? He should supply the Clerk with the correct answer and

then come and deliver it here!

**Mr. Deputy Speaker:** I think, in the spirit of Easter, I will let him get away with it until Tuesday next week!

*(Question deferred)*

*Question No.024*

NON-APPEARANCE OF A-G  
BEFORE COMESA COURT

**Mr. Deputy Speaker:** Hon. Members, I believe Mr. Muihia is not here because the Attorney-General had advised him he would not be here to answer the Question. So, I will defer this Question until Tuesday afternoon, next week.

*(Question deferred)*

### QUESTIONS BY PRIVATE NOTICE

FIGHT BETWEEN KAKUZI GUARDS  
AND VILLAGERS IN MAKUYU

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

(a) What caused the fight between the security guards of Kakuzi Limited and residents of Gathunguni Village, Makuyu Location, Makuyu Division on 12th and 13th March, 2002, where more than 20 persons were critically injured?

(b) Who were the perpetrators of that unlawful act and how many people have been arrested and prosecuted in connection with the incident?

**Mr. Deputy Speaker:** Mr. P.K. Mwangi, the Minister has informed me that you and him had agreed on something and I was expecting you to state what it is!

**Mr. P.K. Mwangi:** Mr. Deputy Speaker, Sir, he said that he will be able to answer this Question tomorrow afternoon.

**Mr. Deputy Speaker:** Are you happy with that arrangement?

**Mr. Kamande:** Mr. Deputy Speaker, Sir, it is okay.

**Mr. Deputy Speaker:** I will defer the Question to tomorrow afternoon.

*(Question deferred)*

VETERINARIES SANS FRONTIERES IN DRUG BUSINESS

**Dr. Ali:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture, the following Question by Private Notice.

(a) Is the Minister aware that *Veterinaries Sans Frontieres* (VSF) is carrying out veterinary drug business in Wajir?

(b) Is he further aware that, that organisation uses Government officers and vehicles for its operations and does not pay for using those facilities?

(c) What does the organisation do with the money collected as cost recovery from stock owners in respect of animal treatment activities?

**The Assistant Minister for Agriculture and Rural Development** (Mr. J.D.M. Lotodo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that VSF is carrying out animal health veterinary delivery services in Wajir in collaboration with the Veterinary Department.

(b) I am aware that Government personnel and vehicles are involved in animal health delivery services in Wajir District using the VSF funds.

(c) The funds collected as cost recovery are used for community based projects in consultation with the District Steering Group, which is comprised of Government and community leaders in the district.



**Dr. Ali:** Mr. Deputy Speaker, Sir, I am surprised by the Ministry of Agriculture. Last week, Col. Kiluta came with the answer and promised that it was not good enough and that he was going back to look for a better answer. Now, they have changed positions and Mr. Lotodo has come with the same answer again! Now, why did they waste a whole week waiting for the same answer? What has he brought now? What is the difference? I have got the written answer of today and the one that I received last week and they are the same. So, what has the Ministry done in the last one week to solve the same problem?

**Mr. J.D.M. Lotodo:** Mr. Deputy Speaker, Sir, the answer I have given is the correct one. Therefore, I would expect the hon. Member to ask supplementary questions!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, since I was in this House when Col. Kiluta declared that, that copy of the answer was not good enough, is Mr. Lotodo suggesting that what is not good enough for Col. Kiluta is good enough for Mr. Lotodo?

**Mr. J.D.M. Lotodo:** Mr. Deputy Speaker, Sir, considering the information that we have, I think it is very clear that the Question being asked by the hon. Member is covered by my answer. Therefore, I am satisfied that the answer I have given is correct.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, that is an issue that arises all the time! One Minister makes an undertaking to the House and then disappears and another one comes with the same answer and the game goes on. Now, he is either right, or the other one was wrong! In that case, could it be in order for the House to require Col. Kiluta to come and apologise for misleading the House and for taking a lot of time unnecessarily? Where is he?

**Mr. Deputy Speaker:** Order! Col. Kiluta is right here! I will require him to explain to the House why this has happened!

**The Assistant Minister for Agriculture and Rural Development (Col. Kiluta):** Mr. Deputy Speaker, Sir, last week, I was given the same answer. I went and made inquiries on the same issues that we had discussed with the Questioner. The answers were never brought to me up to midday today. I insisted that, that answer was not correct but the Assistant Minister decided that the answer is good for him! So, he can answer it!

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members! In our Standing Orders, a "Minister" means and includes an Assistant Minister. So, when an Assistant Minister stands up to speak on behalf of the Ministry, that is the answer from the Minister! Now, I cannot, and will not tolerate two Assistant Ministers from the same Ministry coming to engage in an argument in the Chamber! I will, therefore, defer this Question, so that the substantive Minister for Agriculture must, himself, come and answer it! That is the ruling from the Chair!

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

**Mr. Deputy Speaker:** Order! No points of order!

**Dr. Ali:** Mr. Deputy Speaker, Sir, when will the Minister come and answer the Question, Sir? Tomorrow?

**Mr. Deputy Speaker:** He should come on Thursday this week!

*(Question deferred)*

ILLEGAL ENCROACHMENT ON  
ROAD RESERVE IN KITUTU MASABA

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

(a) Is the Minister aware of the Public Notice (Reminder) on illegal encroachment on road reserves issued by Acting Chief Engineer (Roads) in accordance with provisions of Section 91(1) of the Traffic Act, Chapter 403 of the Laws of Kenya, [Mr. Anyona] published in the *Kenya Times* newspaper of Wednesday 23rd January, 2002?

(b) Is he further aware that a private developer blocked the Road B2 By-pass (40 metres) between Daraja Moja and Daraja Mbili in Kisii Town, contrary to the Development Plan No.N/37/71/1 of 1971, by erecting permanent buildings and causing serious traffic congestion as well as environmental and health hazards in Kisii Town?

(c) Was the authority of the Chief Engineer (Roads) and the Highways Authority sought by and granted to that and other private developers who have encroached on the land reserved for the By-Pass by erecting permanent buildings between Daraja Moja and Daraja Mbili of Kisii Town?

(d) What legal measures has the Minister taken against illegal encroachments on the land reserved for the Road By-pass as proposed in the Memorandum, Ref.No.KM/13/02 dated 28th January, 2002?

**The Minister for Roads and Public Works (Mr. W.C. Morogo):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware of the public notice which was a reminder on illegal encroachment on road reserves as published in the *Kenya Times* newspaper of Wednesday, 23rd January, this year.

(b) I am not aware that a private developer has encroached on the Kisii By-pass corridor between Daraja Moja and Daraja Mbili in Kisii Town.

(c) No authority has been issued to any developer by either the Chief Engineer (Roads) or the Highways Authority for development within the By-Pass.

(d) As a result of the answers to parts (b) and (c) above, no legal measures are necessary, since no encroachment has been established.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I would like to avoid talking at cross-purposes with the Minister over a very important issue like this one. I am grateful that he has been able to accept in part (a)---

*(A mobile phone rang)*

**Hon. Members:** Pick it up! It is in the *kinyasa!*

**Mr. Deputy Speaker:** Order! Whether it is in a lady's handbag or a man's whatever---

*(Laughter)*

Could the owner kindly go and disable that mobile phone or take it out of the Chamber?

**Mr. Anyona:** Mr. Deputy Speaker, Sir, with that light moment I would like to say that I am grateful that the Minister has confirmed the answer to parts "a", "b" and "c" of the Question. Unfortunately, he says he is not aware of part "d". Anybody who has been to Kisii, including the Chair, because I believe you use that road quite often, will have seen that after Daraja Moja there is a big building called Hudka which is owned by somebody called Hudka. This building has traversed the whole area up to the river. That is where the by-pass is. Obviously, everybody in that area including school children will have noticed that the by-pass has been blocked.

Secondly, I am happy to say to the Minister - maybe he is not aware of this - that his Ministry, the Chief Engineer of Roads and the Roads Board have in fact, confirmed that they are aware of this blockage and that they are investigating to find out from the Ministry of Lands and Settlement as to what happened.

In that case, this being such an important issue, I would not like us to compromise it by talking at cross purposes. I do not know whether the right thing to do would be to request that the Question be deferred so that I can give the Minister the correspondence I have from his officers which confirms that they know of the blockage.

**Mr. W.C. Morogo:** Mr. Deputy Speaker, Sir, I am also aware of the correspondence. We have requested the Ministry of Lands and Settlement to give us the PDPs to further clarify the information. I have also told the Provincial Works Officer in Nyanza, and the District Works Officer in Kisii, to go to the ground. They have done the measurements and established that the development which is coming up is outside the road reserve. I have a confirmation in writing from the District Works Officer to the effect that it is out of the road reserve. **Mr. Angwenyi:** Mr. Deputy Speaker, Sir, that blockage is along the border of my constituency and Mr. Nyachae's constituency. We do know, that, that road reserve has been blocked as Mr. Anyona has explained. This is another case of corruption. If the Provincial Works Officer and the District Works Officer say that the road has not been blocked then that is corruption. This is Asian corruption in Kenya. Could the Minister undertake to remove that blockage so that we can construct a road through that by-pass to improve the road network of that town? We do know that it has been blocked.

**Mr. W.C. Morogo:** Mr. Deputy Speaker, Sir, first of all, I have a lot of respect for my friend Mr. Anyona and I know the seriousness he attaches to his Question. I have no reason to doubt the officer, but since I have two conflicting answers, I undertake to do further investigations personally. I may have to do the measurements in person and confirm this issue. I have no reason to doubt my officers, but if the hon. Member insists then that is the best way to go about it.

**Mr. Deputy Speaker:** Will you be ready to give a statement by Wednesday next week?

**Mr. W.C. Morogo:** That is fair enough.

**Mr. Deputy Speaker:** Is that okay, Mr. Anyona?

**Mr. Anyona:** Yes, Mr. Deputy Speaker, Sir.

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

**Mr. Deputy Speaker:** Mr. Donde, do you have a supplementary question on this one?

**Mr. Donde:** No, I have a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** But I have not yet finished the Order.

It is end of Question Time.

Next Order!

### POINTS OF ORDER

#### COURT RULING ON THE CBK ACT, 2000

**Mr. Donde:** Mr. Deputy Speaker, Sir, I stand to seek a Ministerial Statement on the court ruling of the CBK Act, 2000.

On 22nd February, 2002, in a miscellaneous application No.908 of 2001, the Registrar of the High Court issued a decree that does not reflect the judgement as delivered by the said court on 24th January, 2002. In particular, the decree does not state that the orders granted were only to the extent of the retrospective operation of the Central Bank of Kenya Act. I would like to know whether the Attorney-General has applied to the court under Section 99 of the Procedure Act to have this decree error corrected.

**Mr. Deputy Speaker:** Leader of Government Business, will that information be communicated to the Attorney-General?

**The Vice-President and Minister for Home Affairs** (Prof. Saitoti): I suppose, as already stated earlier, the Attorney-General is not here, but I will definitely bring the matter to his notice.

**Mr. Orengo:** On a point of order, Mr. Deputy Speaker, Sir. I stand to seek your guidance. Could the Chair actually rule on when the Attorney-General should respond to this matter because this is something which goes to the heart of the law and the heart of the operations of the economy? A lot of people out there are waiting to ensure that this position is clarified.

**Mr. Deputy Speaker:** I have instructed the Leader of Government Business to ensure that the Attorney-General receives this information and comes to the House to respond.

**Mr. Orengo:** Mr. Deputy Speaker, Sir, could you give direction that it should be on a certain day of this week because this issue is really causing a lot of problems? Even in the courts, people do not understand what---

**Mr. Deputy Speaker:** Order, Mr. Orengo! We know that the Attorney-General is not here today. So, he will be contacted and advised to come as soon as possible to respond to this question.

Yes, Mr. Donde!

**Mr. Donde:** Mr. Deputy Speaker, Sir, I would like to table the ruling of the court's judgement and the decree which was written. There is an error---

**Mr. Deputy Speaker:** I think you should do that when the Attorney-General is here. I will give you permission to do that.

#### DEFIANCE TO THE SUGAR ACT

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, one of the problems we have as the National Assembly is the proliferation of some amorphous entities outside Parliament which purport to have impunity---

**Mr. Deputy Speaker:** Amorphous what?

**Dr. Kituyi:** Extra-Parliamentary entities which have the impunity to pour cold water on laws passed by this House and declare actions that are contrary to the laws of this House. Of immediate concern to me is the Sugar Act which came into force yesterday. Many millers, particularly in Mumias and Sony Sugar Companies, have openly declared defiance claiming that they will not obey the law. What is even worse is that Mumias Sugar Company has been circulating a document obliging all outgrowers to sign a document, a copy of which I have here and it reads:-

"I hereby confirm that any cane I deliver to Mumias Sugar Company after 1st April, 2002, will be supplied under the same terms and conditions that existed prior to that date. I bind myself to the conditions before the law came into force."

They forced the outgrowers to sign this document before they delivered cane which is in total contempt of Parliament and the law of the land. I would like a Ministerial Statement from the Minister for Agriculture on what he will do about this impunity and who will decide the rules that govern the sugar industry in the country.

**Mr. Deputy Speaker:** Is there anyone here from the Ministry of Agriculture and Rural Development to respond now?

**The Assistant Minister for Agriculture and Rural Development** (Col. Kiluta): Mr. Deputy Speaker, Sir, could you give us ample time, up to Thursday, and we will respond to that?

**Mr. Deputy Speaker:** Very well.

#### IMPLEMENTATION OF THE COFFEE ACT

**Mr. Murathe:** Mr. Deputy Speaker, Sir, I would like to know why this Government is deliberately refusing to implement laws passed by this Government. We passed the Coffee Act last year. The commencement date was April 1st. The Minister published a commencement date of 25th March, which was last week on Monday. As we talk now, there are no interim arrangements about the operation of that Act. Tomorrow the Coffee Board of Kenya will market the coffee at the Nairobi Coffee Exchange. If the Coffee Board of Kenya markets coffee tomorrow, it will be illegal because the Coffee Board of Kenya became a regulator of coffee from yesterday. We needed some interim arrangements for marketing agents in a liberalised coffee economy to market coffee. We would like the Minister for Agriculture to tell this country what arrangements are in place for the marketing of coffee, effective tomorrow. If the Coffee Board of Kenya purports to sell coffee tomorrow, this will be illegal because they are no longer allowed by the law to do that.

**Mr. Deputy Speaker:** Anyone here from the Ministry of Agriculture and Rural Development?

**The Assistant Minister for Agriculture and Rural Development** (Col. Kiluta): Mr. Deputy Speaker, Sir, that is a very tricky point of order because I was not prepared for it. Could we be given time to come up with a comprehensive answer so that we are fair to both sides?

**Mr. Deputy Speaker:** Could you answer it on Thursday?

**Hon. Members:** He should answer it tomorrow!

**Mr. Deputy Speaker:** Mr. Assistant Minister, are you ready to answer it tomorrow or Thursday?

**The Assistant Minister for Agriculture and Rural Development** (Col. Kiluta): Mr. Deputy Speaker, Sir, I will be ready to answer it on Thursday.

**Mr. Murathe:** On a point of order, Mr. Deputy Speaker, Sir. Coffee will be sold tomorrow, who will sell coffee tomorrow?

**Mr. Deputy Speaker:** Hon. Murathe, but in any event, even if the Assistant Minister was to come and issue a Ministerial Statement tomorrow, he will only do so after 9.30 a.m.

**Mr. Murathe:** He can discuss the matter with Mr. Speaker!

**Mr. Deputy Speaker:** Mr. Assistant Minister, could you do so by 9 o'clock tomorrow morning?

**The Assistant Minister for Agriculture and Rural Development** (Col. Kiluta): No, Mr. Deputy Speaker, Sir. There will be no time for consultations in the morning. Thursday would be better.

**Mr. Deputy Speaker:** Fine! That is end of Question Time.  
Next Order!

#### MOTION

##### ADOPTION OF REPORT ON LIVE COVERAGE OF PARLIAMENTARY PROCEEDINGS

THAT, this House adopts the Report of the Select Committee on Broadcasting and televising of Parliamentary proceedings laid on the Table of the House on Thursday, 3rd May, 2001.

*(Mr. Kirwa on 28.3.2002)*

*(Resumption of Debate interrupted on 28.3.2002)*

**Mr. Deputy Speaker:** Who was on the Floor? Hon. Kariuki was on the Floor. You have 20 minutes.

**Mr. Kariuki:** Thank you, Mr. Deputy Speaker, Sir. I stand again to continue with my deliberations in support of the Report and recommendations made by the Select Committee on Broadcasting and live coverage of the Parliamentary proceedings of this House.

Mr. Deputy Speaker, Sir, as I was saying last week, it is important to note that the Government normally stifles information by withholding it or by deliberately distorting it so as to keep members of the public misinformed so that it is able to control and rule them. We would like to have this Houses' debates reported on the spot. This is why it

is so important that this House supports this very important Motion.

Mr. Deputy Speaker, Sir, it is unfortunate that Kenyans are used to seeing live broadcasts only during Budget time or during the merger of two political parties or acquisition of NDP by KANU. However, rarely else do members of the public know what is going on in this House. It is, therefore, important that this very important Report is taken very seriously and implemented as a matter of urgency.

Mr. Deputy Speaker, Sir, the type of reporting that this House gets from the Press is scanty and very badly over-edited. You find that a Member may speak for 30 minutes only to find that only about one or two sentences summarises whatever he or she may have talked about. Due to this, the members of the public out there end up sometimes assuming that some hon. Members never speak in this House. I think the moment that this Motion is implemented, the level of debate will be enhanced and substantially improved. Hon. Members will also take very seriously their participation in this House; not to mention that they will also ensure that they report and attend sessions in the House.

Mr. Deputy Speaker, Sir, the Departmental Committee of which I am a member, recently visited countries like Britain and Germany and we realised that the attendance in those countries is very high indeed, and the quality of debate is also substantially above the standards that we have in this country. We hope that this Report will not be taken as a "Kirwa Report" and be shelved just because of the chairmanship of hon. Kirwa. If anything, I have a lot of regard for hon. Kirwa for the way that he chaired this particular Committee and the type of consideration, participation and self-denial that he had for this Committee. I hope that it will not be shelved in any way whatsoever, but the contents will be taken wholesome and implemented accordingly. It is true that there was a similar Report that was made sometime in 1991 which was shelved. It is unfortunate too that, that Report was not implemented. We hope that history will not be repeated by shelving this particular Report.

Mr. Deputy Speaker, Sir, there are very many major suggestions and recommendations in the Report which should be taken seriously. There are a lot of complaints against the Press. The fact that the Report recommended a Press Complaints Council or a Press Ombudsman--- This suggestion in itself is a very important one in the sense that we would not want to have a situation whereby the Press gets away with "murder" without it being censored or even reprimanded as and when necessary. This is why that provision of providing for an Ombudsman against the Press is very vital.

Mr. Deputy Speaker, Sir, the cost of this project should be in the region of Kshs60 million and this is an amount of money which is within reach. If some of the FM stations which are coming up are costing something between Kshs10 million and Kshs30 million - in particular Kshs60 million was spent to start Nation FM - is a sum that we can easily afford. It is not a sum of money which should worry people or even the taxpayers themselves. The cost that involves dissemination of this very vital information does not match the value of the information and, therefore, even if you are spending up to Kshs100 million, so be it and it should be supported. I hope this House will find the importance of having to spend that kind of money.

Mr. Deputy Speaker, Sir, it is true that the Report was supposed to have been implemented last year in January and we are one year behind schedule. That is why, in the next Budget, I hope the Minister will take it seriously so that if the Motion is passed by this House, its implementation takes place in July this year.

Mr. Deputy Speaker, Sir, it is true that, in the same Report, a very vital recommendation has been made regarding the creation of a Standing Committee on Library and standard broadcasting. The current standard of the library in this Parliament is amiss. We have a library that does not have enough books, and since it has not been computerised, hon. Members find it difficult to communicate with the rest of the world. We should by now be having internet communication and e-mail services between us and other Parliaments so that we can keep ourselves abreast with what is going on elsewhere in the world. Unfortunately, our library services are solely amiss and certainly something ought to be done about it. That is why the Committee has recommended that a Standing Committee be created to take care of our library requirements, the HANSARD and broadcasting services. This is important because we would not wish to start a creation of live broadcasting services without continuous check and monitoring of what is going on. We hope this Standing Committee will draw expertise from hon. Members of both sides of the House so that they can have something to offer.

Mr. Deputy Speaker, Sir, of importance too - I think this should be an addition to what the Committee recommended - is the need to have with us, maybe television sets bought at both the locational, divisional and district levels for members of the public to be able to access information live from this House. This cannot be done effectively if at all we do not take care of our less privileged members of society who may not be able to afford television sets. The nation should by now be able to buy television sets for its people. There are private radio and television advert companies, like Reach, which has bought television sets which it has spread out in the rural areas. This time round, I think it is important for the Government itself to buy television sets for members of the public so that they are able to reach information regarding the debates and deliberations going on in this House. This is not a very tall requirement or

requisition. I think this will be a cheap thing which we can afford so that we do not have a television network that does not serve because we want the public to access information that will be relayed from this House. It is true that when this Report was written, it took cognisance of the fact that our sister countries, like Tanzania and Uganda, have such a system in place and Kenya is lagging behind as far as information technology is concerned. Kenya has always boasted that it is at the forefront of information technology and that it is the regional hub of information and communications, but we are not demonstrating the same by being practitioners of the same concept of dissemination of information. Therefore, it is vital that Kenya takes the lead in ensuring that it does not waste a lot of time talking about a concept that is so important without implementing it.

It has been said, and it is true, that the laws governing communications are certainly too many and they need to be harmonised. It is true too, that, without harmonization, we will be referring to so many statutes that they will end up confusing whoever will be implementing this noble concept. If this Report is passed by the House, the same Committee should sit with the Attorney-General and come up with a draft legislation that will be all-encompassing and cover the various facets of the law that relate to this vital service.

Mr. Deputy Speaker, Sir, I do not intend to take a lot of time because a lot has been said about the Report. But I would like to appeal to Members from both sides of the divide to support this Report and ensure that it is passed by the House so that it can be implemented soon.

With those few remarks, I beg to support.

**The Minister of State, Office of the President** (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, I rise to support the adoption of the Report by the Select Committee on Broadcasting and televising of the proceedings of Parliament and the Select Committees of the House.

Mr. Deputy Speaker, Sir, I want to express my gratitude to the Members of the Committee for the good work that they have done in coming up with such a good report on the live audio-visual programme of this Parliament. But I also want to commend and compliment the Speaker of this House and the staff for the necessary information and facilities that they gave to the Members of the Committee, which precipitated the good Report that was produced by this Committee. The facilities that they got from the Speaker, the Clerk of the National Assembly and his staff, were very helpful.

The deliberations of the Committee were done very carefully and they were guided by the Standing Orders of this House, other statutes and the Constitution of this country. I think, the Committee Members painstakingly did a good job because they invited witnesses, accepted memoranda and met professional individuals and groups, and representatives of the major media houses. They also visited London, the headquarters of the British Broadcasting Corporation (BBC), and South Africa where they gathered very valuable information on how we, as a Parliament, can start the audio-visual programmes in this House and in the Select Committees of this House.

Mr. Deputy Speaker, Sir, it is true that we, in this country, are behind our regional partners in this issue of audio-visual programmes. Sometimes we boast of being the leaders in the region, but in this one, we are a little bit behind because Tanzania and Uganda started live audio-visual programmes of Parliament a long time ago. They have found it very helpful not only to the Parliamentarians themselves, but also to the masses and the electorate. It is true that the public of this country is very interested in the proceedings of this House. We know that "Today in Parliament" or "Leo Katika Bunge" is a very popular programme and the electorate want to know what the Members of this House do. I imagine that this one will be very interesting because the public will have a real view of what we do inside Parliament.

Mr. Deputy Speaker, Sir, I think the recommendations of this Select Committee were noteworthy and, definitely, far reaching. This Committee has recommended that we start live broadcast and televising of the proceedings of this House by 1st July. I hope that we are going to stick to the schedule that has been recommended by this Committee. But I think the other most important thing is that the Exchequer should vote sufficient funds to enable this House carry out the programme. It will cost a lot of money, but I think it is worthwhile that the Exchequer thinks of giving Parliament money to complete this job and make it as efficient as possible. Probably, this is why we are going to be ahead of our partners; Tanzania and Uganda, because I believe we will be able to perform better, meticulously and professionally as it were. But Parliament needs money and it should be voted immediately so that we are within the schedule of 1st July this year.

Mr. Deputy Speaker, Sir, the Committee has made another very important recommendation. I want to say very clearly that we, as parliamentarians, must study the rules and regulations contained in this recommendation, so that we are not later on blamed for non-compliance with the same. One of the recommendations that I find very important is that of giving the mandate of broadcasting and televising our proceedings to the Kenya Broadcasting Corporation (KBC) since it is our national broadcaster. As the Committee says in its recommendation, the KBC should be respected. The Corporation should be well-equipped and its personnel adequately trained, so that they can run it efficiently.

I agree with the Committee's recommendation that the KBC should be allocated a channel for that purpose. However, I believe that it is also important that other media houses are similarly allocated channels. Personally, I do not support monopoly, especially in the provision of information. It is very easy for one media house to slacken and end up broadcasting parts of the proceedings which are not favourable to everybody. We know that if one media house monopolises the air waves, it tends to broadcast censored news, leaving out details it believes are not supposed to be heard by the public. That is why we must encourage other media houses to come in and be allocated channels, so that we can have a proper balance of the information that may come from this House.

It is also important to give Parliament the ownership of the channel, so that Parliament can discipline journalists and media houses which are going to breach the rules and regulations of Parliament. The National Assembly must own the channel, so that the Speaker and this House can decide whether our rules and regulations have been breached. It is important to have several media houses allocated channels to televise and broadcast the proceedings of Parliament. That way, we can compare coverage of our proceedings by newspapers with what we have on our tapes to verify who reported us accurately and who did not. That is what I would call freedom of information flow. It is important that information flows freely if democracy has to survive.

Mr. Deputy Speaker, Sir, in conclusion, the Committee recommends very strongly that the air waves be liberalised. It is definite that, currently, certain media houses have been gagged, while others have been allowed to reach people within our borders and beyond.

**An hon. Member:** Why?

**The Minister of State, Office of the President** (Mr. ole Ntimama): I do not know the reason, but we should be fair to every media house. We should give every media house the opportunity to reach as many people as it can. If we create a situation where some media houses are favoured, we will not be doing the right thing for the people of this country. Let the people have a variety of media houses to choose from, so that if one media house chooses to televise and broadcast material which is not newsworthy, the public can have alternative media houses to turn to for news. That is why several media houses should be allowed to televise and broadcast the proceedings of this House. If the right to do so is given to a single media house, anything can happen. It could start having personal vendetta against certain Members of Parliament. People can decide to be seriously malicious. So, we should have a number of media houses televising and broadcasting the proceedings of this House, so that we can compare their coverage to verify which ones will be doing the right thing and which ones will not.

Mr. Deputy Speaker, Sir, the other day, a friend of mine in this House talked about complete banning of the gutter press. I wonder what the dividing line is between the gutter press and what is referred to as "the prestigious and respected Press." Which newspapers do not engage in sensational reporting of events? Even the so-called "prestigious newspapers" also engage in what is called "yellow journalism". One of the American founding fathers - I do not know whether it was Jefferson or Madison - once said that he would rather live in a country without a government but not without newspapers. That was very interesting. That was said over 200 years ago.

So, we must allow the freedom of the Press in this country. I do not know the difference between the so-called "gutter press" and what is called "the prestigious Press". What is important is for the media to regulate itself. It is upon the media to re-appraise itself thoroughly and have internal discipline. In any case, this country has laws against libel and slander. So, why do we not let the courts of law decide as to who has published defamatory or libelous articles? I do not think that we should bring in other little snags against the Press. Definitely, sometimes the gutter press does a little more than the prestigious Press. For example, what is wrong in the gutter press exposing leaders with dubious morals? What is wrong in the gutter press exposing somebody who has been engulfed in social misdemeanour? What is wrong in the gutter press exposing notorious thieves of public land and funds? I am glad that the Bill on corruption is coming here. Some of the money stolen from the public is being used to promote political prosecution in this country. I am against muzzling and gagging of the Press because Press freedom is a fundamental freedom and right. The freedom of the Press, like the freedom of speech, expression, association, assembly---

**Mr. Kamolleh:** On a point of order, Mr. Deputy Speaker, Sir. The Minister, who is my very good friend, said that there is no problem if the gutter press reports on issues like theft and other misdemeanour. I think what we, as hon. Members, are saying about the gutter press is that they are not practising good journalism. Is he in order to think that they are doing the right thing when, in fact, they use such stories to extort money; by threatening that they are going to expose this-and-that scandal?

**Mr. Deputy Speaker:** Order, Mr. Kamolleh! You are arguing!

**The Minister of State, Office of the President** (Mr. ole Ntimama): Thank you, Mr. Deputy Speaker, Sir, for saving me from those frivolous and little interjections. I am completing what I was saying. That is why I said that we should allow all media houses - that are important and have got some credibility - to have channels in this House, so that we can compare their different reporting. I do not know the dividing line between what is called gutter press and prestigious newspapers because the latter also has some lapses. Sometimes in their inner pages, the prestigious and

important newspapers also report a lot of sensationalism. I have said that the Government should give the Press as much freedom as possible, unless it is run by mad people.

I think, along with the importance of having Parliament becoming an independent branch of the Government, the progress of live coverage - in audio-visual - of Parliament is going to be a democratic blessing to this House. We should thank ourselves and the Select Committee. I hope this House will pass this Motion. I can see the mood of the House and I can say that, definitely, this Motion will be passed because it will strengthen Parliament. I hope we will move on. I repeat, again, that it is a democratic blessing to this House. We should go on to make Parliament a seriously independent institution among the other branches of the Government. That will be a good start so that, even if the other institutions of the Government lag behind a little bit, we should lead them. We should be prepared to play the real game that the Legislature is supposed to play; of balancing the issues of the Government, interacting and balancing with the other institutions of the Government, like the Executive and the Judiciary.

So, I seriously recommend that we should adopt, definitely, the Report of this Committee, because it is going to help us have a Parliament where the people of Kenya can see what is happening inside here, including the Select Committees. I imagine that when we start getting independent, and when the Constitution is reviewed---

**Mr. Kamolleh:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to incorrectly state the time when we got real Independence? Kenya got Independence in 1963!

**The Minister of State, Office of the President (Mr. ole Ntimama):** Mr. Deputy Speaker, Sir, I do not know what the hon. Member is talking about. I am not talking of Kenya; I am talking of Parliament. Mr. Kamolleh, you are behind time! Absolutely! You are not even following what I am saying!

*(Laughter)*

I think this young man came from home wanting to attack Mr. ole Ntimama immediately he saw me. I am talking about the independence of Parliament, as a branch of the Government; as an institution which can play its own role in interacting with other branches of Government.

Mr. Deputy Speaker, Sir, so, let me just end by saying that I am very impressed by the Report. It is a very good Report, and we should adopt it.

Thank you very much, Mr. Deputy Speaker, Sir.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I stand also to give my support to this Report.

While I am speaking on the heels of my dear friend, Mr. ole Ntimama, he did mention something which is extremely important, regarding the freedom of Press, the reportage on Parliament and other issues. That has to do with the libel laws. While, indeed, it is important that the Fourth Estate must always report matters with the dexterity, truthfulness, thoroughness and good intentions, libel laws can, indeed, stifle good reporting. Libel laws can be used by the rich and powerful to prevent the voices of dissent from speaking in the society. I would appeal to the law-makers in this country not to overuse and misuse libel laws. In Singapore, a country that has achieved tremendous development, and has transformed itself from being a Third World country to a First World country in a matter of three decades--- The Government, however, uses libel laws to stifle the Opposition; indeed, to drive the Opposition figures out of town. Once libel laws are invoked, you are compelled to pay extremely high costs for the cost of libel.

Therefore, indeed, while it is now overdue that this Parliament should be reported live by the electronic media and that members of the Fourth Estate should have recorded records of what happens in this Parliament so that they can refer to them, not just the day of the reporting, but eventually, they should not be penalised when they report by the overuse of libel laws. Also, this Parliament has been covered live by radio and television because it has been covered by the print media, anyway lively. If you go to the HANSARD, you will find that every word uttered in this House is reduced to the printed word. Therefore, there is no reason why every word uttered in this House should not be reduced to the electronic broadcast word. In any case, we live in a dot-com era, in which information is an extremely valuable and useful commodity. We look in this House Precambrian. We look as if we are even debating in stone age times, when you cannot go out there and, as you are doing other business, see what is happening in the House. For example, if what is happening in the House requires your attention, like when there is no quorum, and you are somewhere in town, it will be much easier if we have terminals all over in this town in TVs and so on, so that if an hon. Member is consulting his or her lawyer in town and there is a TV set there reporting what is going in the House, and he or she can see that the number of hon. Members in Parliament reducing, he or she can cut short the conversation and come here and debate before the bell is rung. It is important that we move in that direction so that we stop living in primitive and precambrian times. We should come to the modern times when the electronic media is an important medium of communication.

Mr. Deputy Speaker, Sir, it is important that Parliament does have a website. I do not know whether our Parliament has a website. If it has, I am not aware of it. If our Parliament had a website and all that goes on in this



House is found in the website, it would be very easy for Members of Parliament, wherever they are, to keep on communicating with the House through that website. It would also be very easy for journalists to refer to that website in order to update themselves whenever they report about the House.

Mr. Deputy Speaker, Sir, another pointer that we live in Precambrian times is the way we consult journalists in this House. We consult them along the corridors! Whenever they want to talk to a Member of Parliament, they write a note, give it to the Serjeant-at-Arms to look for that Member of Parliament. Sometimes, such notes disappear before they reach the intended Member of Parliament! We live in a modern age and this should not be happening! There should be a room within the precincts of Parliament for the journalists to work in. Such a room should be fitted with terminals, so that journalists can communicate with their newsrooms - rather than them running to Standard Street to go and report - when we have modern forms of communication.

**Mr. Deputy Speaker:** Sometimes they report in the lobby!

**Prof. Anyang'-Nyong'o:** This lobby corresponding is something precambrian! In passing this Motion, we should take into account some of these issues. There should be a Press Room where the *Daily Nation*, the *East African Standard*, the *People Daily* and the other characters called the gutter press should move away from the gutter and come to modern times. Why should they stay in the gutter all the time? Nobody stopped them from entering where others are. For them to stay in the gutter, there must be something underdeveloped about that! I do not believe that, that part of the Fourth Estate in the Republic of Kenya should be called the gutter press. There must be something wrong for them to be relegated to living in the gutter. They should come above ground. In any case, since the Press always emphasises on transparency and accountability, I think all members of the Fourth Estate should operate on the same level playing ground. We are asking the Government to provide a level playing ground, for political parties. I think everybody should be on the same level playing ground so that nobody is smeared by being given the epithet of gutter press.

Mr. Deputy Speaker, Sir, we want a modern, democratic state. This country should have been 20 years ahead of itself today. This country has the highest development of human capital in Africa, even higher than that of South Africa. But this human capital is not used the way it should be used. Were the human capital used the way it should be used, we could be 20 years ahead of where we are today. There is absolutely no reason why the per capita income of Kenyans is still about US\$320 per annum whereas in reality, it should be US\$9,500 per annum! That is what it should be! It is not so because we misuse and misallocate our human resources and human capital.

Mr. Deputy Speaker, Sir, if this Parliament is going to be reported live, then another thing must happen. Journalists must get appropriate training, both in terms of skills and ethics. No nation whatsoever can develop without proper ethical standards. If a journalist is going to report a news item on the basis of the fact that he had been paid for doing so, he is not worth being called a journalist. There are no ethical standards in doing so. Journalists who are going to report Parliament live, must be men and women of unquestionable integrity and who adhere to the principles of truth, honesty and fairness. Such persons will indeed help in upgrading the standards of this House. This House is interested in being reported live not because of drama and fun but because of performance. Indeed, those words that are written there: "For the Welfare of Society and Just Government of Men" should be meant in every word spoken in this House and every word reported by the Fourth Estate for the people of Kenya to consume. In that regard, I would like to pay tribute to the Kenya Broadcasting Corporation (KBC). If Pulitzer awards were to be awarded in this country, the KBC's programme "Today in Parliament" would qualify for an award from the Kenya Union of Journalists. Ever since Independence, in spite of the backwardness of this Government, the only emission from the KBC which can stand the test of integrity is "Today in Parliament." The rest of its programmes, you can as well kiss them goodbye. All they say is---

**The Minister for Tourism and Information** (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir. I was busy thumping my foot so loudly to what Prof. Anyang'-Nyong'o said, but is he in order to call this Government backward? Is that parliamentary?

**Dr. Kituyi:** But it is backward!

**The Minister for Tourism and Information** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I did not hear what Dr. Kituyi said!

**Prof. Anyang'-Nyong'o:** Unfortunately, we heard you! Perhaps, the word "backward" is a generous word. Absolutely tragic, is how I could describe this Government! If this Government was really forward looking, the Kenya Telecommunications Act which we passed in this Parliament-- Section 5(1) of that Act which is an amendment I brought to the House says: "In opening up communications for competition in this country, no monopoly or duopoly should be practised." When I brought that amendment to the House, I forgot that Section 2 of the Act had a rider to it. We did not realise that Section 2 gave the Government authority to implement that Act, section by section, as it wishes. That was an oversight on our part. We should not have allowed them to do that. Section 5(1) of that Act, which prohibits monopoly and duopoly, has never been implemented to this very day. It has not been implemented, in order

to allow crony capitalism to be practised by this Government. That is the kind of capitalism that is confined to cronies and nobody else. Even if hon. ole Ntimama is so entrepreneurial and can run a radio station and he is not a crony of the powers that be, he will not be allowed to do so. If Mr. Deputy Speaker has the best mind on how to develop a news magazine that can help the thinking of this nation and he is not a crony, he will not be allowed to do so. That is why monopoly and duopoly still exist in freeing both the electronic and print media. Crony capitalism is the tragedy of this Government. It cannot allow us to go up from a per capita income of US\$350 to US\$9,500. It will never! The market assumes that we are free.

Mr. Deputy Speaker, Sir, at the Bretton Woods, when the powers that be in the world then were discussing how to rearrange the world after the Second World War; when the World Bank and the International Monetary Fund were created, John Maynard Kings(?), the well-known British Economist was there as a consultant to the discussions. He reminded everybody that we believe in capitalism and want a free market, but we should remember that the market is never always rational. The market must somehow be guided by the State. But if the State, indeed, embodies the general will of the people, then it should not subvert markets for wrong reasons. The State should always guide the market to serve the general will of the people.

Mr. Deputy Speaker, Sir, crony capitalism goes against that wise pronouncement by Mr. John Menard Kings. Crony capitalism does not care about the market or the general will of the people, but cares about the cronies. So, the economy stagnates and we cannot create employment or have a good mass media. So, even if we open this House for reporting and the FM stations are confined to Nairobi and an FM station is only given to the Kenya Broadcasting Corporation (KBC; and these people are only waiting for the cronies to set up the stations that they can run, this country will never have a functioning and proper mass media system until Christ comes back. Christ is not just about to come back because, everyday he wants to pack and come back, He tells his Father: "Those characters are too messed up; last time they crucified me, and this time they will not even allow me to be born, even through the caesarean section". When Christ sees this crony capitalism in the world, He is not in a hurry to come back to it and save us. That is the tragedy I was talking about. Christ is not just about to come back in spite of the fact that my friend, hon. Vice-Chairman of KANU and Minister for Tourism and Information, is a born-again Christian. The Minister is not about to convince Christ to come back because of the crony capitalism.

Mr. Deputy Speaker, Sir, we want the airwaves to be liberalised so that the market can function, the proceedings of this House can be reported properly by well-trained and qualified journalists, the standard of debate in this House can rise, and Kenyans can see what goes on here, and so that when they finally come round to elect people to this House, they have some data to go by. At the moment, the only source of data that Kenyans have is one: the KBC through a programme called "*Leo Katika Bunge*". I think this programme is accurate and I have to congratulate the KBC, but the market says that you do not get your news from one source. The market must be free and competitive. That is how standards rise. Indeed, if we had that, we could even have Kenyans inventing cheaper ways of broadcasting. Who tells you that Kenyans do not have that aptitude? These young dot.com-age people are very sharp, but let them enter the market. You should give them the freedom to compete. Do not compel them to be crony capitalists under your wings, which simply under-develops this country.

One other thing which is extremely important in implementing this Motion is to realise that we have some very archaic practices in this House. You are very comfortable sitting in that Chair in the suit that you wear, without having to be burdened with a sheep's cloth on top of your head, something that was practised in England in medieval times because of winter. Those people used to hold court hearings in the open, and for the judges to, at least, keep their ears warm, they put the sheep's cloth on top of their heads. They called it a wig. This House is warm and you do not need a sheep's cloth on top of your head. Indeed, it can infect you with some germs.

If you go to our law courts, you will find all our judges dressed like Shakespearean clowns and then our lawyers follow suit. The idea of wearing a white cloth round the neck is extremely archaic. I would like us to revise all these dress codes in our Standing Orders, so that when the Press reports the proceedings of this House verbatim, our peasants in Kanyamkago and Wundanyi will not think that these are some clowns from medieval times debating issues in Parliament. They will, indeed, see that these are ordinary Kenyans like them. I think ties make us look good and we should maintain certain standards. I do not think that people should come into this House in jeans and turkies because that would emit terrible smells in this House, but we should be allowed to come in in nice *kanzus* and black coats like the Baganda do in uganda. This is very comfortable and very relaxed.

**Mr. Gatabaki:** On a point of order, Mr. Deputy Speaker, Sir. You know that I once contested the office of the Speaker. I hate to disrupt the hon. Member's articulation, but is he in order to question the dignified attire which Mr. Speaker wears, and that makes him so formidable?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, our Speaker would be even more formidable were he to come here in what we approve as a Kenyan national dress. We are the only country in the world which is not proud of its national dress. At Independence, there was a competition, in actual fact, for Kenyans to design a national dress.

Tanzanians came up with one which is very comfortable for the tropics. We can come up with one which is comfortable for the tropics. Indeed, this may, in fact, reduce our wardrobe bills. The ties we wear are not very cheap, especially given the inflation in this country, thanks to this tragic Government. As we begin to broadcast the proceedings of this House live and we want to give some images to our people, these are some of the things that we should be thinking of; some imaginative things. Broadcasting live the proceedings of the National Assembly of the Republic of Kenya will just be a beginning to doing things which are imaginative in line with development and growth in this country.

Finally, I want to say something that I think is extremely important. Hon. Members of the National Assembly would be very grateful if, as we begin reporting the proceedings of this House live, we also develop the capacity and the capability of having some summaries of the discussions in the House, which can come out as daily bulletins. In the United Nations (UN), one of the things that helps debates in the General Assembly of the UN and the Security Council is that at the end of each day, or after two days, there is a bulletin that summarises some of the highlights of the discussions of the two bodies. The National Assembly may not be able to do this, but one of the things that the Fourth Estate could do - and they try to do it in their pages in reporting the National Assembly, but precisely because they have not had the advantage of having live recorded tapes to listen to, they have not produced summaries - is to come up with one-page summaries of the highlights in the House that will help hon. Members of Parliament who were not in the House, to follow debates much more effectively.

With those few remarks, I beg to support.

**The Minister for Public Health** (Prof. Ongeru): Mr. Deputy Speaker, Sir, I rise to give my views on what I consider to be a very important Motion before the House, the Report of the Select Committee on Broadcasting, and particularly the live coverage of the proceedings of this House by the media. One will always appreciate and accept that the development of information technology is such that the rate at which we are moving, the rest of the world needs to be educated and know what issues are being discussed in our Parliament. After all, through the digital information technology now available in the form of the cellphones, one can communicate within 30 seconds to a remote area where the reception will be clear,

and he can get information within that period of time. This is a national Parliament and it is an institution that can have a live coverage emanating from this House. One of the bottlenecks that I would have initially expected is the cost that may be involved in sustaining this activity. One would like to know whether this cost would be sustainable or not. I believe that my colleague in the Ministry of Tourism and Information would shed more light on that point and, of course, the Speaker himself, being under the Parliamentary Service Commission, will be in a position to tell us whether this cost would be sustainable within the budget of the Parliamentary Service Commission; because, that would form part of the expenses of the Parliamentary Service Commission that would have to be expunged out from the Consolidated Fund. Therefore, that element is important.

Having said so, it is also important that the quality of debates in this House is more informative, clearer and those which address issues affecting *mwananchi* rather than character assassination. This is because there has been a tendency, particularly playing to the Press Gallery; people want to choose to throw in words that have no meaning and issues that are geared and meant to create character assassination. To me, that would not be a desirable effect because when damage is done through such live coverage, to reconstitute and correct that damage becomes a very expensive venture. Therefore, whereas the live coverage may be a desirable way of showing our prowess in the debates in Parliament, there is a sense of responsibility on the hon. Members themselves. We must be fairly civil about this matter without resorting to character assassination. I think that rider is important at this formative stage of discussing this particular Motion.

Mr. Deputy Speaker, Sir, I have seen, in quite a number of times, hon. Members shooting up and just throwing words that are meant to create confusion and unnecessary disturbances. I think this should be most undesirable. Therefore, the quality of debates that this type of live coverage would present will enliven the House and elevate the quality of debates to the level that is beneficial, both to Members of Parliament and to the Kenyan community because, after all, this is their investment and they have every right to know the type of debates that emanate from this House for the common good for all of us. I think that would then justify the statement: "For the welfare of society and the just Government of men." The quality of debates emanating from this House must be commensurate with the character of people who are committed to serving this nation. That is the second aspect of it.

The third aspect is the several misreportings that we have had from this House and which are deliberately done to distort both the content and the thrust of the speech that one gives from this Floor. I think that would help us curb this unfortunate situation. Not all reporters of this House are able to do so, but in some occasions, we have had reporting which is totally opposite of what the hon. Member may have said in this House. That has created so much and unnecessary ill feeling, without having bothered to check in the HANSARD what actually the hon. Member might have said. Therefore, I believe that if we have live coverage, it would be easier for the wider public to judge from the

live coverage what has actually been said as opposed to what has been reported in the print media. This would act as checks and balances in terms of authenticity of the statements being made in this House. I believe it is important if that is carried out.

Mr. Deputy Speaker, Sir, the fourth element that I would like to address myself to is the question of the gutter Press. This is the biggest menace in this country because the gutter Press has no rules. They just wake up in the morning and decide to splash the headlines about people, individuals and actions that have not even been committed! I think this is the most misleading element in our society. People have found it as one way of blackmailing either the Parliamentarians or prominent Kenyans in this country. I hope that by live coverage of the proceedings in Parliament, the gutter Press will be confined to the oblivion because this is the most uncivil way of trying to educate the public. Education means giving people authentic information; a balanced opinion, not an opinion which is skewed, derogatory or rather character assassination and maligning.

I believe we have a responsibility, together with both the Fourth Estate, whether in the common print and electronic media or the gutter Press. They should have some measure of responsibility as to the content, style and manner in which they print out their materials. This has done untold damage to many individuals in this country. I think any principled and right-thinking Kenyan will condemn the gutter Press, because it is not a plus for us, but a minus. We must be forthright in stamping out what we think would be a bad element in the print and electronic media. I believe that through this live coverage of the contributions in Parliament, the gutter Press would learn to withdraw politely from this kind of business. This is a business which is meant to blackmail and then through that blackmail, they thrive through financial gains. I think this practice is not different from drug trafficking because drug trafficking is the act of inducing people to take a drug ostensibly to make them feel good but, unfortunately, destroying somebody's health and life. Obviously, character assassination is the name for this practice. I believe a good name is better than the perfume that you apply; that is a biblical thing; Ecclesiastes 7:2. We want to have a good name both for the nation and good Kenyans who are both in and outside this House. It is our duty to maintain that good name. Where there is something evil, we must talk about it. Nobody is shy in talking about evil things. We must talk about evil things because it is our duty to educate Kenyans on what we think is an evil in our society. But just for the sake of wanting to malign people and then, obviously, standing up and heaping lies and untruthfulness on people is not fair.

I hope we will soon learn that the print and electronic media, or rather the Information Technology (IT), is an important tool towards achieving development. If we apply it correctly, we will be able to achieve certain strides in development. For instance, in the health sector, the information technology is crucial and it is an important factor in saving life. Through IT, we are able to communicate swiftly and do certain investigations through the information technology channels, and be able to receive results in splits of seconds. This is a very useful development in our society. We should not discard it; instead, we should embody it as part of our development agenda. I believe this type of Motion is important for us and the overall strategy and purpose of disseminating this information through live coverage is not so much on how well you debate, but it is how well you put across the information and its content for the good of the wider Kenyans. To me, that would be the purpose why we want to liberalise these airwaves so that they are able to broadcast directly from Parliament.

Mr. Deputy Speaker, Sir, the only other snag that I am not quite clear of is how we can pin down one specific media house for broadcasting from this Parliament. This is because having liberalised these airwaves, how do you then pin responsibilities to one particular broadcasting service? I think that is an area where we can always sit down and look into it. But at the moment, I believe KBC has a wider coverage throughout the country. It would be a normal way to strengthen it and be able to support rural folk to hear what Dr. Kituyi, Mr. Muite and Prof. Ongeru are saying in this House. That is the idea. Even when we disagree violently, but politely, it is good for them to hear and know the contents of the material that we have disagreed upon.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, the only thing that I want to caution is that if the live coverage of the proceedings of this House will result in an escalation of costs in the management of business affairs in Parliament, then I will be a bit hesitant to support it. But if it helps us to transmit information in a timely fashion, then I fully support it. We do not have qualms in supporting this live coverage because we believe it is a good thing to do. Information is an important tool in fighting ignorance, disease and poverty. Therefore, information timely delivered can be a saver in many situations. But information wrongly delivered can be catastrophic. That is where we must draw the finer line of what is good and bad for Kenyans. This is because information recklessly delivered can cause so much untold damage

to our people, that to be able to do damage control itself will be an exercise in futility. I think we must be wary about how this information will be delivered and handled. It is an important issue that we cannot just gloss over. We must be able to understand fully the implications of this live coverage.

I believe, in the House of Commons, there is a dedicated channel. If you want to tune in any time and at any place, that is okay. That would be a very important point to consider. I have seen in the House of Commons, even if there are two or three speakers, there is no issue of lack of quorum because people still hear the views. An hon. Member can go to the House of Commons when there is a very hot debate even at midnight and give his views. People will be able to know what views are commensurate to everybody and the society.

I think live coverage of the proceedings of the House will help us in cleaning up some of the so-called pretenders in the Fourth Estate. There are so many pretenders in the Fourth Estate, and I think we must clean them up. We want them to be re-educated and rehabilitated so that they can form a formidable group in educating Kenyans which way we should go. I believe Parliament should be able to lead the way in providing for this service. This service is something that I support.

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

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, I rise to support this particular Motion. As I read this Report, I was reminded of the sufferings we have gone through, via the activities of this damnable Government when they decide to tell Kenyans deliberate lies. Whatever they write in their editorials and broadcasts over the radio to Kenyans are complete lies, yet they are not shy to do it. In fact, they have exposed their own character. A Government which chooses to use a public media which is financed by the taxpayers to destroy other politicians and other institutions by telling deliberate lies or distorted information, is a Government that has lost morality. It has no moral character whatsoever and it cannot be otherwise.

**The Minister for Tourism and Information** (Mr. Musyoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sure that Mr. Kibaki knows that kind of language certainly does not constitute parliamentary language. Is he in order to whole heartedly claim a Government is telling lies? Is that parliamentary language? I seek the Chair's indulgence on this.

**An hon. Member:** You are not the Government!

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, I am talking about what is being broadcast by the KBC and what the hon. Minister hears with his own ears. He knows very well what is broadcast by the KBC is not truth. What else does he want me to call it? What does he want to call it? The English Language is a foreign language, but I believe the word "*uwongo*" in Kiswahili language is probably even better.

Mr. Temporary Deputy Speaker, Sir, what I am saying is that this habit of telling lies has been with us since Independence. Actually, this Motion gives us hope that there will be light now because the people who will manage this live broadcasting will make sure that nobody will interfere with the televising of the proceedings of this House. In addition, they will make sure that nobody will interfere with their own commentary or change what should reach our people. That is fundamental.

There is a second issue which is highlighted in this Report. I hope everybody has read it, and that the Minister for Tourism and Information has underlined this particular part. The Report says:

"The Committee found out that the KBC is ill-equipped and badly structured to effectively perform the role of a true national broadcaster." In other words, the KBC, as it exists today, cannot effectively perform the role of a national broadcaster. They are ill-equipped and the way they are structured now is distorted in such a manner that somebody sitting somewhere can telephone them and tell them not to air a story they had aired at 7.00 p.m., at 9.00 p.m. during a news bulletin. That is the truth and it goes on all the time.

When you have politicians interfering with reporting, surely, we are destroying the role of this particular media. So, apart from having bad equipment, the way KBC is managed, directed and structured needs to be totally overhauled. Perhaps you will agree with me that people who are used to being directed over such a long period of time have now become incapable of thinking original thoughts and broadcasting the truth. They have now become servants and their brains are finished because they have not been allowed to think. Once a fellow is not allowed to think, or if he must ring so-and-so before he can broadcast a story he knows to be true, then that fellow is no longer capable of managing issues independently. This is because he has ceased to use his own brain, and he must clear what he is reading with somebody else who has vested interests in distorting the truth. People who have got used to distorting the truth must be distorted themselves by being totally removed from the line of reporting to members of the public.

So, the first thing that requires to be done, and which should be done straightaway, is for the Government to make up its mind and say that, from now onwards, they will not tell any more untrue stories and that they will allow the truth to be told while we are going about this matter. That will show that they have read something and have understood what the Committee said. We congratulate the Committee for writing the truth. The truth is the truth whether you like it or not. So, whoever does not want to accept this truth, *ni shauri yake*. But I hope, at least, the

Government will make up its mind and stop that exercise. I hope the money will be allocated now because, as you know, this Report ought to have been implemented in 2001. Now we are in the year 2002. We are almost half-way through with this particular year's Budget. I hope that in the Budget which is now being prepared, we will have money for the KBC to acquire the necessary equipment. Above all, we will recruit trained people, who still retain their brains.

We need people who have not been destroyed by serving something evil and who can actually start something afresh. It is not possible for those who have been used to misreporting to learn something new unless they are taken somewhere far away from those who have been destroying them, so that they are retrained. But we shall need to start with new qualified and trained staff who can do this good job effectively. Fortunately, I hope that when this service is set up, we shall have a Parliamentary Committee which shall listen to what is happening, and complaints, and seek to improve whatever is being broadcast here. It should also be able to listen to commentaries from Kenyans who will hear what is coming from here, so that we can actually get the very best that we want to put to them.

Mr. Temporary Deputy Speaker, Sir, they have told us quite clearly that:

"The existing legislative and regulatory framework is shrouded in mystery and excessive controls, which make national coverage by the independent media house totally impossible".

They have made everything totally impossible. That means that the way KBC is structured and the regulations which guide it, it is not capable of doing the job we are trying to do. As we pass this Report, I hope that we are entering in our own mind a commitment to do a new job and, in the process, to improve the KBC, not only in reporting parliamentary proceedings, but reporting what is happening in the nation as a whole. As somebody said, it is one broadcasting station which reaches the rest of Kenya. And the obvious thing to be done right now is to allow all others who have applied for media rights to broadcast and televise to be given those rights. There is something fundamentally foul in the thinking of a Government which seeks to limit information. Here, we are trying to make more information available to the nation, but we have a Government which has insisted that they must restrict what people may know.

Very recently, there was a Minister who said somewhere that people should not be given too much information; that there are very many people who are giving civic education which, to him, is too much information. They want people to remain ignorant, ostensibly because an ignorant fellow might be easier to control, whereas somebody well informed is going to challenge whatever he is told. Now that is very sad. What has been said here is the truth. What we really require right now, is that all those who have applied to educate Kenyans, provide information and broadcast to the whole nation are given those licences. What reason can the Government have for restricting those who want to get information? Other nations in Africa, including our neighbours, are not scared of opening up the media. But somehow, in Kenya, there is some fear. What is the fear for? Why should we be afraid? If the media has something to talk about what the Government is doing, let them talk about it. After all, it is a reality and they are not just writing stories. If there is money that has been stolen by any member of the Government or the Civil Service, then that should be broadcast broadly.

**The Minister for Medical Services** (Prof. Onger): And the Opposition as well!

**Mr. Kibaki:** Indeed, you are quite right! We should include every Kenyan. Whatever there is to be broadcast, *itangazwe!* Let Kenyans know who are rendering the forests of Kenya destroyed, those who license those who are cutting Mt. Kenya, the Aberdares, Mau Narok and Mt. Elgon forests be broadcast. And the name of the fellow who has earned the money should also be included in that, so that Kenyans know those who do not care about our children. They are happy to make money now by destroying our forests, but *shauri yao*, to what happens to our children. How can it be *shauri yao* when you have destroyed their own inheritance from their own forefathers by destroying the forests, until rivers have dried up?

Mr. Temporary Deputy Speaker, Sir, they still pretend they have a Government. Around the world, how can a Government that is known to destroy the environment totally and render the country a desert claim to have a character to guide that Government? They cannot! It is no possible! Because somebody who has actually the privilege of being the guarantor of indigenous forests should not be cutting them down. Then we can say that, that person has character. But somebody who enjoys receiving the money from destruction of Mt. Kenya and planting *bhang* inside there, and then allowing it to be sold has no moral character. It is not possible! How can it be possible? It is not possible because he is able to see the destruction as a result of what they are doing. The challenge is for us to vote the money and recruit people to make a new Kenya Broadcasting Corporation which is truly Kenyan, and which will represent the views of all Kenyans; and that we allow all those others who have applied for broadcasting licences the freedom to do that, then we shall be seen to be a nation seeking the future.

Mr. Temporary Deputy Speaker, Sir, this is the age of information, and everybody truly knows that fact. Even the most primitive within the system we have today is aware that we have entered the age of information, and that to limit information is to limit development and to want to remain primitive. But in Kenya today, in order not to use the broadcasting media, there is a communications commission which still restricts it so that they may share the money, and so that they may argue that Telkom Kenya cannot be sold because certain deals have to be concluded. That is a

known fact. The world knows this fact, but it is only Kenyans who are not allowed know the truth about why negotiations to privatise Telkom Kenya have failed. If it is written, it will not be broadcast, and other media are very limited to covering Nairobi. They have now been reduced to doing their own self- censorship. They cannot report anything which is meaningful, because they are intimidated. *Wanapigiwa simu kunyamazishwa.*

**The Minister for Tourism and Information** (Mr. Musyoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you satisfied that Mr. Kibaki should be allowed to get away with such serious allegations without substantiating? Could he, for instance, substantiate the claim that the media in this country is intimidated? He could get away with the use of the word "evil" which he used twice, though it was unparliamentary, but he was able to wriggle out of it, but if he has evidence that there was graft involved in the sale of Telkom Kenya, why does he not substantiate that claim? A man of his honour should not leave this House in a mysterious eloquence that he is trying to put across.

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, we are not trying anything. We are doing it. I am not trying anything. I am saying positively the information we have, and that we have read recently in other media in other parts of the world, where some of those who were buying or negotiating to buy Telkom Kenya have been reporting on what the hold-up in the negotiations is. It has to do with money.

If somebody wants me to do it in another way, I could be told how else I can put it. Should I say it in Kiswahili, which might be better? Truly, if we do not listen to KBC, are we not supposed to listen to all other media around the world; not read the *Financial Times* and other magazines around the world that report on business negotiations going on around the world, and which have commented about three or four times - which I have read myself - on our effort to privatise Telkom Kenya which is in Africa? The commentary---

**Mr. Ochilo-Ayako:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it within our rules to quote newspapers or newspaper information as substantiation? Is it in order for Mr. Kibaki to cite journals elsewhere or newspapers as substantiation?

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, we have very peculiar people in this Parliament! Are you not surprised, really? Where do they live? Are they not in this world? Are we not supposed to listen to broadcasts and what is written by the rest of the world? Where are we supposed to live? I mean, it is a very peculiar situation! We had better leave it! The kindest thing is to leave it, so that we do not comment on what he is trying to say. That is because truly, if---

**The Minister for Public Health** (Prof. Ogeri): On a point of order, Mr. Temporary Deputy Speaker, Sir. While I appreciate that variety is the spice of life, is Mr. Kibaki in order to insinuate that one of the reasons why the deal of Telkom privatisation fell through is because there was impropriety? Could he substantiate to this nation, because that is getting away with a very serious matter that he has placed before this honourable House!

**Mr. Angwenyi:** On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform the Leader of the Official Opposition that actually, it was discovered that there was impropriety in that deal because the company which was supposed to purchase Telkom Kenya was, in fact, a sham!

**The Minister for Tourism and Information** (Mr. Musyoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. That is all the more reason that evidence should be placed before this House by way of substantiation, so that the Government could be able to respond, at least, with the measure of knowledge about some of those very strange and ambiguous accusations!

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, the point that I made, and which I was commenting on, is that we have, and we continue to read and listen to what is said about the negotiations, not only about Telkom Kenya, but anything that Kenya is negotiating with other international organisations. We talk to fellow businessmen, *et cetera*. If it is said about other countries in Africa that to do business, one has to make business possible by making certain side payments, I do not know what we are going to do about it! Are we supposed to have read and ignored it? Are we supposed to have said: "Alright, those are foreigners!?" But they are the same people you are doing business with, even if they are foreigners!

**The Minister for Tourism and Information** (Mr. Musyoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. We are addressing a specific issue here; that is the sale of Telkom Kenya. I think the Leader of Government Business--- Of the Opposition, I beg your pardon. How I hate that he could ever be that! But now that he has come out specifically on the question of Telkom Kenya, could he provide evidence to this august House? A man of Mr. Kibaki's stature should not be expected to do less! If he has evidence of corruption involved in the sale of Telkom Kenya, then he owes it to this nation to provide evidence to that effect. I think he should not get away with it by going round!

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, the matter that is being pursued by the Minister is something known! That is why he is trying to cover it up! But it is not possible to cover it up! Kenyans know the reason why that deal has been negotiated four times and every time, it has had to be revived. Do you think those people with whom you are negotiating are dumb? Are they human beings or what? They are fellow human beings

and they talk to their fellow businessmen. There was a particular reportage in a magazine that I personally read. Now, what I am really saying---

**The Minister for Transport and Communications** (Mr. Mudavadi): On a point of order, Mr. Temporary Deputy Speaker, Sir. I stand on a point of order to be very categorical that, as far as I am concerned, and as the Minister for Transport and Communications, allegations are allegations. But that deal or the transaction involving the sale of Telkom Kenya did not go through. It failed because of other reasons than the ones that Mr. Kibaki is trying to put across. In the sale of Telkom Kenya, we were looking at the financial and technical capacity of the would-be bidders who were willing to take over Telkom Kenya. It is clear that the companies that came forward and tried to bid were companies whose balance sheets were not in a position to reflect the capacity to take over Telkom Kenya.

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, you and I will have to choose what to believe! That is because those who were negotiating say one thing and those who are now speaking for the Government are saying things which they did not say at that time. They have never told Kenyans why the sale of Telkom Kenya failed. It is now that we are being given it as a sideline, and something which is whispered. A nation like Kenya should speak up on that very important matter. In the rest of Africa, where such negotiations are going on, they are discussed openly in their Parliaments. But in our Parliament, even to mention the whole thing, you are supposed to be letting out something which should not be known. We do not know the details of what went on inside. But whatever came out from those who were negotiating and whoever reported in the magazine why the business did not succeed---

After all, today, there is a report in the international media on a similar thing at the Coast, where they are negotiating to give away titanium which belongs to Kenyans. But they want to give it to a Canadian, who will mine it, process it in other countries, make his billions and displace the people in Kwale District after having been paid a few shillings. The Government, honestly, will sign away. It is now waiting for a suitable moment to sign away. There is a reason why the signing is being negotiated now, and why it is going to be signed at a rightful moment, when the right sums can be paid! If you do not want to hear it, or if somebody does not want to hear it, that is alright. But you cannot stop other people in the world debating that a discussion is going on regarding titanium. There is a negotiation about whatever will be paid and whatever the shareholding will be---

**The Minister for Tourism and Information** (Mr. Musyoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could Mr. Kibaki be gracious to this House? We are discussing live broadcasting of parliamentary proceedings. How does one get treated from the sale of Telkom Kenya, titanium, and on to forests, all in anticipation? I wish to inform the Leader of the Official Opposition that there will be a Bill by the Government dealing with the matter of environmental conservation and specifically, with the issue that he referred to about forests.

Could he be gracious and keep us a little busy? That is because he has been unable to completely substantiate his allegations. May I then ask him to withdraw all those allegations about graft because he is unable to substantiate them?

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, the point that I was giving about titanium is in similar circumstances. The negotiations are similar with an international investor. The investor wants to actually make a kill in Kenya by taking our indigenous inheritance and turning it to himself, having been given a licence. To get that licence, he is going to do whatever he can do. In fact, even if the Minister does not want to hear, there are people in the Government system who know, and who are prospecting on some parts which are outside the reserved lands. They are prospecting where else titanium is, so that they may buy the land before titanium licences are given, so as to resell the lands later. Is that a secret? Is it not known to the Commissioner of Lands?

**The Minister for Public Health** (Prof. Ongeru): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am at a loss, and I need your guidance. Mr. Kibaki has made an insinuation that in the negotiations of Telkom, there was impropriety. We have on several points of orders asked him to substantiate, but he has not done so. Secondly, he now wants to give the entire Kenyan nation an impression that this Government does not support international investment in this country. Could he substantiate or else withdraw those remarks and tell us more about the Molasses Plant in Kisumu?

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

**The Temporary Deputy Speaker** (Mr. Muturi): He was on a point of order.

**Mr. Munyao:** No, I am also responding.

**The Temporary Deputy Speaker** (Mr. Muturi): No, you cannot respond to the point of order. Mr. Kibaki should respond to it.

**Mr. Angwenyi:** On a point of information, Mr. Temporary Deputy Speaker, Sir. It is a fact that there was impropriety in the sale of Telkom, where we were supposed to relinquish 49 per cent of our heritage to a company which was a sham and purported to have been registered in Zimbabwe. It was claimed that this company had enough financial resources to purchase that heritage of ours. It was later found that the company did not have any money, and that it intended to use the balance sheet and resources of Telkom Kenya to seek funds to invest in this country. That is a



fact and the Minister knows it. Actually, there was impropriety, not necessarily on the part of the Government of Kenya, but on the part of those people who were purporting to buy 49 percent of Telkom Kenya.

**The Temporary Deputy Speaker** (Mr. Muturi): Order! Mr. Angwenyi, that is now engaging in debate and not providing information. You appear to be trying to interpret the information given by the hon. Minister for Transport and Communications.

**Mr. Ochillo-Ayacko:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Some of us are eager to debate the Report before the House. Is it in order for us to engage in irrelevancies and squander time that is supposed to be reserved for the debate before the House?

**The Temporary Deputy Speaker** (Mr. Muturi): Order, hon. Members! Let us appreciate that we are debating the Report of the Select Committee on Broadcasting and Televising of Parliamentary Proceedings. As you all know, this is an area that is very broad. It is the area of information.

Mr. Ochillo-Ayacko, I appreciate that you may want to deal only exclusively with the Report, but there are matters that may be incidental to the Report which may be worthwhile for the House to debate.

**Mr. Munyao:** On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect, the documents that the Leader of the Official Opposition is quoting are available to the public. Is it necessary to duplicate the information by telling it to those three Ministers, one of whom is a Professor, another a lawyer, and the other the most learned young turk? Why should you punish the Leader of the Official Opposition who has got such a busy schedule by asking him to substantiate those allegations because he wants to remove this naughty Government from power? Is it in order to bother Mr. Kibaki to go out and get the same information just to duplicate it in the House? Why do you not let him continue giving better information?

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, I think this matter should be left where it is. The truth is that in all these negotiations, some issues do come out. For instance, if you are told that in a particular company, one of the issues is that the pensions of the workers in that company have been taken and used; if you are buying the company, you will want to know how the issue of pension will be treated. Is it included in the price you are paying for the company? How will these workers' pension which has all been taken and invested in that company be treated? If you read somewhere that this is one of the issues which is holding negotiations, you become informed. You are wiser than you were before, because nobody had told you that this is one of the issues, which is holding up the negotiations. I do not know why anybody should worry when we learn about these issues because they have made no efforts to tell us where the matter is held up. What is wrong with us learning this information from whatever source? Nothing!

**The Minister for Transport and Communications** (Mr. Mudavadi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Kibaki is contradicting himself because he said: "Let the matter rest there", and then he ended up re-opening it. When the tender for the Telkom privatisation went out, a data room was opened where anybody who was interested in undertaking the purchase of Telkom was allowed to look at all the details relating to Telkom, including all its liabilities and assets. The issue of the pensions was available in the data room. It was not new information coming out to these other people. It was not anything new. Nothing was hidden. All this information was made available within the data room. So, we are revisiting the whole issue that he says we should now put behind us. In any case, I think it is credit to the Government that this particular aspect was not completed.

**The Minister of State, Office of the President** (Mr. Ntimama): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think you have just ruled that we strictly concentrate on the Report of the Select Committee. I admit that we are in the information age. We have access to both electronic and digital information, and there are papers floating all around this world from America and Britain. Nobody is restricted from reading any newspapers. So, wherever you get the information from, it is your right. Can we stick to the issue at hand?

**Mr. Kibaki:** Mr. Temporary Deputy Speaker, Sir, we are not talking about things which are hidden. We are merely saying that we are perfectly right to believe and bring out in the open, things we learned which we had not heard about from any other source. Here is a case where somebody who had offered a lesser price was later invited as being a more credible and better client to deal with than those who had offered a higher price. All those are facts. When you sell something, I think you would sell it to the best buyer. It is a matter of principles. If somebody is offering you a better price, you would think he is the one you would sell your product to. If you sell your product to the one who is offering you a much lesser price, we might tend to think there is something hidden behind this. *Kuna kitu hapo ndani.*

(Laughter)

It is not logical! *Lazima kuna kitu.* That is all we are saying. We are not saying anything mysterious. It is very simple and you will understand that if you want to do so. You will all agree that we need to do that.

The Minister who is raising a lot of points of order here has been given a specific duty to urgently restructure

and provide the Kenya Broadcasting Corporation with adequate modern equipment. Since we want these things to be done by the time we prepare the Budget, could the Minister promise us here that he will take this action, or are we debating this Report only to find it is not appearing anywhere in the Budget Speech, come June? The Minister, in consultation with his colleagues who are here, can tell us whether we will have this development. There is nothing to inhibit them from this matter, and they will not be misquoted; certainly not by the KBC. Therefore, they should be able to tell us here that they will have brought these simple amendments by June, and we shall have passed them.

Mr. Temporary Deputy Speaker, Sir, that is what I would like to hear from them because we are talking about moving forward. The matters which are now in our way are only these amendments to these laws and the provision of the finances that are needed. That is all. So, I hope that they will actually assure us on this issue when the Minister is replying, or, perhaps, he can ask his colleague to speak about it.

Mr. Temporary Deputy Speaker, Sir, finally, since the Government has shown that they are allowing some other people to enter the media industry, and that one of them was assured the other day, why can they not assure all of the others that they will be allowed to enter the media industry? Why is this restriction there? In order that you may not say that you have an ulterior motive for denying these rights to Kenyan citizens, so that you do not say that you are being accused unfairly, could one of you stand up here and without hesitation say: "Kenya is not behaving like Tanzania, Uganda or the rest of the world, although this is the age of media and we are not going to allow freedom of the media for reasons one, two, three and four?" Can they say it? Why do they hide? What is being hidden, and why these limitations? Kenya needs to join the rest of the world and the Government has a duty to tell us why it is not allowing it and to stop these monopolies. They are still keeping a monopoly on this Telkom and we cannot get new people entering that sector. Why? What is the reason? Could we be told the reason? Otherwise, how are you only being interested in one sector like this, whereas the point of growth in information is where there are new people with new capital to invest, so that we have the most modern media? This is because the media and the means of communication are changing so rapidly.

Mr. Temporary Deputy Speaker, Sir, in this House as you know, we want to have an information centre and the Parliamentary Service Commission, in liaison with other sectors, wants to establish one in Parliament. This is so that we, as Parliamentarians, can also have access to information. How can we have access to information if the Government is stopping those who can invest in information through these restrictions? Can they be removed so that even this Parliament can have its own internet and so on? Through this, we shall be able to reach everywhere. We shall reach information available around the world from Parliament, and that is the way the new Parliament should be. So, I hope that these questions can be answered by the Ministers. The Government is trying to complain about the truth, which we all know is truth. Truth is truth and it will remain truth.

I beg to support.

**Mr. Ochilo-Ayacko:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to make my contribution. I know hon. Kirwa has been thanked for chairing this Committee. I would also like to add my voice to the expression of gratitude to hon. Kirwa for the manner in which he chaired the Committee, and for producing this very good Report that we are debating now.

Mr. Temporary Deputy Speaker, Sir, I also want to say that I admire the eloquent manner in which the Official Leader of the Opposition has articulated the need for broadcasting the proceedings of this House. However, there is an aspect that he should have come out with very clearly. We know very well that the need to broadcast the proceedings of this House has not arisen today. This need did not arise last year, nor did it arise ten years ago. This need has always been here with us. So, for the Official Leader of the Opposition to have wholly blamed the Government and not taken a share of that blame for having been in Government when that need was not addressed, is not correct. So, to that extent, he needed to have taken responsibility for having been part of the system that did not allow broadcast of the proceedings of the House.

Mr. Temporary Deputy Speaker, Sir, having said that, what we are debating today should not be seen in the light of what this House needs alone. It should be seen in the light of what the entire nation needs. This country needs information in all the spheres of its life, development and activities. So, as hon. Members of the House debate the need to broadcast activities of this House, let us know that as we debate it, Kenyans do not enjoy adequate freedom to debate their issues. Kenyans do not enjoy adequate freedom to associate, assemble and go about their things in the way that they would best enjoy to do their things. So, as a House, we should not be selfish. We should not desire to be covered in the media, to be heard and to be seen how smartly we are dressed, but we should also look at the broader freedom that Kenyans need. I think those who have spoken in favour of liberalising the entire airwaves in Kenya have spoken well. It would not be fair to say that: "Yes, the House should be viewed or listened to by all Kenyans, but the proceedings of the High Court should be held in camera or in some hidden places where the judges are guarded by policemen", and Kenyans have no access to them. So, there is need for the Government to come up with a comprehensive Bill that will address the rights of Kenyans. That is, their rights to freely speak about their issues and to

be heard wherever they address such issues, even if they are addressed in other fora, but not in this House.

Mr. Temporary Deputy Speaker, Sir, so there is an urgent need to look at the Constitution of this country and the Kenya Broadcasting Corporation Act and amend them to such an extent that all other persons that are equipped with knowledge and resources with which to market to Kenyans have access to such facilities, and do market such knowledge to Kenyans. This is so that it is not just politics that Kenyans get, but other issues that they need to get.

Mr. Temporary Deputy Speaker, Sir, it would also be proper and in the interest of the relevant Ministries to go about encouraging broadcasts in regions. For instance, they should be encouraging stations to be coming up in places like Eldoret, Kisumu, Kakamega and Machakos, so that people in the whole country, when it comes to issues to listen to, do not concentrate on what is said in Nairobi alone. This country is much bigger than Nairobi and it can only develop if all regions are allowed access to information, and the only way and manner in which they can be allowed information and access to the same is by the Government taking a lead. The Government should set up stations all over the country, probably in all provincial headquarters, so that we also have regional media houses before the process of liberalisation is put in place entirely. This is because if you privatise and liberalise the media waves without taking a lead and making places like Wajir, Garissa and other places newsworthy, the private media is likely to concentrate in places where business is done. I think that is not what the Government desires, and that is not what Kenya desires. Kenya desires development in terms of dissemination of information in all areas.

Mr. Temporary Deputy Speaker, Sir, after listening to the complaints levelled against KBC, I must agree that they were justified. In fact, the contributors were modest. KBC has not availed correct information to Kenyans. They have not availed adequate information to Kenyans, both in terms of debate in this House and political functions elsewhere. That blame should not be on KBC alone, but even on the private print media houses and private broadcasting stations. The private print media houses have not been objective. So, the problem of partisan information is something that we need to look at.

It is hard to regulate information because if we do so, we will stifle it. But we must admit that even media houses, like *Daily Nation*, *The East African Standard* and *Kenya Times*, sometimes take a highly partisan position and they tend to give blackout to issues that are not dear to them. This is what we are blaming the Kenya Broadcasting Corporation (KBC) for. I think media houses that attend to proceedings of this House should also know that this is a young country, and that it requires accurate reportage. That is when information will flow in its true sense and transform itself into development value to Kenyans.

Mr. Temporary Deputy Speaker, Sir, this Report is timely because it is at this particular time that we are debating reforms in this country. We want to reform our institutions and laws. For Kenyans whose views we would like to take into consideration when we are reforming our institutions and laws, there is need for them to know their Parliamentarians. There is need for those Kenyans to know what their Parliamentarians say and whether they mean and practise it. The only way they can know and judge us correctly is by having live reportage of the proceedings of this House, both at Committee and plenary level, as it is now. Most politicians are elected to this House on account of what they do outside this House. They are basically elected on account of how much money they peddle out there, if I am to talk correctly. But they are not elected on account of the seriousness with which they legislate on behalf of Kenyans. If we do not move fast enough and have proceedings of this House reported, then we risk being irrelevant in the eyes of Kenyans. We risk having Kenyans elect people who may not speak. I do not want to say that they will elect people who are dumb, because even the dumb or the deaf can communicate. But people who will not communicate will only need to make technical appearances here and drive back to their constituencies. They will mysteriously produce a lot of money and claim that they are development-oriented.

We know that this House is set up by law for the primary purpose of legislation and the other very important purpose of collecting revenue and pursuing development on behalf of Kenyans. What we are debating here today might not benefit this House, but it is the right of Kenyans to know what we do here for them, so that when they exercise their other right of removing or re-electing us, they do it with the full knowledge that they are removing or re-electing people who have the interest of this country at heart.

Mr. Temporary Deputy Speaker, Sir, in conclusion, there are Standing Orders of this House that prohibit the publication or revealing of what transpires before Committees of this House. Those Standing Orders should be amended as quickly as possible because of the very reason that Kenyans need to freely know what happens even at Committee level. At plenary here, not much happens. In fact, a lot of times, we engage in irrelevant debates. But in the committees, that is when you may see the transactions of the House as the House. That is when issues are done in a focused way, and that is when the reports that come here are addressed and full stops and commas put. That is what Kenyans need to know.

With those few remarks, I beg to support.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I wish very briefly to support this important Motion. I would also like to urge that not only should we adopt the Report, but we should go further and implement it.

Unfortunately, the history of this Parliament is littered with many Reports which we have adopted, but have not been implemented. Let the Government, and in particular, the Deputy Leader of Government Business, give an undertaking to this House that when this Report is adopted, the Government will implement it.

I would like to commend the Committee, including its Chairman, for doing a very thorough job. I have gone through the Report and truly, they have done a very commendable job. I have only one little quarrel with the content of page (vii) where they are recommending that in the event of unparliamentary behaviour or disturbance on the Floor of the Chamber during a live coverage, cameras must focus on the Chair. Why should this happen? We are talking about transparency. We are talking about the whole country knowing what is happening in this Chamber. If I come to physical blows with my friend, Mr. Musyoka, why should cameras be ordered to move from the physical confrontation to focus on the Speaker? We cannot have transparency and then at the same time, try to cover unbecoming behaviour from the Floor of the House. If there are people who are fighting here or grabbing the Mace, let them be seen; after all, members of the public will be there watching to see what is happening. The whole reason for televising the proceedings is in recognition of the fact that the entire Kenyan public cannot come and sit in the Public Gallery. So, if the public is able to witness any physical confrontation on the Floor of the House, why do we want to deny the other Kenyans the opportunity to see the same? Let the Member for Mwingi North and the Member for Kabete embarrass themselves in front of the cameras.

We are trying to elevate the quality and the level of debate. This will act as a very necessary inhibition. If I feel tempted to be rude or unparliamentary, I shall bear at the back of my mind that in the evening, I may be sitting with my dear good wife and my daughter, watching television and they will ask me: "Dad, is that, truly, you who was doing that?" This is a good quality because it will enhance the quality of debate. So, let us remove this recommendation. If there is anybody grabbing that Mace, as we intend to do during the Budget Speech, if the Minister for Finance does not include in that Budget adequate financial provision to pay the four remaining phases of the teachers salaries', let him be seen. We intend to stop the presentation of the Budget through mass action. Why do you want to deprive Kenyans from seeing what is going on? Let us not tell the camera persons what is newsworthy and what is not. We are not trained as journalists. We should not judge for the media what is newsworthy and what is not. So, if journalists feel that hon. Members' unbecoming behaviour on the Floor of the House is what is newsworthy rather than Mr. Speaker sitting in the Chair calmly and in dignity, let the cameras be allowed to tell Kenyans what their handlers consider to be newsworthy. Why should we direct media houses to ensure that in the event of unparliamentary behaviour, or disturbance on the Floor, all cameras must focus on the Chair? Why should there be such a restriction? That contradicts the spirit and the intention of the entire Report, which is otherwise an excellent Report.

Mr. Temporary Deputy Speaker, Sir, one other point I would like to make is that in order for these recommendations to be implemented effectively, there should be a new style of managing affairs at the Communications Commission of Kenya (CCK). It will be no use allowing the *Nation* TV to televise the proceedings of this House when it is only licensed to cover Nairobi and its environs. So, in order for the implementation of this Report to be meaningful, we must license all the media houses to have a nationwide reach. We must be fair to all the media houses. We must not favour certain media houses. I am glad the Minister for Tourism and Information is here.

If you examine the way media houses in this country have been licensed, you will find a certain common denominator; the people who hover around the corridors of power are the shareholders of the media houses which have been licensed. Media houses belonging to friends of the people in power are the ones which have been licensed to undertake a nationwide coverage. Other media houses have been restricted to the urban centres, particularly Nairobi and its environs. The criteria being used in licensing media houses is not fair. It is no use licensing a media house and then going ahead to circumscribe its area of reach. We want all media houses to be equitably licensed to reach the entire country. That is how we can bring about competition among media houses, which will lead to quality coverage of issues.

So, let us adopt this Report; let us not put it in the shelves as we have done with other Reports. Let us license all the media houses. We should have started televising the proceedings of this House a long time ago and not tomorrow.

With those remarks, I support.

**Mr. Maundu:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity. I rise to support the Report. I would like to disclose that I was a Member of the Committee which went round the world and came up with this Report.

Mr. Temporary Deputy Speaker, Sir, the Committee did consider all the possible scenarios for purposes of broadcasting and televising our proceedings, and more particularly within Africa. We visited a number of countries where we communicated with colleagues in various Parliaments to find out how they broadcast and televise their proceedings. We, indeed, visited the Netherlands and the United Kingdom (UK) to find out how they broadcast and televise their proceedings. We also talked to our brothers next door in Tanzania, to tell us how they broadcast their

parliamentary proceedings. When we came to prepare our Report, we settled for an organised and well-structured system for the purpose of broadcasting and televising our proceedings within Parliament. However, we thought that the South African approach and that of the UK were the most viable for our country. We have presented that position in our Report.

In this Report, we have made clear recommendations on how matters should be handled within the Chamber, and how information should be disseminated to the public. I believe that the Report is concrete enough for the Minister for Tourism and Information to implement for the benefit of the Kenyan public. There was fear that hon. Members will be caricatured while in the House. It was felt that hon. Members would be pictured in positions that would be detrimental to their known image for purposes of scandalising them. This particular point was very strongly argued out. It was felt that some hon. Members may be captured on cameras while dosing in the Chamber, and that their opponents at the constituency level would use such pictures against them.

We have, therefore, recommended some rules to regulate the kind of pictures to be taken from the Floor of this House. Generally, we recommend that an hon. Member should not be presented to the public while in undesirable position or in a manner which is inconsistent with his known outlook and character. This recommendation will enable even Mr. Sifuna to be presented in very good light when he addresses serious matters such as the ones he discussed here sometime back. Nothing negative will be highlighted about him, and Kenyans will not feel that he is a lot more unfavourable while in Parliament than when is out there. So, he will not have to take cover in some place when matters become a little tough for him. So, this is a Report which we must implement.

The other aspect we have considered is the fact that hon. Members will try to be very thorough when they contribute to debate before this House. Hon. Members will no longer come here and present material which is far below standard. They will be forced to conduct serious research and present opinions that will be acceptable at the national level.

**Mr. Wamunyinyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard Mr. Maundu mention Mr. Sifuna. He attempted to insinuate that Mr. Sifuna attempted to take cover following some utterances he made here about divorcees. You will remember that Mr. Sifuna stood by his ground and said that he stood by what he had said in the House. Is Mr. Maundu in order to mislead the House?

**Mr. Maundu:** Mr. Temporary Deputy Speaker, Sir, I will treat my friend with the contempt he deserves. He is not Mr. Sifuna. If Mr. Sifuna did not hear what I said, I do not understand why Mr. Wamunyinyi should complain.

Mr. Temporary Deputy Speaker, Sir, I was saying that it is absolutely important that hon. Members come here with well-researched presentations. We do not want this House to be an ordinary place where people can say all sorts of things and get away with it. We want our constituents to know the kind of persons they have sent here to represent them. We also want to do away with the tendency by some hon. Members to take a mediocre approach to issues. We believe that after the implementation of this Report, constituents will find it very difficult to bring here people who do not stand for anything.

Live coverage of our proceedings will force hon. Members to take a serious approach to issues, and intellect and common sense will become part and parcel of Parliament. That way, mediocre leadership will not find its way into this House. That is the way we want to look at things. We do not want Members of Parliament to come here and ridicule the citizens of this country and get away with it. We would like Kenyans to have a chance to assess their representatives here as they address issues. We do not want mediocrity repeated in this House, to the extent that people who cannot even present view points are elected to this House. We want our electorate to be informed of the manner in which hon. Members present their points of view in this House. We thought that, that was a very important point for consideration.

Mr. Temporary Deputy Speaker, Sir, but prior to that, we did recognise that only KBC relays information nationally. There was sufficient limitation on the part of the other media. We realised that there are those media which want to invest, give information to our people nationally, and they do not seem to have that opportunity. In this Report, we did say that it was absolutely necessary that the airwaves be fully liberalised so that any investor who wants to give coverage nationally has that opportunity. I think it is absolutely necessary in this day and age to have the airwaves fully liberalised. I do not see any particular hitch in that particular approach. All the countries in our neighbourhood - Uganda and Tanzania - have fully liberalised their airwaves, and I think we have not lost anything.

I would like to say that this coverage will also make sure that Kenyans get what they deserve. We were thinking of a channel that runs throughout the day, to give what Parliament says, but we found out that it may not be very possible. So, we provided a mechanism in which our coverage is going to be presented during news time or any other time; a live coverage when Parliament is sitting. I think the time has come when we should have a fully operational broadcasting station within our Parliament. We are not a small nation in terms of priority within Eastern Africa. We are not a small nation in many other aspects. I believe that when the Minister considers his Budget, he is going to make sure that the bulk of the facilities that we require for purposes of transmission are provided. I think, as a

Parliament, we must give priority to those issues.

The Eighth Parliament will be remembered for making provision for live coverage for its contributions to the nation. It will be a travesty of justice to deny them that opportunity during this time. As far as we are concerned - as Parliament - I believe that this is a matter that we must give full support. When the Minister replies to the Motion, he should commit himself in order to make sure that, at least, Parliament is covered live. There were other matters contained in the Report; a Censorship Board that was going to be put in place for purposes of making sure that everything operates professionally. There are rules, of course, that the media will have to observe in the manner in which it will cover these issues. I think it is a good thing; I believe we should support it. The Minister should also make sure that he implements it. We would like to see a fat budget during this year so that those who are entrusted with the implementation of the broadcasting service may undertake that process.

I beg to support this Motion.

**Mr. Munyao:** Thank you, Mr. Temporary Deputy Speaker, Sir, for also giving me this chance to join other earlier speakers in congratulating this able Committee, led by one of us, for having done a beautiful job. We must accept that this Committee has spent hours, days and weeks in preparing a beautiful and useful Report. We, therefore, compliment them for their beautiful job. It is even more beautiful because the Committee has given a time frame as to when their Report should be implemented. I would wish that all other Committees in future will give a time frame as to when their recommendations will be implemented by the Government. This is because this Report is now pinned on a given time. It can be implemented, and the date is given as 1st of July.

Having complimented the Committee, I would also wish to appreciate the fact that we have a new Minister for Tourism and Information. Earlier on, we used to call his predecessors as "the Ministers for Misinformation." The current Minister for Tourism and Information has ascended to another level in his party because he is now the Vice-Chairman of the new KANU. This will be the first Government Motion the Minister will respond to on behalf of the Government since he was elected as a Vice-Chairman in the recent new KANU elections. Therefore, Kenyans and the World will be looking at the Minister, to see what he is likely to say. They will test his position; whether he will accept this Motion or not. They are looking forward to what he will say.

Mr. Temporary Deputy Speaker, Sir, from the face of the Minister, whom I know very well, I can say that he is likely to commit the Government on this Motion because it is beautiful. When the Committee toured other countries, particularly the UK and South Africa, one thing that they did very well was to compare expenditure of such a service and other issues. This is because to implement this Motion, it will entail Government expenditure, and we must prove the reason for it. We do not want to be seen by Kenyans as if we want to be covered by this new service, to spend money without a justified reason. I am happy that, at least, this Committee went around the UK and South Africa, and they have included all their experiences in their Report. One of them is that it is worthy for the taxpayers' money to be spent in implementing the recommendations contained in the Report.

In the past, we have had only one system through which to inform Kenyans. We used to call KBC - in Kiswahili - *Kenya Bila Chakula*. KBC will now be able to justify its existence and to have something to quote from. There is no other channel as effective in carrying out civic education than the media. We commend what the media has done in Kenya up to this time, but more so, we would like the rest of the media to cover as wide as possible, like KBC, in order for them to send their information well beyond where they have been reaching.

A lot of earlier speakers have talked about limitation of the media to a certain area, because you cannot get certain media beyond certain point. It is crucial for every broadcasting service within the country to be heard all over Kenya and beyond. Let Kenyans be able to determine which media is giving the right information.

I have lived in the USSR for several years, and we used to read newspapers a day earlier. For example, news for 3rd April, 2002, was read on 2nd of April, 2002. This is because the Government at that time pretended to know what people should know. So, that is not information; that is news of today---

### QUORUM

**Mr. Wamunyinyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It appears that a very important Motion is going on, but we do not have quorum.

**The Temporary Deputy Speaker (Mr. Muturi):** Yes, there is no quorum. Ring the Division Bell. He is right somehow. We have to amend our Standing Orders.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker (Mr. Muturi):** Order, hon. Members! We now have a quorum. Proceed, Mr. Munyao!

**Mr. Munyao:** Mr. Temporary Deputy Speaker, as soon as the parliamentary proceedings are transmitted through live broadcasting, lack of quorum will be a thing of the past. We may have to amend our Standing Orders to provide that when the Leader of the Official Opposition and the Leader of Government Business are in the House, lack of quorum should not be an issue. I can see that all the four Vice-Chairmen of KANU are in the House, together with the Leader of the Official Opposition. That gives us a total of five eminent persons! That number should constitute a quorum in future!

Mr. Temporary Deputy Speaker, Sir, when I was in the Soviet Union, issues of the following day were reported by newspapers a day earlier. That was not information!

*(Mr. Kiangoi consulted loudly)*

Mr. Temporary Deputy Speaker, Sir, if quorum is being constituted by people like Mr. Kiangoi who has just come in and is engaged in loud consultations, then there was no need of having that quorum in the first place. I cannot be heard! The Chair should ask him to leave us in peace. When he was not here, I could be heard.

**The Temporary Deputy Speaker** (Mr. Muturi): Order, Mr. Kiangoi. Please, consult in low tones.

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, the media are very educative and they should be allowed to perform this function without hindrance. I would like to associate myself with the sentiments made by hon. ole Ntimama with regard to the gutter Press. The gutter Press is giving us a lot of useful information that the daily newspapers are not giving. If some people feel that they have been defamed by the gutter Press, they can go to court and seek redress. Why should we limit information? The information given by the gutter Press is more useful than that given by the daily newspapers. It is very difficult to draw a distinction line between the gutter Press and the daily newspapers. Information will always remain information! If the gutter Press can countercheck their facts before publishing, then they should be allowed to function just like the other newspapers.

Mr. Temporary Deputy Speaker, Sir, when implementing this Motion, I would like the Minister to involve the Committee that came up with this Report. The Committee interacted with many experts in the course of their discussions and we would like them to be part of the implementing team. Any law which comes into existence might infringe on the functions of other laws already in existence. That is one of the things which this House must consider. When we implement this Motion, and the House sits from 2.30 p.m. to 6.30 p.m., many people will not be able to watch the live coverage of Parliament because they will still be working in their offices. When this Motion comes into existence, we should consider changing the sitting programme of the House so that our people can follow the live proceedings of Parliament. I have travelled to many Parliaments and some of them sit even up to midnight. It will help a great deal if we changed the sittings of the House so that the Kenyan public can get a chance to watch the live proceedings of Parliament.

Mr. Temporary Deputy Speaker, Sir, the live coverage should not be limited to Parliament only. It should be extended to other important functions where political parties are engaged. Last year, on 5th October, the Democratic Party held its national elections at Kasarani. If that function was televised live, Kenyans would have seen a big contradiction between those elections and those of KANU. Our elections began at 6.00 a.m. and ended at 1.00 a.m. Those of KANU took less than two hours! Kenyans would have been able to know how democratic elections are conducted. We support liberalisation of the airwaves so that flow of information may be forthcoming in our country. There should be no limitation. Investors should be free to invest in the media without hindrance. I am grateful that the Minister has now lifted the ban on *Citizen Radio and Television*. There was no reason at all to ban *Citizen Radio and Television* or any other investor in that field. That was a commendable job done by the Minister.

Mr. Temporary Deputy Speaker, Sir, total liberalisation of the media should be done this year because this is an election year. There should be total freedom for the media so that people can get informed. This Motion has come at the right time when Parliament is transforming itself. Under the Parliamentary Service Commission, we are now transforming ourselves and we are getting experts who are experienced in various fields to man the different departments of this Parliament. We would like the Minister to confirm to the House that he will include in the Budget, money for the implementation of this Motion.

With those remarks, I beg to support.

**The Minister for Tourism and Information** (Mr. Musyoka): Thank you, Mr. Temporary Deputy Speaker, Sir. Indeed, I have been listening. If my learned friend, Mr. Orengo, was here since this Motion was moved, he would have realised how patient this Minister has been, literally listening to every speaker. I want to take this opportunity to thank all the hon. Members who have contributed to this debate. I know that, that is the province of the Mover of this Motion.

I have listened so carefully to various speakers and I want to mention the following hon. Members: Mr. Ndicho, Capt. Ntwiga, Mr. ole Ntimama, Prof. Anyang'-Nyong'o, Prof. Ongeru, Mr. Raila, Dr. Ochuodho, Dr.

Anangwe, Mr. Kibicho, Mr. Kihoro, Mr. Arap-Kirui, Mr. Omingo, Mr. Keah, Mr. Maitha, and I thank him very much for his appreciation of the Pwani FM station; Mr. P.K. Mwangi, Mr. Kariuki, Mr. Kibaki, Mr. Ochilo-Ayacko and Mr. Muite. In fact, the list is impressive. Last but not least, I want to thank Mr. Munyao for the kind things he said about this Minister, and Mr. Maundu as an hon. Member of the Committee. What stands out clearly is that hon. Members are unanimous in their support of this Motion. I want to say at the outset that the Government is not opposed to this Motion.

I wanted hon. Members to internalise as much of the substance of this Report as possible, so that they know exactly what they are opening themselves up to. I can see they are very enthusiastic about it. The Committee took note of the relevant legislation passed by this House at one time or another. There is need to harmonise the law relating to, for instance, libel and defamation. I listened to the eloquent presentation by Mr. Kibaki, the Official Leader of the Opposition, when he said that everything should be said. It is important to recognise, as Mr. Raila pointed out, that there has to be the attendant sense of responsibility, so that innocent citizens are not injured from the Floor of this House. A lot of injuries so far have been occasioned even without the live broadcast. That is why, under the parliamentary privilege, a lot of hon. Members have been challenged to repeat what they said in this House outside. Can you imagine what harm this would occasion when it is broadcast live? Mr. Muite said that when he gets home, his wife and daughter would ask: Was that you dad? That would have been too late. They would have watched the live coverage and the harm would have been done.

So, it is important for all of us to appreciate this important step that we are taking. I am so grateful that many speakers clearly saw the possible harm to innocent citizens, yet others were very positive. Indeed, I think it is that positive mood that we want to elaborate on as a Ministry, and point out, for instance, some of the salient points that this House will need to consider. Indeed, I want to agree with Mr. Munyao that the Committee that has been handling this Report will have to work with my Ministry to see whether it can actualise this Motion at the shortest possible time. Indeed, this Report was supposed to have come into effect by July, 2001.

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, if you could save me from these loud consultations, I will make the next important statement.

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

**The Minister for Tourism and Information** (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, one other thing that I wanted to point out, because Dr. Ochudho elaborated on it, was the need to have a legislative framework, which governs broadcasting in our country. I have heard a lot of representations from the Floor of the House to the effect that the playing field is apparently not even, and that is what Prof. Anyang'-Nyong'o calls "crony capitalism." I beg to differ with him because we do not practise that in my Ministry. It is not Government policy to have what he calls "crony capitalism", neither is it the Government policy, as Mr. Kibaki pointed out, for the Government to lie to the national broadcaster.

Mr. Temporary Deputy Speaker, Sir, indeed, I want to say that we are soon publishing the Broadcasting Service Bill. The draft is already entitled "the Broadcasting Service Bill, 2002." The preamble to that Bill reads as follows:

"An Act of Parliament to provide for the licensing and regulation of broadcasting signal distribution; broadcast receiving sets, and for the licensing of dealers of broadcast receiving sets."

Mr. Temporary Deputy Speaker, Sir, I want to accept that at the present moment, we do not have the necessary legislation to govern the issuance of licences. Mr. Munyao rightly pointed out that Citizen TV and Radio are now back on air. I wish he could talk to them so that they could pay their dues to the Communications Commission of Kenya (CCK). This is because of what they have seen as a loophole, and they continued to violate even the existing legislation under the CCK Act. This is important to us. I am informed by my Permanent Secretary that the matter has gone to the Attorney-General, who is actually present in the House. As soon as they get communication from the Attorney-General, the matter will receive further and urgent attention, so that at the soonest convenience, we will bring this Bill to the House for legislation.

**Mr. Orenge:** That shows that you have goodwill in that!

**The Minister for Tourism and Information** (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, my good friend, Mr. Orenge, is talking about "showing goodwill". I think that is really what I am trying to do by not even opposing this Motion. It is important to recognise that a lot needs to be done.

In few moments, I want to highlight before the House the cost implications of live coverage of parliamentary proceedings. It is important to know what we are committing ourselves to. The recommendations of the Select Committee on Broadcasting have the following implications:



1. The idea of live coverage of parliamentary proceedings is, indeed, a good idea and practical, as hon. Members have observed, even within the spirit of East African Community. We are the odd ones out and, in fact, Kenya should be the trendsetter. I do agree with that elaboration.

2. Ownership of programme-carrying signals and the World International Property Organisation (WIPO). Under the provisions of that very important organisation, a broadcaster owns the signal and transmits from his facility. In this case, therefore, if Parliament intends to own the signal, then Parliament should have a transmitting station of its own in Parliament. This is a possibility that can be gone into because if it owns the signal, then Parliament will be able to distribute information to various media houses.

3. Ownership of a transmitting station has the following financial implications. The product cost; for instance, equipment will cost about Kshs80 million. I gathered from the Speaker that there seems to be some "seed money" already set aside under the Medium-Term Expenditure Framework (MTEF) budget. I have forgotten the precise figure now, but I think the Parliamentary Service Commission will be able to ascertain what is there.

4. Production cost of about Kshs72 million per annum, transmitting stations on TV and radio would require a budget of Kshs1.5 billion. I am sure this can also be adjusted. These are rough estimates, and it is important then to see and if we are going to have a delay in actualising this project, it will not be one of commitment on our side as Government, but it will still mean that we will have to tax Kenyans much more. It is important to realise that the Government is doing forward budgeting and I hope that some of this can be reflected in that budget. That is option one, where Parliament chooses to own the signal. I have not even mentioned electricity, personnel costs, spares and maintenance. We do need major studios in this House.

Recently, I returned from a visit to Egypt and I saw what they are calling "Media City", on the outskirts of Cairo. It is really a First World stuff; better than Hollywood in a Third World country.

I think there is something for us to learn from our neighbours. If we go for quality, then we will have necessity to incur cost. I do agree with the findings of the Select Committee that there is need to revamp studios of the KBC. In trying to do so, that will also mean that we incur cost. I will seek the support of this House when we do bring in our estimates during the Budget. I hope the management of the KBC, who are represented at this sitting, are taking the necessary notes so that we can put our budgetary proposals for consideration by Treasury. If, indeed, you give us that support, we will be able to move as fast as we can to standardise and improve the studios of the KBC. We all know that there is urgent need to improve the studios of the KBC. For instance, at the moment, we cannot talk about digital transmission in the KBC, yet this is the order of the day elsewhere.

Mr. Temporary Deputy Speaker, Sir, the other alternative is to have the KBC undertake live transmission of parliamentary business to minimise on the cost due to the already existing infrastructure. I think this is what the Select Committee recommends. In the event this option is viable, it is my suggestion that the Select Committee sits down with officials from my Ministry to work out the details. Of course, it is apparent that the KBC will, after some time, own the signal. Ownership of a signal in terms of intellectual property organisation is so important. If the ownership of the signal is vested in Parliament, it will not be easy for other media houses to want to buy into that as well. This is because Parliament itself will become a competitor. In this case, as I said, Parliament will not own the signal. However, for effective transmission, we will need to establish studios in Parliament and have staff seconded to the House. The financial implications are roughly that equipment will cost about Kshs8 million. The production cost will remain as it is. However, there will be a major saving in terms of the Recurrent Expenditure.

Mr. Temporary Deputy Speaker, Sir, in concluding, the time frame of implementation should be expanded to cater for planing, design and sourcing of equipment. I think the House should not be surprised if the implementation takes a little longer than anticipated. Indeed, the conservative estimate is that we do need another year to be able to start live broadcasts. On the whole, as I said, we are not averse to this, but we also realise that certain sections of the Constitution need to be amended, to take into account the needs of those hon. Members of this House who are disabled. For instance, the rules relating to strangers in this House need to be amended so that those accompanying hon. Members with disabilities will not be in the category of strangers. That is so vital. That requires a constitutional amendment to Section 79. So, when we talk about the question of constitutional amendment, we are talking about one aspect that is so time-consuming. We all know this from the recent experience which we are going through at the present moment.

Mr. Temporary Deputy Speaker, Sir, there also has to be a serious sense of responsibility. If we are going to own these products, then we need also to bear in mind the needs and requirements of the people. For instance, out of 210 constituencies, we need to move very fast because apart from perhaps receiving from the World Space Radio, we can receive from the satellite. Our constituents can follow live debate over radio. But it is another story when you are talking about live coverage on television. Live coverage on television can only benefit urban dwellers. This country, as we do know, has 80 per cent of its population in the rural areas. The onus is on us to ensure that we have rural electrification as fast as we can in order to enable the citizens in the constituencies to follow what goes on in

Parliament from where they live.

I do agree with Mr. Muite that there is no need to focus on the Chair if there is some interesting disturbance in the House. I think it is really kind of saying on the one hand, you support the freedom of expression, and on the other you want to be able to cover the misdeeds. I think the best way to have a sensory based responsibility reigning on the Floor of the House is to really be free. If there are things that make some people fight each other, let the citizens see the conduct of their own hon. Members of Parliament. I think there cannot be a better lesson than when I go back to my constituency after people had seen me trying to wrestle Mr. Munyao. I think both of us will be the losers. That is the kind of lesson that Kenyans will be expecting.

Mr. Temporary Deputy Speaker, Sir, I also would like to say that when it comes to covering the deliberations in the various Committees of the House, then I think the rules need to be worked out in some detail. I wanted to seek the indulgence of the House, so that we can work together, because, I can assure you, my Ministry was not even consulted when they finalised the rules that are part of this Motion. I think it is important for us to ensure that the rules that we put in place are rules that are practicable, have a relevance, and would have been a product of wide consultations.

With those remarks, I beg to support.

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

We saw what coverage means during the recent elections; the democracy in KANU at Kasarani. We saw it and my mother saw what democracy means to KANU and NDP. We saw it happen on the KBC, KTN television stations, and all other media. Everybody in Kenya apart from the 6,000 delegates, saw it happen in a democratic system. We saw Mr. Biwott becoming the Organizing Secretary of the New KANU unopposed. Somebody simply proposed his name, then it was seconded, and Mr. Biwott, without having held any position in KANU, became the strongest person by democratic means in the New KANU. We saw it!

**The Minister for Trade and Industry** (Mr. Biwott): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Gatabaki in order to mislead this House that I hold no position in KANU, when I am the KANU Chairman for Keiyo District and also the Rift Valley representative in the National Executive Council?

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Muturi): Hon. Members, it is now time to interrupt the business of the House. The House, is, therefore, adjourned until tomorrow, Wednesday, 3rd April, 2002, at 9.00 a.m.

The House rose at 6.30 p.m.