

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 25th July, 2000

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.282

STATUS OF ONGICHA/MATIEKO
PRIMARY SCHOOLS

Mr. Deputy Speaker: Mr. Otula not in? We shall come back to this Question later on. Next Question.

Question No.351

PROLIFERATION OF RELIGIOUS CULTS/SECTS

Dr. Kituyi asked the Minister of State, Office of the President, in light of the genocidal events which happened in Kanungu and Kalingo townships of South Western Uganda, what action is the Government taking to protect gullible Kenyans from the acts of con men behind the proliferation of religious cults and sects.

The Minister of State, Office of the President: (Maj. Madoka): Mr. Deputy Speaker, Sir, maybe we should wait for a while. My colleague should be on the way.

Dr. Kituyi: Mr. Deputy Speaker, Sir, you might remember that last week, the hon. Minister said exactly the same thing that there was an answer from the Office of the President on its way here. Is that answer still on its way since Tuesday last week?

Mr. Deputy Speaker: We shall come back to the Question later. Maybe, the answer is crawling from the Office of the President.

Next Question!

Question No.468

WHEREABOUTS OF MR. KAIYAKA

Mr. Deputy Speaker: Mr. Muiruri not in? We shall come back to the Question. Next Question!

Question No.454

BLOCKING OF ACCESS ROAD
TO WATER SOURCE

Mr. Kihara asked the Minister of State, Office of the President:-

- (a) if he is aware that one of the allottees of the ADC Ndabibi Complex Farm has denied other residents in the neighbourhood access to water by closing the road leading to the water source; and,
- (b) if he could prevail upon the resident concerned to open the road to ensure access to water for all residents.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, may we come back

to that Question the next round, please.

Mr. Deputy Speaker: Next Question!

Question No.487

STATUS OF NBK'S DEBT RECOVERY PROGRAMME

Mr. Obwocha is not in? We shall come back to the Question later. Next Question!

Question No.366

REHABILITATION OF BUTE SCHOOL FACILITIES

Dr. Ali asked the Minister for Education:-

(a) why Bute Secondary School dining hall is in a

deplorable state, forcing students to eat their meals under a tree;

(b) what happened to the money that was allocated for purchasing of cookers for the school five years ago; and,

(c) what he has done to improve the general facilities in the school.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) There are no students feeding under a tree in the school as the dining hall in question is in good state and is being used by students during meal times.

(b) A contract to supply cookers to the school was awarded to a local company, but the company later claimed that the contract sum was inadequate. The District Education Officer, Wajir has, however, confirmed that the money is still available for the purposes for which it was intended.

(c) The school which is in an ASAL area receives grants from my Ministry for the general improvement of the school. In the 1998/99 Financial Year, the school received a grant of Kshs121,800 and a further Kshs60,900 in the 1999/2000 Financial Year.

Dr. Ali: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to explain to the House what he means by saying that the dining hall is in a good state, since it has cracks all over. It has not been repaired and that is why students are eating under trees. If it was repaired, how much was used to repair it?

Mr. Karauri: Mr. Deputy Speaker, Sir, the dining hall was repaired, but I do not know how much money was used.

Mr. Kirwa: Mr. Deputy Speaker, Sir, the Assistant Minister has just said that the money which was meant to buy the cookers is still there, could he tell the House how long it has been there and why it has not been utilised?

Mr. Karauri: Mr. Deputy Speaker, Sir, the contractor said that the money was inadequate for buying the cookers, and that is why it has not been utilised. The money which was utilised was slightly over Kshs2 million.

Dr. Ali: Mr. Deputy Speaker, Sir, I do not know whether the Assistant Minister is serious or he would want me to start saying "crazy things" here? Is he sure that Kshs2 million was used to repair a dining hall or a new one was constructed?

Mr. Karauri: Mr. Deputy Speaker, Sir, I am sure. This was a grant from the European Union which was sent to the school for repairing the dining hall.

Dr. Ali: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to tell us that a dining hall was repaired with Kshs2 million?

Mr. Deputy Speaker: Next Question!

Question No.446

DISSOLUTION OF TETU COFFEE
GROWERS SOCIETY

Mr. Kihoro is not there? We will come back to the Question. Next Question!

Question No.310

REVIEW OF WAGE GUIDELINES

Mr. Ndicho asked the Minister for Labour, owing to the very low salaries paid to factory workers, coffee and tea estate workers vis-a-vis the high cost of living today, when will he as a matter of urgency review the salary guidelines and/or liberalise the salary scales in order to enable these workers attract higher salaries.

The Minister for Labour (Mr. Ngutu): Mr. Deputy Speaker, Sir, I wanted to ask for two days extension, because this Question came to my office about 12.00 noon, and I require some information from the Ministry of Finance to be able to get adequate information to answer it.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that this Question which has been a couple of months in the pipeline could have reached the Minister at midday today? Is he telling the House the truth?

Mr. Deputy Speaker: I am not satisfied either.

The Minister for Labour (Mr. Ngutu): Mr. Deputy Speaker, Sir, Questions go to officers in the Ministry who handle them. It came to me at 12.00 noon today. So, I wanted to get more information from the other Ministry.

Mr. Deputy Speaker: Order, Mr. Ngutu! Although Questions are usually addressed to the Permanent Secretary in your Ministry, they are meant for you and not for your staff. I have said in this House before, that where the Minister gets his information from is not the responsibility of this House. The Minister is personally responsible for the answers he gives and their accuracy. So, the Minister should go and put his house in order and stop giving excuses in this House.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. We have this tendency of Ministers being misled and they in turn come and mislead the House. Could the Minister assure this House that he is going to take disciplinary action against his officers who "sat" on this Question and then showed it to him this afternoon?

The Minister for Labour (Mr. Ngutu): Mr. Deputy Speaker, Sir, I do not think I had any bad intentions here. Questions come to our offices and we consult various ministries and departments. It is only at 12.00 noon that the answer was brought to my office. I wanted more information to clarify certain points. I will take the necessary action against whoever was responsible for not giving me the necessary information on time.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. This is a policy Question and the Head of State recently said that only Ministers should give policy statements. Is the Minister in order to mislead this House that his officers are the ones who were supposed to prepare the policy statement?

Mr. Deputy Speaker: I have already stated the position. The Minister takes responsibility in this House. So, if the House decides to punish him there is no way his staff are going to share the punishment with him.

Mr. Ngutu, the House is being very kind to you. Will you answer this Question tomorrow afternoon?

The Minister for Labour (Mr. Ngutu): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Before you come to give excuses here, it is important that you get the facts right. This Question was referred to the Ministry of Labour on 28th June. Now, that really, is quite sufficient time to find out from the Ministry of Finance or from whichever Ministry what information is required to enable you answer this Question. For the moment, I will let you off the hook, but you must answer this Question tomorrow afternoon.

Next Question!

Col. Kiluta: Mr. Deputy Speaker, Sir, for record purposes, I would like to state that I have not been given a written reply.

*Question No.416*BREAKDOWN OF ADMISSIONS TO
MEDICAL TRAINING SCHOOLS

Col. Kiluta asked the Minister for Medical Services:-

- (a) if he is aware that since Independence, no student from Masinga Constituency has been enrolled in the Kenya Medical Training College;
- (b) if he could table the list indicating the breakdown per district and constituency of all students admitted to the college over the last three years; and,
- (c) what action he is taking to ensure that there is even distribution of students admitted to the college from all the constituencies.

The Minister for Medical Services (Dr. Anangwe): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that no student from Masinga Constituency has been enrolled in the Kenya Medical Training College since Independence.

(b) I will table the breakdown of admissions to the Kenya Medical Training College on district basis, since admission is on district and not on constituency basis.

(c) The Kenya Medical Training College has already laid down admission requirements that have ensured equitable distribution of students from all the districts.

Col. Kiluta: Mr. Deputy Speaker, Sir, I stated in this Question that there is not a single student from Masinga - since Independence - who has been enrolled in the Kenya Medical Training College (KMTC); and the Minister has said that he is not aware of that fact. Could he inform this House, which student from Masinga Constituency has been admitted to that college?

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. The Minister had said that he was tabling a list. We had hoped that we could scan the list quickly in order to ask supplementary questions. But the Minister has sat down with it!

Dr. Anangwe: Mr. Deputy Speaker, Sir, Dr. Kituyi is always impatient. I was still sorting out my papers. Here it is! You can come and read it!

(Dr. Anangwe laid the list on the Table)

Mr. Deputy Speaker, Sir, hon. Col. Kiluta had requested me to indicate in the list the names of any student from Masinga Constituency. I have a few names here with me, just to underscore the point and it is up to him to confirm whether they are from his constituency. One is Teresia Koki Kitaka, ID No.12531156. She was admitted in 1998/99 as an enrolled community nurse trainee. She comes from a location called Kivaa. The other one is Nzangi K. Kotili, who was admitted in 1998/99 for Pharmacy. He comes from a location called Ikatini in Masinga Division. I have several other names, but the point has already been made.

Mr. Munyasia: Arising from the answer given by the Minister, is he in order to refuse to give a breakdown according to constituencies since he has now given us the names of those recruited from Masinga Constituency?

Dr. Anangwe: Mr. Deputy Speaker, Sir, I said I was going to mention a few names to illustrate my point. I pointed out these names randomly. But the kind of exercise that he was asking for was a comprehensive one where I would be required to categorise the students according to constituencies. That is not feasible!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, could the Minister tell the House why, despite the many complaints from the public about the current Principal of KMTC, the Government has found it very difficult to replace him? Does he have some unique skills that we cannot get from another Kenyan as he continues to get Kshs20,000 from Kenyans in order to admit them?

Dr. Anangwe: Mr. Deputy Speaker, Sir, the hon. Member begun from a premise that there have been complaints. I have not heard of any complaints!

Mr. Deputy Speaker: Order, Mr. Minister! A similar Question was raised in this House. Members are interested in the number of students from their constituencies and not from the districts. The Chair did rule that the Minister should avail that information on a constituency by constituency basis. The Minister gave an undertaking that he would provide that information and that he was going to appear before the Committee responsible for health matters to provide it. I hope he has done so. If he has not done so, then he is still bound to provide that information.

Dr. Anangwe: Mr. Deputy Speaker, Sir, I am not aware of that ruling. I need to refresh my memory about that particular ruling.

Mr. Deputy Speaker: I have just made it.

Mr. Kibicho: Mr. Deputy Speaker, Sir, the Minister has said that the KMTC has now laid down the procedure for admitting students so that there is fairness. Could he tell us what that procedure is?

Dr. Anangwe: Mr. Deputy Speaker, Sir, the criteria used for the admission of students to the KMTC is normally advertised in the newspapers. But of the considerations that come into play when admitting students from various parts of the country are:- The fulfilment of the entry requirements for each programme; community health needs; level of development of those areas; gender equality; financial allocation from the Treasury which will determine the number of students to be taken in; physical facilities and availability of lecturers to teach and supervise students.

Mr. Muchiri: Mr. Deputy Speaker, Sir, now that the Minister has heard that there are a lot of complaints concerning the intake of students to KMTC, where Kenyans are being asked to pay Kshs20,000 per admission, is he going to position an intelligence officer there to be feeding him with information on the corrupt officers in that college?

Dr. Anangwe: Mr. Deputy Speaker, Sir, since I have just heard that and I will investigate the matter.

Col. Kiluta: Mr. Deputy Speaker, Sir, could the Minister be kind enough - now that selection to KMTC is going on for the next intake - to consider doing that selection on a constituency basis rather than district basis so that every constituency can have students admitted to the college?

Dr. Anangwe: Mr. Deputy Speaker, Sir, I cannot give that assurance because when people are recruited, they are recruited to serve the whole country. Secondly, let it not be assumed that since a person has been recruited from Masinga and she gets trained, she will necessarily be deployed there. Many of them, are indeed, reluctant to go to places of their origin!

Mr. Deputy Speaker: Mr. Otula's Question for the second time!

Mr. Otula: Mr. Deputy Speaker, Sir, I apologise for coming late. However, I beg to ask Question 282.

Question No.282

STATUS OF ONGICHA/MATIEKO
PRIMARY SCHOOLS

Mr. Otula asked the Minister of State, Office of the President:-

(a) if he is aware that Ruga Market, Ongicha and Matieko Primary Schools are in Rachuonyo District and not Kisii District;

(b) if he is further aware that the people living in these areas are administratively answerable to Kisii District Commissioner; and,

(c) what action he has taken to correct this anomaly.

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

(a) I am aware.

(b) Not all the people living in this area are administered from Kisii District since those living in the western side of Runga Market are answerable to the District Commissioner, Rachuonyo.

(c) The whole anomaly can be solved amicably. I am trying to get the leaders to get together so that we sort out the misunderstanding in the area.

Mr. Otula: Mr. Deputy Speaker, Sir, the Minister has said that he is aware that the places I am talking about are under Rachuonyo District. What steps and how soon is he going to constitute a meeting under the administration to solve this particular problem?

Maj. Madoka: Mr. Deputy Speaker, Sir, we will do it in August.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the areas in question are in my constituency. In fact, Matieko is seven kilometres from the border of Kisii and Rachuonyo Districts. This Question is the embryo of land clashes in that part of the country. The Minister should handle this matter very carefully. I am surprised that this type of Question could be allowed. If that Member of Parliament wants to cause clashes, then he should start them elsewhere. Could the Minister confirm to this House that parts of Ruga, Ongicha and Matieko are in Rachuonyo District? Could he also confirm that before he convenes this meeting, he will have removed the Provincial Commissioner, Nyanza Province, and put somebody else who will be objective?

Maj. Madoka: Mr. Deputy Speaker, Sir, I confirm that Ruga Market, Ongicha and Matieko Primary Schools are in Rachuonyo District.

Mr. Shitanda: Mr. Deputy Speaker, Sir, arising from the Minister's answer that he is going to have the leaders from this area sit and determine the actual boundary between Kisii and Rachuonyo, is he telling us that district boundaries are normally determined by leaders in their respective areas? I am also a victim of this kind of arrangement! One part of my constituency is in Lugari District and the other one in Kakamega District. Could he tell us the considerations that are given when they are drawing up district boundaries?

Maj. Madoka: Mr. Deputy Speaker, Sir, let me tackle the issue at hand. I know that there is a problem in this particular area and we are looking at it very carefully.

Mr. Anyona: Mr. Deputy Speaker, Sir, this is one area where Kenyans are living very peacefully and there are a lot of inter-marriages. In fact, they speak all the languages available in those areas. I do not understand what difference it makes whether these people are in Kisii or Rachuonyo! They have not complained! So, what is the problem here?

Maj. Madoka: Mr. Deputy Speaker, Sir, I have not complained and it is true that most of the people there are living very peacefully. It is only the politicians who are causing problems.

Mr. Otula: Mr. Deputy Speaker, Sir, according to Survey Map, series Y731, Edition 5/SK/Sheet130/1, the boundaries of the two districts are clearly shown. Could the Minister take time to get surveyors from both districts to

determine the position of this particular boundary so that we can live amicably?

Maj. Madoka: Mr. Deputy Speaker, Sir, we will take note of that when the leaders meet.

Mr. Deputy Speaker: Next Question, Dr. Kituyi for the second time!

Question No.351

PROLIFERATION OF RELIGIOUS CULTS/SECTS

Dr. Kituyi asked the Minister of State, Office of the President, in light of the genocidal events which happened in Kanungu and Kalingo Townships of South Western Uganda, what action the Government is taking to protect gullible Kenyans from the acts of conmen behind the proliferation of religious cults and sects.

The Minister of State, Office of the President: (Maj. Madoka): Mr. Deputy Speaker, Sir, my colleague who is responsible for this Question has not come yet. So, I request that this Question be deferred.

Dr. Kituyi: Mr. Deputy Speaker, Sir, you might remember that last week, the hon. Minister said the answer had not arrived. Since I have a copy of the reply and he is a Minister in the Office of the President, could he mind sharing my copy of the reply and read it to the House?

Mr. Deputy Speaker: Order, Dr. Kituyi! To be fair to both sides, I will defer this Question to tomorrow in the afternoon. But I would like to say this, hopefully for the last time, that in an office where you have more than one Minister, I think we should make arrangements for you to cover each other when Ministers are absent unavoidably. It looks more neat than to apologise.

Next Question, Mr. Muiruri!

Mr. Muiruri: Mr. Deputy Speaker, Sir, I apologise for coming late. However, I beg to ask my Question.

Question No.468

WHEREABOUTS OF MR. KAIYAKA

Mr. Muiruri asked the Minister of State, Office of the President:-

(a) if he could inform the House the whereabouts of Mr. Michael Mwaura Kaiyaka, a resident of Kamwangi in Gatundu North, who was last seen on 11th May, 1996 at Karen Nairobi; and,

(b) why the killers of the

late Mr. Kaiyaka have not been arrested and charged with his murder.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I request that we defer this Question. This is because in my earlier reply, the information that I had got was that, there was no report made at Karen Police Station. However, on further checking, I found out that the disappearance was reported. But we have not got sufficient information to reply to the Question.

Mr. Muiruri: Mr. Deputy Speaker, Sir, I am wondering whether we have two Governments. I have another answer here. If you remember, this matter came up on Wednesday last week. The answer given was, and I beg to quote from the HANSARD:

"I am not aware of the alleged disappearance or murder of Mr. Michael Mwaura Kaiyaka."

Now, the Minister has said that there was a report made at Karen Police Station. This shows that he is already aware of the matter. In last week's reply, the Assistant Minister promised to investigate the matter and report back to the House in a month's time. So, where are we? This is murder! We are talking about somebody who was killed! Last week, the Assistant Minister told us that he was not aware. Today, the Minister has told us that he is aware. So, which is which?

Mr. Deputy Speaker: It is possible that he may not have been aware last week, but he is aware this week!

Maj. Madoka: Mr. Deputy Speaker, Sir, what I told the hon. Member was that the information we got at first from the police station indicated that no report was made. After last week, when we pushed them, we got information that the incident was, in fact, reported on the 26th of May, 1996. From there, we have not established what happened after the incident was reported. That is why I am seeking the indulgence of the House to go deeper into the matter.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Muiruri to demand an answer from the Minister, when there are two Governments? We know very well that there are two parallel Governments; one led by Dr. Leakey and the other one led by hon. Biwott!

Mr. Deputy Speaker: Order! That is not a point of order!

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. You have heard for yourself loud and clear that the Minister in-charge of internal security in the Kenya Government, admitting before Kenyans that, he had to plead---

Mr. Deputy Speaker: What is your point of order?

Mr. Ndicho: Mr. Deputy Speaker, Sir, my point of order is: Is the Minister in order to come here and cry that he had to go and push the police to give him information that they had refused to give him earlier? Are we in a country that has got a Government or not? That is why there are two Governments honestly!

Mr. Deputy Speaker: Order! It is a matter of concern, but it is certainly not a point of order! I share that concern as well!

Mr. Anyona: Mr. Deputy Speaker, Sir, it cannot just be a matter of concern. You remember last week that we really had to push the Minister! The House had to push the Minister to find out whether or not there was a record at the Karen Police Station. He has, indeed now, found out that there was a record. This means that the House was being taken for a ride. Could the Minister tell us what he has done, when he found out that he was misguided and misled the House?

Maj. Madoka: Mr. Deputy Speaker, Sir, that is why I am carrying out further investigations. We will report accordingly. If it was criminal, action will be taken.

Mr. Deputy Speaker: When?

Maj. Madoka: Mr. Deputy Speaker, Sir, I cannot give you a definite date. This happened way back and until I find the necessary officers, it will be unfair for me to say that, I will come with an answer tomorrow.

Mr. Muiruri: Mr. Deputy Speaker, Sir, in view of his two replies, with one dated 24th July, could he undertake to conduct an inquiry so that we can know the circumstances under which the man disappeared? Truly, this man cannot be alive after such a long time. The police are also misleading the Minister. The financier and the person who killed that person was his employer. He is a well known person. When will the Minister arrest the former Chairman of KANU in Nairobi, Mr. Clement Gachanja? He is the one who murdered the person. He is covering him!

Mr. Deputy Speaker: Order, hon. Muiruri! You cannot do that! If you have evidence against Mr. Gachanja, take it to the police. Do not bring it here! You know it! If you have evidence of such a serious matter, you do not wait and adduce it in the House. Take it to the police.

Maj. Madoka: Mr. Deputy Speaker, Sir, I want to state that I am not covering anyone! What I want to say is that, it is true that we were misled. The first answer was based on that information. We will certainly undertake to carry out thorough investigations.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead the House that, he was misled, when we know that the standard procedure when a report is made in the Occurrence Book (OB) of the police, is that it is signed by the officer who enters the information? Is he in order to mislead the House when he actually knows the officer? Would I be in order to ask that the Minister be asked to name the officer who is trying to cover up the murder?

Maj. Madoka: Mr. Deputy Speaker, Sir, when we get a reply, we do not go to the OB. But as I said, we are investigating the matter. We will report accordingly.

Mr. Deputy Speaker: Hon. Minister, I would like you to bring the report on Tuesday next week, if the House does not go on recess.

Mr. Muiruri: Mr. Deputy Speaker, Sir, can you guarantee that we will be here on Tuesday next week?

Mr. Deputy Speaker: Order! I cannot guarantee that. Until the House passes a resolution to adjourn, we cannot know.

(Question deferred)

Question No.454

BLOCKING OF ACCESS ROAD TO WATER SOURCE

Mr. Kihara asked the Minister of State, Office of the President:-

- (a) whether he is aware that one of the allottees of the ADC Ndabibi Complex Farm has denied other residents in the neighbourhood access to water by closing the road leading to the water source; and,
- (b) whether he could prevail upon the resident concerned to open up the road to ensure access to water for all residents.

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

(a) I am not aware.

(b) Arising from my answer in "a" above, part "b" does not arise.

Mr. Kihara: Mr. Deputy Speaker, Sir, this is the most inhuman treatment I have ever seen, being meted out to human beings by another human being. The water we are talking about happens to be the only source of water for the people of Ndabibi area. This is a piece of land which was grabbed by a politically-correct person, who has denied the people of the area access to water.

What alternative sources of water does the Minister have for the people of Ndabibi ADC Complex, since he has said that he is not aware? Where will they get water from? Their only source of water has been grabbed by Mr. Benjamin Kipkulei!

Maj. Madoka: Mr. Deputy Speaker, Sir, I am not aware that access to the river has been denied to the residents of the place.

Mr. Gitonga: Mr. Deputy Speaker, Sir, now that the Minister has been made aware by the hon. Member for the area, what action will he take to make sure that the people have access to water?

Maj. Madoka: Mr. Deputy Speaker, Sir, I will look into the matter.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, early this year, I asked a Question in this House, relating to Solio Ranch owned by two senior people in this Republic; Mr. Charles Njonjo and President Daniel Moi. Since then, they have denied the people of Kieni Constituency and Laikipia East Constituency access to water. Their taps are dry. Now, that the Minister has denied that Kenyans have not been denied their rights over the use of water, could he tell us what action he will take to ensure that senior members of this nation, and especially those two, Mr. Njonjo and President Moi, do not deny lesser Kenyans access to water?

The Minister for Medical Services (Dr. Anangwe): Mr. Deputy Speaker, Sir, did you hear what the hon. Member said? He mentioned the names of Njonjo and Moi. It is against the Standing Orders to discuss another Member without bringing a substantive Motion to this House in respect of His Excellency, President Moi.

Hon. Members: You are a sycophant!

Mr. Deputy Speaker: Order! I am sorry I did not hear what hon. Kiunjuri said but I want him to be honourable and repeat what he said.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I said that there are some people in this nation who are denying others their right over water. I gave him an example, of Solio Ranch, which happens to fall in my constituency, is owned by Charles Mugane Njonjo and one Daniel Moi. The manager of that farm, among other things, is denying my people their rights to access to water and their taps are now running dry. In view of that, I asked him to inform the House the action he is taking to ensure that senior citizens of this country do not deny lesser citizens access to water.

(Applause)

Hon. Members: Answer that one!

Maj. Madoka: Mr. Deputy Speaker, Sir, I am not aware of the incident that the hon. Member is talking about and so I am not in a position to respond. However, I would like to inform the hon. Member, Mr. Paul Kihara, that the Ndabibi residents draw water from the following sources A small stream separating the Natoli Forest and ADC Farm which is accessible to all, though it is currently dry; piped water through gravity from Eburu Forest supplied to many residents in the area; and, boreholes sunk by ADC though currently not operational. Those are the sources, but because of the drought situation there is a problem.

Mr. P. Kihara: Mr. Deputy Speaker, Sir, the Minister is treating this matter very lightly. He does not seem to realise that water is a very important commodity. He has admitted that some of these sources have dried up. The only viable source now from Eburu Forest whose access has been blocked. These people have no access at all to water. In fact, I do not even know how they are managing to survive. I was there recently with my friend, hon. Parpai and we saw it. They have no access to water. Although the Minister is saying there is a borehole, there is nothing. All the boreholes have been grabbed by these people; some of whom are in this House.

Maj. Madoka: Mr. Deputy Speaker, Sir, I will find out with my hon. colleague to establish whether the access has been blocked, as he claims.

Mr. Deputy Speaker: Next Question for the Second Time. Mr. Obwocha!

Mr. Obwocha: Mr. Deputy Speaker, Sir, I apologise for coming late.

Question No.487

Mr. Obwocha asked the Minister for Finance:-

- (a) In view of the fact that a provision for bad and doubtful debts of Kshs15.4 billion was made in the 1999 audited accounts of the National Bank of Kenya, why the bank found it necessary to make a further separate provision under Note 5 in the accounts, for 500 million shillings as losses;
- (b) what these losses are; and,
- (c) what the current recovery programme of the bank is.

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

(a) The Kshs15.4 billion referred to relates specifically and only to loans and advances. The amount is in respect of the ending balance of the total provisions for bad and doubtful debts as at the end of the financial year. It should be noted that the net increase in bad and doubtful debts provision was only Kshs3.4 billion which, when added to the opening balance of Kshs12 billion, gives Kshs15.4 billion as the ending balance. The detailed movement of this figure is well explained in Note 15 of the bank's annual accounts as follows: Balance brought forward, Kshs12,37,583,000; provisions made during the year, Kshs2,891,590,000; interest suspended during the year, Kshs4,079,457,000; accounts held as provisions in previous years now recovered which is a reduction of the figure, Kshs149,866,000; accounts held as provisions in previous year now written off, Kshs3,402,565,000 thereby giving a balance carried forward of Kshs15,456,205,000.

The bank found it necessary to make a further provision of Kshs500,122,000 as losses under Note 5 of the accounts so as to cater for some of the long outstanding and unresolved items in certain accounts, principally suspense accounts and escrow accounts. The bank's external auditors and the Central Bank of Kenya's inspectors had previously pointed out that the continued lack of reconciliation of these accounts could lead to fraud and loss to the bank. The exact amount of the loss could not be established without a full reconciliation being carried out. The new management, upon assuming office in early 1999, noted the auditors' comments and embarked on a clean-up exercise to establish the extent of the loss. The exercise continued well into 1999 and at the end of it, an amount of Kshs500,122,000 was established as the likely loss and accordingly provided for in the 1999 financial statements. However, for the benefit of the bank's shareholders and users of the bank's financial statements, the provision was shown separately from the provisions on loans and advances.

(b) The broad breakdown of Kshs500,122,000 provision for other losses mentioned above is as follows: Fluctuations in foreign currency, Kshs179,990,000; unreconciled balances, Kshs149,067,000; frauds and forgeries, Kshs58,113,000; card business fraud, Kshs52 million; other unreconciled items in suspense accounts, Kshs32,553,000; forged travellers cheques, Kshs16,686,000 and stationery stock valuation adjustment, Kshs11,085,000 which gives a total of Kshs500,122,000.

It is important to emphasize that although the above losses were recognised in 1999 after a full reconciliation of the accounts, they were incurred between 1992 and 1998 and should, therefore, have been captured during the previous years' accounts had the reconciliations been done in good time.

(c) The recovery programme has been under implementation from January 1999 and is on-going.

Included in the recovery programme are the implementation of information technology systems, retrenchment of excess staff and debt recovery efforts which are being pursued vigorously. A revised strategic plan for the National Bank of Kenya has been undertaken and will be presented to the board some time in September.

Mr. Obwocha: Mr. Deputy Speaker, Sir, you will appreciate that this is the second time this Question is coming to this House, having been answered unsatisfactorily. We are talking about a bank that has made provisions for bad and doubtful debts of Kshs15.4 billion. It has gone ahead to make another provision of Kshs500,122,000 in its accounts. In this case, I am satisfied with the explanation by the Minister. Note five has two provisions. The first provision is for Kshs500,122,000, which the Minister has satisfactorily explained, but there is also Kshs500,525,000 as provision for other expenses. Which are these other expenses? We know in accounts that expenses are included in an income and expenditure account. What is this?

Mr. Okemo: Mr. Deputy Speaker, Sir, these two items were deliberately brought out from the other provisions in order to bring out their unusual nature. I am glad the hon. Member is satisfied with my earlier breakdown.

The second item, which is other expenses, relates to Central Bank of Kenya penalties which were levied as a result of the bank's inability to meet certain banking requirements, specifically, the cash ratio. This amount was so huge that we did not want to hide it under the other provisions. We thought it should be brought out because it was huge, there was a run on the bank and, therefore, the penalties were also high. We thought that in terms of transparency and accountability, it was better to bring the figure out and explain clearly to the public.

Mr. Muiruri: Mr. Deputy Speaker, Sir, could the Minister agree with me that the National Bank of Kenya (NBK) is insolvent? It is insolvent because there is a sum of Kshs20 billion borrowed by very well connected people,

most of whom are in the Government. Could he also agree with me that the management of NBK is not a commercial one, but it is controlled by the Governor of the CBK, Mr. Cheserem? Could the Minister also---

Mr. Deputy Speaker: Order! One question at a time!

Mr. Muiruri: Just the last one, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: No! Sorry, you have asked two questions already. Proceed, Mr. Minister.

Mr. Okemo: Mr. Deputy Speaker, Sir, I know that hon. Muiruri was once a Director of NBK, but I am surprised that he has said that the bank is technically insolvent, because it is not. Last year, it made an operating profit. If it can make an operating profit, it cannot really be technically insolvent. In fact, it is doing extremely well.

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

Mr. Okemo: Mr. Deputy Speaker, Sir, could you please save me from Dr. Ochuodho. I cannot remember hon. Muiruri's second question.

Mr. Obwocha: Mr. Deputy Speaker, Sir, this House, and the nation are interested in finding out how confidence can be restored in NBK's operations. If one of these big banks, particularly the indigenous ones, for example, NBK or the Kenya Commercial Bank (KCB) collapses, the economy of this country will also collapse. There would be a spiral reaction from the banking sector. What is the Minister doing to make sure NBK comes back to its original fame and operate properly, particularly, in respect of this answer that he has given on the amount of money that has been stolen through frauds and forgeries of Kshs58 million, and card business frauds of Kshs52 million? This adds up to Kshs110 million.

Mr. Okemo: Mr. Deputy Speaker, Sir, the fraud of Kshs58 million was actually part of an inside job. The member of staff who was involved was sacked and the case is in court. So, systems have been put in place. This occurred mainly due to laxity in controls, but these controls have now been tightened. There was a problem of staff capacity and now we have competent technical staff who have employed. Information technology systems are in place, restructuring is taking place, and it involves cutting down on the number of branches to make the bank more profitable. The bank is actually performing extremely well under very difficult conditions. One of the ways through which we can ensure that confidence is restored in that bank is by not asking Questions such as the one hon. Obwocha has asked.

Mr. Deputy Speaker: Mr. Kihoro's Question.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I apologise for coming late.

Question No.446

DISSOLUTION OF TETU
COFFEE GROWERS SOCIETY

Mr. Kihoro asked the Minister for Agriculture:-

(a) if he is aware that on 18th January, 2000, members of Tetu Coffee Growers Co-operative Society dissolved the Society; and,

(b) whether he could inform the House the indebtedness of the dissolved society at the time

of the dissolution, giving a breakdown of the principals borrowed, rate of interest and the interest sums accrued on the debt.

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

(a) I am aware that on 19th January, 2000, members of Tetu Coffee Growers Co-operative Society confirmed the preliminary resolution proposed in the earlier meeting of 28th September, 1999, to sub-divide the society into 18 new co-operative societies.

(b) At the time the members were considering their preliminary resolution on 19th January, 2000, the Society's indebtedness was as follows:-

(i) Through the factory development loan, generally referred to as the Second Coffee Improvement Project (SCIP), the principal amount borrowed was Kshs49,341,863.85. The rate of interest chargeable was 15 per cent.

(ii) There was also a farm inputs loan of Kshs13,645,800 which was attracting a rate of interest of 15 per cent.

(iii) There was a cherry advance payment made of Kshs36,336,410.50 which was also attracting interest at the rate of 15 per cent.

(iv) There was also an overdraft in the current account of Kshs60 million, at an interest rate of 6 per cent above the base rate.

In addition, there were other debts owing to Nyeri Farmers Sacco Society of Kshs2,788,326.20 at an interest rate of 18 per cent, staff emoluments, which had not been paid, of Kshs29,612,891.15 and other creditors dues amounting to Kshs8.6 million. There was also another loan to Nyeri Rural Sacco Society of Kshs58,415,170.60. The

total indebtedness of that society was Kshs272,627,799.77, as at January, 2000.

Mr. Kihoro: Mr. Deputy Speaker, Sir, the answer given has clearly indicated that the farmers, for eight years, have been struggling to split Tetu Coffee Growers Co-operative Society. During that period, debts that have been summarised by the Minister, part of which he did not read out, include bank loans amounting to Kshs170 million. The staff emoluments amount to Kshs29 million and creditors are owed Kshs11 million. I agree with the arithmetic done by the Minister, that the total amount is Kshs272.6 million. We are talking about 18,000 farmers in Nyeri owing Kshs272 million. Is this a process of impoverishing the co-operative movement in this country? Could the Minister confirm and promise that the Government will pay farmers in Nyeri who owe Kshs272 million? They have been fighting for the last eight years to split this co-operative society.

Mr. Obure: Mr. Deputy Speaker, Sir, I cannot understand the argument that the Government should indemnify farmers in Tetu Division for debts they incurred on their own accord, to do their own developments. The Government has absolutely nothing to do with that. That is a debt owing to the Co-operative Bank of Kenya Ltd and other creditors. It is really the responsibility of the farmers to arrange, and, indeed, they have arranged how they would settle those debts.

Mr. Murungi: Mr. Deputy Speaker, Sir, farmers in this country have been agitating for the formation of a farmers' bank because the Co-operative Bank of Kenya Ltd has been very hostile to them. It has been charging them exorbitant and punitive interests. According to the answer given by the Minister, the overdraft facility of Kshs82,964,961.10 is attracting interest up to a maximum of 60 per cent. Which farmers' friendly bank can charge an interest of 60 per cent, if the whole intention is not to kill the coffee industry in Nyeri? Could the Minister now explain whether the Government is going to license the coffee farmers' bank because it is quite clear that the Co-operative Bank of Kenya Ltd is no longer serving the interests of the farmers in this country?

Mr. Obure: Mr. Deputy Speaker, Sir, I have not stated anything about the interest rate of 60 per cent and above, which hon. Murungi has just quoted. I said that the Co-operative Bank of Kenya Ltd is charging interest at the rate of 6 per cent above base rate. What hon. Murungi is talking about--

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. On page 2 of the Minister's reply, there is an item (iii) overdraft of Kshs82 million with interest rates ranging from 30 to 60 per cent. So, that is what I am talking about. It is in your own hands, Mr. Minister.

Mr. Obure: Mr. Deputy Speaker, Sir, I was just about to clarify that by saying that, the interest rates is 6 per cent above the base rate. What hon. Murungi is referring to, are the various penalties which are charged by virtue of the fact that, that particular loan arrangement is not being serviced. I believe that is part of the agreement which has been reached at between the Co-operative Bank of Kenya Ltd and the farmers, in the event they do not service their loans.

Mr. Michuki: Thank you, Mr. Deputy Speaker, Sir. The Minister must be aware that the reason why the Co-operative Bank of Kenya Ltd was started, was to assist farmers at very low rates of interest. I am equally horrified to note that the overdraft interest rate is ranging between 30 and 60 per cent. Is the Minister doing anything to restore the Co-operative Bank of Kenya Ltd to its original purpose? To this end, would he go to the archives and see what we did and what objectives there were about the Co-operative Bank of Kenya Ltd, because some of us were involved in starting that bank, purely in order to provide cheap money to farmers? What is he doing to bring this bank to its original terms of reference?

Mr. Obure: Mr. Deputy Speaker, Sir, it is my business to assist co-operative societies to develop. I do agree that the rate of interest is on the higher side, but I also clarified that it is not really interest as such. It is an accumulation of penalties, as a result of failure by that particular society to service their loans. I do agree entirely and I wanted to state here that, it is my wish to see the Co-operative Bank of Kenya Ltd and other institutions serving co-operative societies and providing a service that would assist co-operative societies to---

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Minister in order to mislead the House that the 30 to 60 per cent is not interest and yet, here it is indicated as interest? If it is penalty, can he tell us what the interest is on overdraft facility? Is he in order to mislead the House, when it is clearly indicated in his reply?

Mr. Deputy Speaker: Order! Order! The Minister had really answered that question when it was raised by hon. Murungi. Proceed.

Dr. Ochuodho: Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: He has already answered that question by saying that the interest rate was 6 per cent above base rate. Proceed, Mr. Kihoro.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I have done my arithmetic here and found that 80 per cent of Kshs270 million that is being demanded from the farmers of Tetu is actually interest. It is a tragedy, but that is what is happening at the Co-operative Bank of Kenya Ltd. I know that the Minister would never walk into any bank to get money at 60 per cent interest rate. Then how would he expect poor households today in Nyeri to pay Kshs15,000?

They never agreed to take that money from the bank. Can the Minister assure this House that when we go to the High Court to deal with this matter, he is not going to file some defence? Can he also agree that the Government will pay that money?

Mr. Obure: Mr. Deputy Speaker, Sir, the Government has nothing to do with those loans. This was an arrangement between the co-operative societies and the bank. The question of a farmers' bank has been raised, but unfortunately, it is not within my jurisdiction; therefore, I will not address it.

QUESTIONS BY PRIVATE NOTICE

DEATHS OF SAMBURU BOYS

Dr. Ali: On behalf of Mr. Leshore, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Is the Minister aware that three Samburu boys lost their lives in Laresoro area of Waso Division in March this year as a result of unidentified military armaments?

(b) When will the Minister compensate for the many lives lost in that area and also for the degradation of the environment?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, may I request that this Question be deferred until Thursday.

Hon. Members: Why?

The Minister of State, Office of the President (Maj. Madoka): Because I have not got sufficient information.

Mr. Kihoro: On a point of order, Mr. Deputy Speaker, Sir. I know there is a meeting of Foreign Affairs Ministers from 13 African countries in Nanyuki today. Could it be that the Minister is thinking about that meeting in Nanyuki and, therefore, he does not want this answer?

Mr. Deputy Speaker: Order! Order! That is not a point of order? Hon. Members, please, let us follow our rules. If you want to argue with the Minister, this is not the place to do so when he is not responding to the questions before the House. Hon. Kihoro, you---

An hon. Member: You should not politicise issues!

(Laughter)

Dr. Ali: On a point of order, Mr. Deputy Speaker, Sir. As you are aware, Mr. Leshore is not here. He has sent this Question by *e-mail*. When will the Minister answer this Question?

Mr. Deputy Speaker: Tomorrow afternoon.

Dr. Ali: Thank you.

(Question deferred)

Mr. Deputy Speaker: Next Question, Mr. Murungi!

ATTACK ON MRS. GITONGA BY MERU DOI

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

(a) Is the Minister aware that on 26th June, 2000, the District Officer I, Meru, a Mr. Caleb Ongoma Otieno, maliciously assaulted Mrs. Lucy Gacheri Gitonga at Nkubu Market without any **[Mr. Murungi]** lawful or probable cause?

(b) Is he further aware that the said Mrs. Gitonga reported the matter to Nkubu Police Station and was issued with a P3 form on the same day?

(c) What urgent steps has the Minister taken to discipline the said officer?

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

(a) Yes, I am aware of the allegation that on 26th June, 2000, a Mr. Caleb Ongoma Otieno, a District Officer in Meru Central District, assaulted the complainant Lucy Gacheri Gitonga.

(b) Yes, I am aware that she took a P3 form.

(c) The allegation is being investigated *vide* Nkubu Police Station, Inquiry File No.1/2000. Appropriate action will be taken once the investigations are concluded.

Mr. Murungi: We have heard this before. Mrs. Lucy Gacheri Gitonga is one of the most respected ladies at Nkubu Market, where she owns a petrol station. She was viciously attacked by that DO for no apparent reason one month ago. She duly reported the matter to the police at Nkubu Police Station and was issued with a P3 form. The complainant has already reported to the police; she has given her own evidence to the police and a P3 has been duly completed. That is one month ago. Can the Minister tell this House what further investigations and inquiries are being made on this simple matter of assault for one man? If any, how far have those investigations gone?

Maj. Madoka: Mr. Deputy Speaker, Sir, I cannot tell this House how far the investigations have gone. All I can say is that all the investigations have been conducted and, as I have said, I am fully aware of the incident involving the DO.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, the behaviour of this public servant was, to say the least, despicable and completely unforgivable. He found a lady whose car had broken down on the road, and he got out and assaulted her in the presence of her children, whom she had picked from school. I understand that the DO has been transferred from Meru Central. Transfer of civil servants who have criminal records is not acceptable. Why is the DO not under interdiction pending investigations?

Maj. Madoka: Mr. Deputy Speaker, Sir, as I said, once we have done the preliminary investigation, and concluded them, we will be able to take appropriate action.

Mr. Murungi: Mr. Deputy Speaker, Sir, I understand that as a matter of fact, the so-called investigations are not taking place because the DO has refused to record a statement at Nkubu Police Station. Could the Minister explain whether this DOI is above the law? If he is pretending to be above the law, is it not high time the Minister took courageous steps in relieving him of his duties as a public servant because he is a disgrace to the Civil Service in this country?

Maj. Madoka: Mr. Deputy Speaker, Sir, it is not true that the DO has refused to make a statement. He has recorded a statement in which he has denied the allegation, and that is why it is necessary to carry out proper investigations.

Ms. Karua: Mr. Deputy Speaker, Sir, Kenyans are getting tired of waiting for investigations in various matters. We all remember the case of Mr. Ngigi, who was shot at the Westlands Roundabout, and we now learn that one of the culprits has now fled the country. What assurance can the Minister give that this matter is going to be concluded and the culprit taken before a court of law, or is he taking further investigations as another way of helping this officer to evade the law?

Maj. Madoka: Mr. Deputy Speaker, Sir, I undertake to ensure that the investigations are concluded and I will report the results to this House accordingly.

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. Would it not be in order for the Minister to give a specific date when he will report the investigations to this House?

Maj. Madoka: Mr. Deputy Speaker, Sir, I am not prepared to give a date because if I do so, I will be misleading this House. I will make sure that it is done and I will report back to the House.

Mr. Deputy Speaker: Very good! Next Question, Dr. Newton Kulundu!

PRESERVATION OF AMALEMBA
PRIMARY SCHOOL LAND

(Dr. Kulundu) to ask the Minister for Local Government what urgent measures the Ministry is taking to ensure that no petrol station is constructed in the compound of Amalemba Primary School?

Mr. Deputy Speaker: Dr. Kulundu is not here? The Question is dropped!

(Question dropped)

RESETTLEMENT OF SQUATTERS AT SIRMON

(Mr. Mwiraria) to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that the District Commissioner, Meru Central, is making arrangements to resettle squatters who have been living in the Mount Kenya Forest since 1986 in the recently degazetted forest land at Sirmon?

(b) Is he further aware that the squatters are being charged Kshs5,500 each as a pre-condition for settlement even though many of them cannot afford this payment?

(c) Could the Minister inform this House the proposed use of the levy and the reasons why 119 squatters have been refused registration?

Mr. Deputy Speaker: Hon. Mwiraria's Question will be deferred to tomorrow morning.

(Question deferred)

Next Order!

POINT OF ORDER

RESUMPTION OF AID

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. I stand on a point of order to seek a Ministerial Statement on the issue of aid resumption.

Mr. Deputy Speaker, Sir, when we talk about the supremacy of Parliament, we are talking about the sovereignty being vested in this House. Therefore, this House is entitled to know the precise terms and conditions that the Bretton Wood Institutions are attaching to aid resumption. Indeed, this House should have a say on whether to accept those terms, or whether to amend or reject them. For instance, we need to know whether it is a condition for aid resumption that a particular individual, or a group of individuals, should hold, or continue to hold, positions in the Public Service. Are these loans being extended to Kenya as a country, or are they being extended to an individual or a group of individuals? These are the matters we would like to know.

The Minister for Finance (Mr. Okemo): Mr. Deputy Speaker, I would like to make a very brief Ministerial Statement.

Mr. Deputy Speaker: Are you responding to Mr. Muite's point of order?

The Minister for Finance (Mr. Okemo): Was there a question?

An hon. Member: Yes!

The Minister for Finance (Mr. Okemo): About what? I do not know!

An hon. Member: On the same!

Mr. Deputy Speaker: Mr. Muite, could you raise it again!

Mr. Muite: Mr. Deputy Speaker, Sir, through you, may I repeat that I am standing to request for a Ministerial Statement on the issue of resumption of aid. I said that when we talk about the supremacy of Parliament, it means that the sovereignty of this nation is vested in this House. Therefore, this House is entitled to know the precise terms and conditions that the Bretton Wood Institutions are attaching to the resumption of aid. Indeed, this House is entitled to an input, whether to accept those terms or to amend them or whether to reject them. For example, we need to know whether it is a condition for the resumption of aid that a particular individual or a group of individuals should hold or must continue to hold certain positions in the Civil Service. Is that a condition?

Finally, are these loans being extended to us as a country, or are they being extended to a particular individual or group of individuals? These are matters we want to know!

MINISTERIAL STATEMENT

WORLD BANK/IMF AID CONDITIONALITIES

The Minister for Finance (Mr. Okemo): Mr. Deputy Speaker, Sir, the hon. Member has pre-empted what I was going to say, But, I will, nonetheless, go ahead and say what I was going to say. Before I do so, I would like to make it very clear that all the conditionalities that were given to the Government of Kenya by the International Monetary Fund (IMF) and World Bank, are clearly specified in the Interim Poverty Reduction Strategy Paper (IPRSP), which was appended to my Budget Speech. So, I think, if hon. Muite cares to look carefully at those conditionalities which were appended to the Budget Speech, there are no other conditions than those I appended to my Budget Speech, which I presented on the 15th of June, 2000.

I would like to categorically deny here that there is any particular individual or group of individuals who are being lent this money by the IMF and World Bank. The money is being lent to the Government of Kenya.

Having said that, may I now make my very brief Ministerial Statement. By way of a progress report on the Government's on-going plans to obtain financial assistance from the World Bank and IMF, I am happy to report that

the IMF's financial assistance package for Kenya will be approved by the Board of IMF on Thursday, 27th July, 2000.

(Applause)

The World Bank Board meeting will be held on the 1st or 2nd of August, 2000, whereby the programme by the Kenya Government for assistance from that institution will also be approved. This will mark the culmination of a process of hard work and close operational collaboration between all the stakeholders concerned, including our bilateral donors.

These close working relations will continue to help to underpin successful implementation of economic reforms. Among the principle tasks, the collaboration will include efforts to standardise concept, approaches and presentations of statistical data, a process which is already underway, especially in terms of efforts to ensure presentation of monetary and fiscal data on a uniform basis. Since this House will soon be debating Votes for the various Ministries and Departments, it is important for me to make a few observations. Kenya's presentation of the development figure, as usual, follows the practice of showing the full magnitude of external loans and grants available for development outlays during the fiscal year, while

donor institutions such as the World Bank and IMF have tended to focus on the magnitude of the development projects likely to be carried out during the year, which, due to implementations and other constraints, have historically been at the level of about 40 per cent, an implementation level that is expected to prevail also during the current fiscal year.

Similarly, some of our development partners tend to visualise the Government's total wage bill, with adjustments made for the figure of about Kshs3 billion savings expected to be realised in this fiscal year from the ongoing retrenchment exercise, while, in our presentation, we have presented the full wage bill and we will rely on the administrative measures to ensure that the actual wage bill will be kept within the retrenchment adjusted limits. In short, as we continue with our development partners to standardise the presentation of the budgetary and monetary data, we will be enhancing the transparency and international comparability of statistics on the Kenyan economy. The Government will place greater emphasis on the implementation of projects and programmes.

Mr. Keriri: Mr. Deputy Speaker, Sir, I am grateful that the Minister is willing to keep this House informed about the progress he is making on finance matters. That is a very good change of attitude from the Ministers. He seems to be confident that the request by the Kenya Government to the World Bank and IMF will be approved. These two institutions have not met. One of them will be meeting on 27th, July, 2000, while the other one will meet much later. Could the Minister tell this House why he is so sure that these two boards are going to approve our requests? Has he been informed about this matter by someone who has consulted all the board members to know that these approvals are forthcoming?

The Minister for Finance (Mr. Okemo): Mr. Deputy Speaker, Sir, there are continuous consultations between Government, IMF and the World Bank. As I stand here and speak, unless something very unusual happens between now and Thursday, my statement stands.

POINTS OF ORDER

COUNTRYWIDE POWER FAILURE

Mr. Ndicho: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Energy, explaining to this House and the country, what happened last Saturday when we had a national power blackout. Could he confirm or deny the fact that the Ugandan Government disconnected our power---

Mr. Deputy Speaker: Order! What is there to deny?

Mr. Ndicho: Mr. Deputy Speaker, Sir, I want him to deny whether the invitation of President Paul Kagame of Rwanda to our country angered President Yoweri Museveni of Uganda, who switched off power for the whole night as a warning to Kenyans and President Moi that if President Kagame continues to come here---

Mr. Deputy Speaker: Order! I do not know whether this is also inspiration from God today or from somebody else, but, Mr. Ndicho, you have made your point. Where is the Minister for Energy?

Mr. Ndicho: There is more to it than meets the eye---

Mr. Deputy Speaker: Order! Let us be honourable. If you agreed with the Chair on something, honour it.

The Minister for Renewable Energy (Mr. F.P.L. Lotodo): Mr. Deputy Speaker, Sir, I will be able to explain what happened on Thursday afternoon after Question Time, but it will exclude the visit of President Kagame to Kenya.

CONDUCT OF GUCHA OCPD

Mr. Magara: Mr. Deputy Speaker, Sir, I stand on a point of order to seek a Ministerial Statement from the Minister of State in charge of internal security, in respect of the OCPD, Gucha, a Mr. Fred Maloba. Corruption is very rampant in that particular station, to an extent that the OCPD is the chief arresting officer, the DCIO and the Magistrate. A case in point is that the same Mr. Maloba even indecently assaults women of suspects who are in custody. On 22nd July, 2000---

Mr. Deputy Speaker: Order! Mr. Magara, if you are rising on a point of order to seek a Ministerial Statement on the behaviour of a police officer in Gucha, then you cannot start by listing all the incidences against which you complain about; otherwise, you will take the whole afternoon to do so.

Mr. Magara: Mr. Deputy Speaker, Sir, on Saturday, 22nd July, 2000, he ordered the arrest of one headmaster by the name of Mr. Jackson Anali Nyaberi. In the OB No.14 of 22nd July, 2000, he indicated that he was going to charge him over incitement. As I am talking now, that headmaster of a secondary school is still in custody and the OCPD is saying that he cannot release him until he is bribed. Indeed, he wants to rape the wife of the suspect.

Mr. Deputy Speaker: Order! Hon. Magara, frankly, sooner or later, this House must decide whether it wants to shield hon. Members from accusations outside, perhaps, of what they say here. We do not have open licences to call people names and accuse them of all manner of things---

An hon. Member: That is corruption!

Mr. Deputy Speaker: Order! If it is corruption, it is corruption out there, as it is in here. So, go and make that allegation---

Hon. Members: No! No!

Mr. Deputy Speaker: Order! Hon. Members, it is far better that we protect the innocent, even if the innocent is only one. So, hon. Magara, I do not think you have raised any point of order that the Minister should respond to.

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

Mr. Deputy Speaker: Order! If hon. Members wish to have a House with no rules, it is fine for me. But if we have rules, I am here to enforce them. Hon. Angwenyi, you may be very angry with that police officer, but he is a Kenyan and he also has his right.

Next Order.

MOTION

ADOPTION OF ANTI-CORRUPTION SELECT COMMITTEE REPORT

THAT, this House adopts the Report of the Anti Corruption Select Committee laid on the Table of the House on Tuesday, 19th May, 2000, and further recommends that the Attorney-General introduces a Bill entitled The Anti-Corruption and Economics Crimes Bill, 2000, contained in the Report, provided that:-

- (i) All matters in the Minutes in Volume II of the Report (Minutes 125-510, 560, 562, 564, 565, 568, 569, 592, 614, 619) (Pages 560-841) relating to the Appendices in Volume I of the Report as well as all matters connected thereto be excluded;
- (ii) All matters in the Report relating to Appendices I, II, II/A, II/B, II/C, III, IV, IV/A, IV/B (Pages 80-398) in Volume I of the Report as well as all matters connected thereto be excluded; and,
- (iii) All matters relating to corruption be investigated and established beyond any reasonable doubt by *prima facie* evidence in accordance with the provisions of the Constitution and the Law as well as the Rules of Natural Justice.

(Mr. Kombo on 5.7.2000)

*(Resumption of Debate on the Motion
as amended interrupted on 20.7.2000)*

POINT OF ORDER

DOCUMENTARY EVIDENCE AGAINST MR. MUGO

Mr. Deputy Speaker: Order! Hon. Gumo, I think the week before last, you did make some allegations in the House against one, Mr. Mugo, and I asked you to produce your proof to that effect.

Mr. Angwenyi: Hon. Magara has not been heard!

Mr. Deputy Speaker: That is better. The week before last, hon. Gumo made some allegations in the House, and I did ask him to come with his proof. Those allegations were against one, Mr. Mugo, who was at one time a General Manager of Nzoia Sugar Company. So, I want hon. Gumo to rise up and produce that evidence.

The Assistant Minister, Office of the President (Mr. Gumo): Mr. Deputy Speaker, Sir, I did produce some evidence when you asked me to do so. I laid the papers on the Table, unless you are asking for more, which I can still bring. I thought that was enough.

Mr. Deputy Speaker: Order! Hon. Gumo did give two sheets of papers which on checking, I did discover, in fact, were from the PIC Report. They related to years when the Mr. Mugo he was referring to was not the General Manager of Nzoia Sugar Company. So, I asked him to go and bring those that are relevant to the years when Mr. Mugo was appointed the General Manager of Nzoia Sugar Company. The earlier part of his allegation was that Mr. Mugo was the Ambassador of Kenya to France, but I pointed out to him that the information available from the Ministry of Foreign Affairs and International Co-operation indicated that at that material time, Mr. Mugo was, in fact, Kenya's Ambassador to Ethiopia. So, I wanted him to produce the evidence that tied Mr. Mugo to that period over which he had the allegation to make. So, once he brings the evidence which ties Mr. Mugo to Kshs75 billion, when the agreement with the French Government and his company was signed, he will have got some way to prove his point, but at that point, the information provided by the Ministry of Foreign Affairs and International Co-operation was that Mr. Mugo was Kenya's Ambassador to Ethiopia. My quarrel is that he has brought me the PIC Report which relates to the period which is not relevant to Mr. Mugo. So, I am asking you to bring the correct document tomorrow afternoon.

(Resumption of Debate on Motion)

Mr. Orengo: On a point of order, Mr. Deputy Speaker, Sir. You had called for the next Order, which was read out by the Clerk, and I believe that the next Order is the Motion.

Mr. Deputy Speaker: That is true.

Mr. Orengo: Mr. Deputy Speaker, Sir, I am seeking your guidance and direction. I am saying this because there is something which happened during the debate over this Motion that has never happened in the history of this House. There has been no time whatsoever in the history and practice of this House that a Motion brought by a private Member or otherwise, has not been officially responded to by a Government respondent.

(Applause)

Indeed, you can see from the Order Paper that the designated Minister is the Attorney-General, and he has been very quiet during these proceedings, and this calls into question a lot of things. But I wanted to point out that I know that the Standing Orders do not require that there be somebody to respond from the Government. It is a matter of practice and that relates even to Questions. There is nothing in the Standing Orders which says that Ministers must answer Questions in the House. There is a provision that they must supply a written answer to the Clerk, but there is no Standing Order saying that the Question must be answered in the House. It is left to commonsense, decency and practice.

Similarly, even for a Motion or a Bill, there is no requirement whatsoever in the Standing Orders that there must be a response by the Government; it is left to commonsense, decency and practice.

The anomaly in all this is that, as we discuss this very important Motion, the whole country and the international community does not know the Government's position as far as corruption is concerned.

(Applause)

All the Ministers who have spoken here have done so in their own defence. I have gone through the HANSARD and found that they have spoken in their defence, and because they were so enthusiastic to defend themselves, they forgot about the Government of Kenya completely. As they were removing all the names from the Report, there is the important Bill. The Anti-Corruption and Economic Crimes Bill, 2000. The Attorney-General has not commented at all on that issue, as to whether or not he accepts The Anti-Corruption and Economic Crimes Bill, 2000. All that this means, as I said earlier on, is that Moi has decided corruption is part and parcel of his Government and, therefore, there

can be no response from these people. I think your direction would be important.

Mr. Deputy Speaker: Well, I do not speak for the Government. There is the Leader of Government Business.

Hon. Members: The Attorney-General!

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I think I am the Leader of Government Business.

An hon. Member: For the time being!

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I have heard somebody say that I am the Leader of Government Business for the time being. That does not bother me!

Mr. Wanjala: This one is a suspect!

Mr. Deputy Speaker: Order, hon. Wanjala! Hon. Orenge has raised a good point and you will not get an answer if you do not want to listen.

Hon. Members: He is a suspect!

Mr. Deputy Speaker: It was a question which was directed to the Government, and the Leader of Government Business happens to be here. So, let him explain.

Hon. Members: No, he is a suspect!

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I think it must be appreciated, however much one may not like it, that we do work as one Government and there is collective responsibility. First and foremost, I want to bring to the attention of this House that if they were to look [**The Vice-President**] at Standing Order No.67(2), they would discover that it is only the Mover who has the right to reply. Incidentally, even if the Mover were to decline to reply, that does not affect the voting for the Motion. By the same token, if the one responding to the Motion does not respond, that does not affect the destiny of the Motion. I would like to say here that in the spirit of collective responsibility, when one Minister or the other has spoken, the Government has spoken.

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. I remember that, through a Procedural Motion regarding the time limit for the Mover and the Government Responder of this Motion, this House resolved that the two would have unlimited time. Is it in order for the Vice-President, who is also the Leader of Government Business, to mislead the House that there is no Government Responder to issues raised during debate when this House gave the Government Responder to this Motion unlimited time in that Procedural Motion?

Mr. Deputy Speaker: Order! This House did not give anybody any time on this Motion. The Standing Orders specify what happens when we are debating a Report of a Select Committee of this House. The Mover has no time limit in moving the Motion and in replying to the same. Equally, the Government Responder has no time limit. As hon. Orenge pointed out, really, there is no Standing Order requiring that a Motion be responded to, but that has been the practice of this House. Even a Mover can, indeed, decline to reply to issues raised during debate. That provision is in the Standing Orders. You will recall that the Government side made two attempts to bring a closure to this debate and I said "no" to them. I agreed to closure only in the third time. I assumed, then, that hon. Members on the Government side knew what they were doing.

An hon. Member: No! They did not know what they were doing!

An hon. Member: Forgive them!

Mr. Deputy Speaker: I can only ask God to forgive them, because I do not forgive, myself. However, if the position of the Government is that one of the Ministers did, in fact, respond, because he spoke on both the Motion and the amendment, then there will be no time for them to respond. So, we will proceed with---

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

Mr. Deputy Speaker: Hon. Members, really, I am not going to entertain debate on this.

Hon. Kombo, could you continue?

Mr. Orenge: On a point of order, Mr. Deputy Speaker, Sir. I would like to raise just a "small" thing.

Mr. Deputy Speaker: Order! Order, hon. Orenge! Hon. Kombo, proceed, please.

Mr. Kombo: Mr. Deputy Speaker, Sir, I wonder why hon. Members on the Government side were so afraid when---

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

Mr. Deputy Speaker: Order! Proceed, Mr. Kombo.

Mr. Kombo: Mr. Deputy Speaker, Sir, I would like to have the information from hon. Kituyi.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I am very grateful to hon. Kombo. I would like to inform him that during my contribution to this Motion, I drew the attention of this House to the fact that every Minister who stood up here only defended himself.

Mr. Deputy Speaker: Order, hon. Kituyi!

Hon. Members: Let him continue!

Mr. Deputy Speaker: Order! Order, hon. Kituyi! I will give you time.

Hon. Members, I think to stand up and start by saying that when you were contributing to debate you said "a", "b", "c", "d" is totally out of order because that is already recorded in the HANSARD. I will not allow you to give information that is already on record. So, say something else, hon. Kituyi.

Dr. Kituyi: Mr. Deputy Speaker, Sir, therefore, this House seems to be acquainted with the misfortunes of the statements that were made by Ministers. Now, the Leader of Government Business stood here and said that all the statements that were made by Ministers - including those by some, who said: "I was given land, as so and so was, but his name is not included in the Report" - represent the Government position. If such statements by Ministers represent the Government position, therefore, the Government has actually said before this House that---

Mr. Deputy Speaker: Order, Dr. Kituyi! You are arguing. What is your information?

Dr. Kituyi: Mr. Deputy Speaker, Sir, my information is that the Government has abetted corruption under the guise of routine business.

(Applause)

Mr. Kombo: Mr. Deputy Speaker, Sir, that is very good information.

(Laughter)

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

Mr. Deputy Speaker: Mr. Orengo, let the Mover proceed.

Mr. Orengo: I have very important information for him, Mr. Deputy Speaker, Sir. I [**Mr. Orengo**] wanted to inform hon. Kombo that whereas the Leader of Government Business would glee over the fact that the Government has not made a response to this very important Motion, whose outcome the whole nation is looking forward to, in fact, the Standing Orders give the Government designated Minister unlimited time to respond to debate on a Motion on a Report of Select Committees. I am glad that they also talk about the Leader of Government Business, who was standing here. You know, Standing Orders are not like mathematics; you have got to read very hard to understand them.

(Laughter)

Standing Order No.81A(2)(b)(ii) says that, in submitting the official position of the Government on Reports of Committees, the Leader of Government Business or the designated Minister - who is the Attorney-General; two powerful men - shall have no time limit. So, the Government has no time limit in giving this House its official position. I wanted to tell hon. Kombo that when he talks about a Government that is corrupt from top to bottom, surely, it cannot have an official position on corruption.

(Applause)

Mr. Deputy Speaker: Order! Order, hon. Orengo!

Mr. Kombo: Mr. Deputy Speaker, Sir, you realise that these are very sad days.

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

Mr. Deputy Speaker: Order! There shall be no more points of order. Proceed, Mr. Kombo.

(Loud consultations)

Mr. Kombo: Mr. Deputy Speaker, Sir, hon. Members are consulting too loudly for me to proceed.

Mr. Deputy Speaker: Order! Order! Hon. Members, I am not going to entertain any more arguments or points of order. Hon. Kombo must be given undivided attention. Proceed, Mr. Kombo!

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

Mr. Deputy Speaker: No more information. Proceed, Mr. Kombo.

Mr. Kombo: Mr. Deputy Speaker, Sir, let me take one more bit of information from hon. Angwenyi.

Mr. Deputy Speaker: No!

(Loud consultations)

Mr. Angwenyi: Mr. Deputy Speaker, hon. Kombo has accepted my information.

Mr. Deputy Speaker: Order! Order, hon. Members. That is an abuse of the process of this House. Under what Standing Order are you rising, hon. Angwenyi?

An hon. Member: He is standing on a point of information!

Mr. Deputy Speaker: Order! Under which Standing Order?

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

Mr. Deputy Speaker: Tell me under which Standing Order you are standing.

Hon. Members: He is standing on a point of information!

Mr. Deputy Speaker: Order! Order! Hon. Members, sometimes the Chair finds it necessary to indulge hon. Members when they stand on points of order or points of information, which make the debate lively. However, when those occasions are being abused, I am afraid, the Chair must say "no". It has now reached a stage where I must say "no" because the greater interest of this House demands that we proceed with the Motion before the House. Hon. Kombo has limitless time to respond. So, proceed, Mr. Kombo.

An hon. Member: What happened to the last one?

Mr. Deputy Speaker: Proceed, Mr. Kombo!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I am very much obliged.

Mr. Kombo: Mr. Deputy Speaker, Sir, I would like to plead for hon. Angwenyi to inform me; I think he has very valuable information.

Mr. Deputy Speaker: Just proceed, Mr. Kombo.

Mr. Kombo: Well, now that my plea for hon. Angwenyi has not been accepted by the Chair, I will proceed. I hope that hon. Angwenyi will let me know the information he wanted to give me afterwards.

Mr. Deputy Speaker: Proceed!

Mr. Kombo: Mr. Deputy Speaker, Sir, I would like to say that this country is, really, at crossroads. Corruption and other issues that we have been dealing with over the last three weeks are a cancer that one would have expected that this Government would take seriously but, of course, those in Government are not living in this world; they are living in a world of their own.

[Mr. Deputy Speaker left the Chair]

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

Of course, they live in another world, not in the world that Kenyans live in. This Government, led by corrupt leaders, has failed the country miserably in many ways. Through those corrupt leaders, the country has been failed, and the Government has failed to maintain law and order, and they have set one Kenyan upon another, and that is why we have had clashes since 1992 to date. This Government has failed to harness the economic potential that the country has, and that is why there is famine and people are going hungry everywhere. This Government has failed to bring dignity--

Ms Karua: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to inform the hon. Chairman of the Parliamentary Anti-Corruption Select Committee that some of the corrupt leaders are in this House and are seated on the Front Bench.

(Applause)

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, as I said, the nation is at a cross-roads, and it is a nation without conscience at the moment; it is a nation that is orphaned.

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

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Angwenyi! You had raised a point of order---

Mr. Angwenyi: I am now raising another point of order!

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

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, my point of order is this: You heard hon. Orengo saying that the Government is rotten, from the top to bottom. I am at the bottom of the Government, and I am not corrupt; I am not rotten. Could he substantiate that everyone in the Government is corrupt and rotten?

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Angwenyi!

(Mr. Orengo moved to the Dispatch Box)

(Laughter)

Order, Mr. Orengo! Hon. Orengo, I have not given you permission; would you sit down? Hon. Angwenyi, you did raise your point of order at that time, and the Deputy Speaker ruled you out of order, and now you are taking advantage of his absence from the Chair to raise a point of order. Already, hon. Kombo is on the Floor.

Hon. Kombo, would you proceed?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, the point of order I was raising at that time was that---

The Temporary Deputy Speaker (Mr. Musila): Order! Proceed, hon. Kombo.

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, as I was saying, the nation has problems, and I think Kenyans have very basic questions to ask at the moment. Kenyans are asking: Do they really deserve this rotten Government?

(Loud consultations)

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members, could we give hon. Kombo our undivided attention to hear what he is saying?

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, the answer to that question is no. Is it worthwhile to keep a rotten Government in place? The answer is no. Are Kenyans not justified to employ any means possible, including extra-Parliamentary means, to drive this rotten Government out of place?

(Applause)

My Committee---

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

The Temporary Deputy Speaker (Mr. Musila): Yes, Mr. Kajwang.

Mr. Sifuna: Why are you giving Mr. Kajwang the chance to raise his point of order when you have been refusing other hon. Members to raise theirs? Is it because of "co-operation?"

Hon. Members: Because he is "co-operating?"

Mr. Kajwang: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity, and ignoring these gentlemen. When hon. Kombo talks of "extra-Parliamentary means of removing the Government," I did not understand what he meant. Maybe, it could be a *coup d'etat* or something else.

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Kajwang. I think you are putting some words into hon. Kombo's mouth; hon. Kombo never talked about a *coup d'etat*, and so, please, refrain from that.

(Applause)

Mr. Kombo: Thank you, Mr. Temporary Deputy Speaker, Sir. I will simply ignore him.

When the Committee met, we did everything in good faith and worked hard, and we did not convict anybody except those who are afraid, and as you know, it is only the guilty who are afraid. As hon. Dr. Omamo said: "Pilipili usiyoiila, inakuwasha kwa nini!" Therefore, the Committee has asked me to lay on the Table a statement here, and I want to read it out, word for word, and then, I will lay it on the Table. It is entitled: "Do Kenyans Condone Corruption?"

"The undersigned hon. Members of the Parliamentary Select Committee on Anti-Corruption thank all Kenyans of goodwill, both in and outside the august House, for their unflinching and unquestionable support during the preparation and presentation of the Report. Tuesday, the 18th of July, 2000, will go down as a black day in the annals of history of this country. It was the day when forces that condone corruption; this cancerous malaise which has eroded the moral fabric of the Kenyan society, impoverished the citizenry; retarded economic growth and disrupted aid from the foreign donors and friendly countries; won against the progressive allies who have all along condemned this horrible evil. It was the day when corruption permeated the precincts of the House, which is supposed to cater for the welfare of society and the just Government of Men. It was the day

when corruption was accepted as a way of life by the high and mighty. As we have said in the past, Parliament was on trial on that day, when the scepticism towards Parliament was proven right. It was, indeed, a sad day for Kenya. The Committee reiterates its impartiality, sincerity and objectivity in effecting the mandate bestowed upon it by Parliament. The Committee stands by the contents of its Report and leaves it upon history to judge its findings and recommendations. The Committee has no apologies to make whatsoever. The ruling class endorsed that it is not interested in fighting corruption. As long as certain untouchables are adversely mentioned, they will use corruption and their ill-gotten wealth to manipulate State institutions to cleanse themselves. After all, money can move mountains. The untouchables have proved that. In view of the shameful and unpatriotic amendment introduced by hon. Anyona, with---

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

Hon. Members: Shame! Shame!

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is this a national Parliament or is it a bar? Is it in order for any Member of this Parliament to bring up my name in a matter which has gone through the normal procedures of this Parliament and has been decided upon? Would the Chair be in order to allow this Parliament to be desecrated?

The Temporary Deputy Speaker (Mr. Musila): Mr. Kombo, continue.

Mr. Orengo: On a point of order, Mr. Speaker, Sir!

The Temporary Deputy Speaker (Mr. Musila): Mr. Kombo is responding to Mr. Anyona.

Hon. Members: It is the Chair! He has no Chair!

Mr. Kombo: He has no Chair, Mr. Temporary Deputy Speaker, Sir. So, it is you to respond.

The Temporary Deputy Speaker (Mr. Musila): Yes, and I asked Mr. Kombo to continue.

Mr. Orengo: On a point of order, Mr. Temporary Deputy Speaker, Sir. As you sit on that Chair, the scales of justice must swing fairly in both directions. When Mr. Anyona insisted on a point of order, you willingly allowed him to raise it. When I stand, it takes you a lot of time to decide and that reflects on the position of the Chair. I have noted that when hon. Anyona stood up, you did not ask him on what point of order he stood or what Standing Order has been flouted, and yet, you asked hon. Angwenyi that. The scales of justice must swing fairly on both sides. The Chair is also not beyond reproach. You are not beyond censure. We can bring a Motion to censure the Chair. Hon. Anyona asked the Chair a fair question. Can you respond to it? I would also ask you to ask hon. Anyona what points of order he stood on, if he wants the debate to be dignified, then you can respond. If you cannot respond, we can help you respond.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Orengo! You stood on a point of order. What exactly did you want the Chair to guide you on?

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I wanted your guidance because an hon. Member has stood on a point of order. The Standing Orders provide that if we stand on frivolous points of order, you can take action by asking the Member to withdraw from the House. In fact, to ask a question by way of a point of order when it is, in fact, not a point of order is deemed to be gross misconduct. Since hon. Anyona stood on a point of order relating to order in the House and put the question specifically to the Chair, could the Chair respond? If the Chair establishes that there was no point of order raised, what will be your position on that matter?

The Temporary Deputy Speaker (Mr. Musila): Mr. Orengo, the fact that I asked Mr. Kombo to continue with his contribution is purely because the Chair ignored the point of order raised by Mr. Anyona.

Proceed, Mr. Kombo.

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, however, it is very easy---

Mr. Angwenyi: Can the Chair confirm to this House that from now on, he will be fair to every Member of this House? This is a very important matter.

The Temporary Deputy Speaker (Mr. Musila): Order! I believe the Chair has been very generous to you, Mr. Angwenyi. Indeed, I have already allowed you to raise a point of order. If you have any reason to complain, then direct your complaint. For now, I have asked Mr. Kombo to continue.

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, I just want to say this to hon. Anyona. I think hon. Anyona should know that all those involved in corruption in this country are comparable to murderers because they have killed Kenyans. The "High Court of Kenyans" knows that hon. Anyona is a hireling of the merchants of death in this country. In view---

(Loud consultations)

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): On a point of order, Mr.

Temporary Deputy Speaker, Sir. Whatever the passions, or subject of debate before the House, it is unacceptable and even beyond the discretion of the Chair to allow the use of unparliamentary language and abusing of an hon. Member--

(Loud consultations)

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members, we have only one authority here to control the proceedings of this House. It is up to you to behave honourably so that we may have some order. Could you, please, allow Dr. Godana to raise his point of order so that we can hear it and then make a decision?

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, it is unparliamentary for hon. Kombo to refer to hon. Anyona as a hireling of the merchants of death. It is so obvious that you should order him to withdraw those remarks.

An hon. Member: Under what Standing Order?

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Anyona's name has been mentioned and it is only fair that he be allowed to raise a point of order.

Mr Anyona: Mr. Temporary Deputy Speaker, Sir, it is upon the Chair to ensure that the House is not turned into a market place. In the first place, our rules require that no hon. Member uses offensive language against another one. Some offensive language has been used against me just now. Secondly, when I fought for freedom, all these people were not there! We know that! There are many things I can say about hon. Kombo, but I am not one to descend to the low level of behaviour. I can say this: You have not told us what happened to Muliro, have you? Has he told us what happened to Muliro! The point is that---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Anyona, you rose on a point of order, which I granted you. You should be specific to the point of order, but not to start debating a matter. Would you be specific? What is your point of order?

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, can the hon. Kombo either substantiate the allegation he has made or withdraw and apologise? In which case, if he is not able to do either of the two, I want to know what the Chair will do about that.

The Temporary Deputy Speaker (Mr. Musila): A point of order has been raised. Hon. Members, I think we all agree that it is against the Standing Orders of this House for an hon. Member to refer to another one as Mr. Kombo did. I may wish to advise hon. Members this afternoon that if we want to continue with debate, would you, please, refrain from using derogatory language against other Members? Mr. Kombo, I would advise you now to proceed with the contribution, and, please, refrain from using derogatory language towards other Members.

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, in view of the shameful and unpatriotic amendments introduced by hon. George Anyona, with the support of the captains of "lootocracy," the amended Report is no longer the Report of the Committee! Therefore, the Committee will not indulge in further debate on the Report. The Committee has reasonable apprehension that, forces of darkness will put pressure on the Attorney-General to introduce a doctored version of the Anti-Corruption and Economic Crimes Bill, 2000, in an attempt to hoodwink the World Bank, the International Monetary Fund (IMF) and the bilateral donors that, the Government is committed to eradicate corruption. The Committee urges all Members of Parliament to support only the original draft Bill, if the Attorney-General brings it, and not a doctored one.

With those few remarks, I would like to lay on the Table a letter written by the Committee. It is signed by all the Members of the Committee. They were hon. Musikari Kombo, MP, hon. Mwalonga Kamolleh, MP, hon. Prof. Anyang'-Nyong'o, MP, hon. Awino Achola, MP, hon. Ngenye Kariuki, MP, hon. Mohamed Galgalo, MP, hon. Wycliff Osundwa, MP, hon. Weyrah, MP, hon. Ms. Martha Karua, MP, hon. Henry Obwocha, MP, hon. Kiraitu Murungi, MP, hon. Wanyiri Kihoro, MP, hon. Ochoro Ayoki, MP and hon. Peter Maundu, MP. Hon. Sammy Leshore is hospitalised in London. He was not around. The other person was hon. Awino Achola, whose permission we got.

Mr. Temporary Deputy Speaker, Sir, I thank you all! Hon. Anyona can come and respond to the Motion but not myself!

(Applause)

(Several hon. Members withdrew from the Chamber)

(Loud consultations)

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Members! Those hon. Members who wish to withdraw from the Chamber should do so in an orderly manner! Please, shut those doors!

*(Question of the Motion as amended
put and agreed to)*

Resolved accordingly:

THAT this House adopts the Report of the Anti Corruption Select Committee laid on the Table of the House on Tuesday, 19th May, 2000, and further recommends that the Attorney-General introduces a Bill entitled The Anti-Corruption and Economics Crimes Bill, 2000, contained in the Report, provided that:-

- (i) All matters in the Minutes in Volume II of the Report (Minutes 125-510, 560, 562, 564, 565, 568, 569, 592, 614, 619) (Pages 560-841) relating to the Appendices in Volume I of the Report as well as all matters connected thereto be excluded;
- (ii) All matters in the Report relating to Appendices I, II, II/A, II/B, II/C, III, IV, IV/A, IV/B (Pages 80-398) in Volume I of the Report as well as all matters connected thereto be excluded; and,
- (iii) All matters relating to corruption be investigated and established beyond any reasonable doubt by *prima facie* evidence in accordance with the provisions of the Constitution and the Law as well as the Rules of Natural Justice.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. If the Chair allows this kind of thing to happen, it is going to destroy this Parliament. It is quite clear in our rules that, if a Member makes an allegation on the Floor of the House, and particularly a serious allegation affecting the conduct of another Member, he is required either to substantiate, or to withdraw and apologise.

Now, hon. Musikari Kombo did make a serious allegation over a procedure of Parliament, which we all understand, and which we all went through and went into Division, and yet, when I asked the Chair to ask him either to substantiate or withdraw and apologise, it ignored that point of order! Now, I can live with many things; I have lived with many things; but I cannot live with a slur!

(Hon. Musyoka consulted with the Chair)

Mr. Temporary Deputy Speaker, Sir, I expect you to listen because this is a very serious matter! It is more serious than what hon. Kalonzo Musyoka is discussing with you! What I want to know is: Are you going to allow a slur on a Member of the House to go when it has been challenged and you are unable to make a ruling, or you want me to take it up with the Speaker himself?

The Temporary Deputy Speaker (Mr. Musila): Mr. Anyona---

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

The Temporary Deputy Speaker (Mr. Musila): Ms. Karua, hon. Anyona has just made a submission! Do you not want me to respond to it? So, when you stand up immediately---

Ms. Karua: It is related!

The Temporary Deputy Speaker (Mr. Musila): Order, Ms. Karua! Whether it is related or not, I do not know! Let me first respond to hon. Anyona's submission.

Hon. Anyona, I do realise your feelings. What the Chair rules now is that we will look at the HANSARD and a ruling on this matter will be made when we have studied the HANSARD. So, I must say that a ruling will be made after we study the HANSARD, and the matter will be referred to later tomorrow!

Ms. Karua: On a point of order, Mr. Temporary Deputy Speaker, Sir. It appears that there are personalities in this House who have the effect of being able to intimidate the Chair! It is contrary to parliamentary practice for the Chair to make a ruling and, then, for a purported appeal to be filed after the event in the manner in which hon. Anyona has done today! You gave a ruling and asked hon. Kombo to proceed. On what basis; on what Standing Orders can an appeal be filed later on, or purportedly filed, and the Chair promises a ruling? Why are we having double standards? Can we have guidance?

The Temporary Deputy Speaker (Mr. Musila): Order, Ms. Karua! I will give you guidance! The fact of

the matter is that when Mr. Anyona raised his point of order, the offensive words which were purported to have been uttered were not heard by the Chair. Consequently, I asked that he continues. Now that he is still persisting on it, I do not think it is an appeal. He has a right to be heard, particularly if his name has been mentioned adversely. Consequently, I said: "The Chair will study the HANSARD and rule on the matter tomorrow."

Next Order!

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

The Temporary Deputy Speaker (Mr. Musila): No! Next Order!

BILL

Second Reading

THE CONSTITUTION OF KENYA REVIEW (AMENDMENT) BILL

(The Attorney-General on 19.7.2000)

(Resumption of Debate interrupted on 20.7.2000)

The Temporary Deputy Speaker (Mr. Musila): Who was on the Floor? Ms. Karua was on the Floor.

Mr. Kirwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rarely rise on a point of order, but you have ignored me for the last two minutes.

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

Mr. Kirwa: Mr. Temporary Deputy Speaker, Sir, it is important because I wanted you to look at the whole problem in totality. When hon. Anyona was trying to raise a point of order, in so far as what hon. Kombo mentioned, he also made a slur at hon. Kombo about what happened to the late Muliro. So, I wanted the Chair to understand that the issue should be looked at in totality.

The Temporary Deputy Speaker (Mr. Musila): Of course, I agree. We will look at the HANSARD in totality. We will not just read the line that mentions hon. Anyona, but we will read the whole HANSARD, and the ruling will be made accordingly. Ms. Karua!

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, it was said in this House that the appointment of commissioners has not changed, names will be recommended and the President will merely appoint them. It is misleading for the Mover of the Motion to tell the House that the manner of appointing commissioners has not changed. The proposed amendments alter the appointment of commissioners completely. In the current Act, the stakeholders appoint the commissioners and the President is powerless. He cannot alter the names. He must proceed to ceremoniously appoint the names recommended by the stakeholders. In the proposed amendments, the President will receive 45 names from which he selects 25 commissioners. The President is, therefore, being given the power to choose who among the 45 he prefers for commissioners.

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know which Bill the hon. Member is referring to. The Bill which is before the House specifies very clearly that it is Parliament that nominates 15 names and submits them to the President who then appoints the commissioners. I do not know where she is getting the 45 names from?

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, is that a point of order or would you like to be given a chance to debate alone in this House?

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

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I have clearly stated that---

The Temporary Deputy Speaker (Mr. Musila): Order! Ms. Karua, would you let hon. Raila make his point of order?

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, he has already sat down. How many points of order can you let him continue to make? **The Temporary Deputy Speaker** (Mr. Musila): Ms. Karua, let hon. Raila finish and then you will continue.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, hon. Raila has already sat down unless if you are giving him a second point of order.

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Karua in order to mislead the House that the Bill specifies 45 names when, in fact, 15 names are what is specified in the Bill? **Ms. Karua:** Mr.

Temporary Deputy Speaker, Sir, hon. Raila can advise the Attorney-General or ask him to give him time to respond on behalf of the Government. My point is that the appointment of the commissioners has drastically changed in the current Act.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it is fair that we discuss one Bill. It has been said here that the Bill is talking about Parliament nominating 15 names which the President will appoint. Hon. Karua has a white paper from which she is reading the 45 names to be proposed by Parliament. Is it not in order that we ask her to quote which particular section or clause of the Bill is talking of 45 commissioners instead of the 15 that we know of?

(Applause)

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, hon. Munyasia can contribute when his time comes, but I do not think that any Member can dictate to another the manner of their contribution. I will continue to make the point that the appointment of the commissioners has drastically changed.

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

The Temporary Deputy Speaker (Mr. Musila): No, Mr. Munyasia! I do not allow your point of order. Order, Mr. Munyasia! You made a point of order and I asked Ms. Karua to respond and even before she finishes, you stand up again.

Hon. Members, could we have some order in the House? Those Members who wish to consult, do so quietly and let us not continue the way we are. So, Ms. Karua, please continue.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I had finished making my point with regard to the commissioners and, like I said, any Member who thinks the Bill says differently, will have a chance to say so.

Mr. Temporary Deputy Speaker, Sir, the reason for doing away with the nominating bodies was that there was failure to agree on commissioners. Kenyans know that the group that was detailed with most disagreements was the Parliamentary political parties. We are now being told that it is a Committee of Parliament which will nominate the commissioners. This Committee of Parliament will once again be made up of Parliamentary political parties. I keep on asking: What magic formula is going to be used this time round by the Parliamentary political parties so that they can agree on the names of the commissioners; or is it hoped that because KANU will have a majority on the Parliamentary Committee, it will ride rough-shod and be able to bulldoze the names of the 15 commissioners?

Mr. Temporary Deputy Speaker, Sir, the truth of the matter is that Kenyans have been denied a chance. It is the ruling party and the President who will determine who the commissioners will be. We, therefore, cannot with honesty claim that the proposed amendments will lead us to a people-driven process. They will, in fact, take us away from a people-driven process.

Mr. Temporary Deputy Speaker, Sir, the other reason for doing away with the nominating bodies is because the ruling party was unable to dictate to the stakeholders on what names to forward as commissioners. When we are told that there will be an advertisement for the jobs of commissioners, just imagine 1000 or 2000 applications coming to a group of 15 Parliamentarians! Clearly, they will have no time to go through the names to evaluate and it will be the will of the majority party like it has happened in the Kombo debate. Kenyans should not be duped and they should know that the Government, which is the ruling party and the President, intend to nominate the commissioners. Who will devise the rules that this Parliamentary Committee will follow in assessing the applications? In our Standing Orders, we have no rules of evaluating job seekers.

A Parliamentary committee is not a management agency. It, therefore, has no criteria for assessing job seekers. Who is going to make the rules and the criteria through which they look at the applicants; or are they going to use the "Nyayo barometer" to determine who can be eligible for commissioners? Kenyans must realise that they have once again been taken for a ride. From what we have heard from one or two Ministers, their intention is to get a commission which can amend the Constitution to perpetuate the corrupt rule that is currently of Kenya's---

The Minister for Vocational Training (Mr. I. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member on the Floor appears to allude that Kenya does not include certain areas. In her definition, apparently, she has alluded that Kenyans must be those ones from her constituency. Would it not be in order for her to clarify and tell us who Kenyans are?

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, the hon. Member, who is a former member of Youth for KANU (YK), and has not finished the "metamorphosis" from a youth to an elder, can be forgiven for his misconception.

To proceed with my contribution, we are saying that the Government and the ruling party are looking for--

The Minister for Vocational Training (Mr. I. Ruto): On a point of order, Mr. Temporary Deputy Speaker,

Sir.

The Temporary Deputy Speaker (Mr. Musila): I am sorry, Mr. Ruto, I will not allow any more points of order.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, the Government and the ruling party are looking for a Commission which will bow down to the pressure of the Executive. If you look at the provision that provides that if the Commission will not turn out with a Constitution within 24 months, then it can give interim recommendations for the amendment of the Constitution. Kenyans should be aware. Here is the catch! The ruling party, and by extension the Government, hope to sneak in amendments to the present Constitution to perpetuate the corrupt rule that is currently in this country. Kenyans must resist any amendments being made to the Constitution piecemeal, but we should go for an overhaul of the Constitution.

We are told that seven out of the 15 Commissioners will be people with over five years' experience in constitutional law. This is a nebulous provision. Every lawyer who has gone to a law school, has done constitutional law. Who is a constitutional lawyer? Is it one who labels himself or herself "constitutional lawyer", or a person who has mastered constitutional law? Is it a person who has practised or teaches constitutional law? This is a provision meant to enable the Government, and the ruling party, to appoint their own cronies whom they will dub "constitutional lawyers."

We are told that eight of the Commissioners should have knowledge or experience in public affairs. What amounts to public affairs in this instance? Is it those people who have perfected the art of sycophancy or is it truly those who have excelled in management of public affairs? Is it those who have excelled in abuse of office or the most corrupt persons? Which experience in public affairs are we talking about? It is pointless to bring up amendments which will spoil an otherwise sound and good law, and throw Kenyans into confusion.

One third of the Commissioners in the current Act has to be women. If you look at the proposed amendment, it proposes that only two out of the 15 Commissioners should be women. This is a negation of the original spirit of the Act, which provided for women to participate in the constitutional review process. If you look at the creation of the constituency forums, the current Act provides for election of three people from each location. We are now moving away from the district to the constituency. Who will determine when the constituents have met? Can an hon. Member of Parliament and his or her supporters meet and claim that his constituents have met? The election of three representatives per location provided an opportunity for residents of every constituency and location to know that they have representatives in the district forum. Now we are leaving it nebulous, and I can sit here in Nairobi with one or two people from Gichugu Constituency, and claim that my constituents have met. This is a sure way of denying Kenyans a chance to participate in the constitutional review process. Kenyans must resist this and demand to have clear terms in the Act.

Mr. Temporary Deputy Speaker, Sir, in the current Act, there is a provision that the national radio station allocates an hour per day, in both Kiswahili and English; it also provides for air time in other vernaculars to this process. Leaving this role now to the Communications Commission of Kenya (CCK), is watering down the provisions of that Act. When you leave it to negotiation, the CCK can ask for five, ten or 15 minutes instead of the one hour air time per day, in the English and Kiswahili services.

Mr. Temporary Deputy Speaker, Sir, could you please save me from the very loud consultations?

(Loud consultations)

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Karua! I have information from the HANSARD reporters that, apparently, the microphone that you are using is defective. Could you move to another microphone where you can be heard properly? May I ask hon. Members to consult quietly so that we can hear what hon. Karua is saying?

(Ms. Karua moved to the Despatch Box)

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I was saying that when it comes to allocating airtime on radio and television stations, the current Act is very clear. It is, therefore, illogical to amend that provision and bring in a provision that is talking of negotiations with the CCK. What if the CCK is unable to convince the Kenya Broadcasting Corporation (KBC) and other media houses to allocate one hour airtime to the proceedings of this process? It has no force of law to force the media houses. Why should we move away from a clear provision of the law, which provides for an allocation of two hours of airtime per day, in English and Kiswahili services and extra time in the vernacular services? The reason is very clear; the Government does not want Kenyans to know what is happening with the constitutional review process. It wants to bulldoze through its own amendments, which Kenyans

have no opportunity of finding out. Otherwise, where is the good faith, if you are removing the only chance of Kenyans following up the process?

When it comes to documentation centres, the current law provides that there be documentation centres in all county councils where Kenyans can check within ten days what records the Commission has of the contribution by Kenyans. When you remove the documentation centres, it means that the records of the proceedings of the Commission are no longer available to Kenyans. It also means that one cannot counter-check whether the recommendations of the Commission are coming from the Executive or from Kenyans. There is no way of counter-checking the recommendations of Kenyans *vis-as-vis* the recommendations of the Commission. What an easy way to rig and deny Kenyans a chance to make their own Constitution?

We are told that once appointed, the Commission will enjoy security of tenure. But if it will have been appointed through the pleasure of the Executive, they will remain grateful to the Executive and will be people who can be manipulated. What about the Tribunal? We are told that a Commissioner can be removed from the Commission only when the Tribunal so recommends. We all remember the Tribunal that removed Mr. Mwau from being the Director of the Kenya Anti-Corruption Authority (KACA). He was appointed as a Director of KACA by the President and the same President appointed a Tribunal to remove him. This is a "zero-sum" game. The current Act has better provisions of counter-balancing power. Why must we return to the dictatorship of one person? We will be better advised to remain with the provisions of the current Act.

Mr. Temporary Deputy Speaker, Sir, some hon. Members are saying that the President has no say in the Commission. This is not true. If he can appoint the Tribunal to remove the Commissioners, then he has a say. It will happen to them exactly as it happened to Mr. Mwau. The Report of the Commission can be "doctored." So long as there is no record to counter-check it, as I have already stated, and so long as there are no documentation centres, this report will be manipulated. Too many reports have been manipulated in this country and have not been implemented. If you look at the Koech Report that the Attorney-General gave an example of; after it used funds and went round the country collecting views from the public, the President has told us that Kenyans will discuss the Report. Which Kenyans will discuss it when they already discussed the subject matter before the Report was compiled? Is it Kenyans from the moon or the same Kenyans who had given their views before the Report was compiled? We should not be taken for a ride.

We are told that there will be three representatives to the national forum from all the local authorities. We have over 1,000 local authorities in this country. The national forum will become too unmanageable if it will have over 3,000 representatives. The current Act, as it is, only will bring together about 600 to 800 Kenyans. It will have Members of Parliament and three people from each district as opposed to local authorities. This is a forum that can discuss. When you create a forum of beyond 1,000 or 3,000 representatives, clearly, you do not intend there to be dialogue, but you intend to manipulate it. The current amendments are designed to manipulate the wish of Kenyans.

Mr. Temporary Deputy Speaker, Sir, for all those who are truly for a Constitution that every Kenyan accepts, they must reject these amendments. Why tell us that the civil society and religious organisations will come at the national level? In the current Act, they were going to be able to participate right from the beginning by nominating commissioners at the district forum and national level. Why do we remove them only to claim they can come back later? Why can the Government not admit that it feels overwhelmed by the informed participation of the civil society? These amendments are done without good faith, they are unmerited and they should be rejected.

(Applause)

The Temporary Deputy Speaker (Mr. Musila): Your time is up!

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, my time is not over.

The Temporary Deputy Speaker (Mr. Musila): Hon. Karua, your time is up!

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, are you not considering that the microphone was defective on the other side?

The Temporary Deputy Speaker (Mr. Musila): Your time is up, hon. Karua!

Ms. Karua: If you say so, I beg to oppose.

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. This Bill that we are debating today, forms a substantial part of the Report put forth by hon. Raila, which Report was **[The Minister of State, Office of the President]** exhaustively debated. What we say today is becoming repetitive. I want to urge the Chair to call upon the Mover to reply.

(Applause)

Ms. Karua: On a point of order, Mr. Temporary Deputy Speaker, Sir. It has become common in this House to think that the best way forward in Kenya is shortcuts.

The Temporary Deputy Speaker (Mr. Musila): Ms. Karua, respond to---

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I am laying my basis. The Report of the Commission was debated. This is a Bill and not the Report of the Commission. Can Members be asked to pass it blindfolded? The Chair has to protect the integrity of this House and it has to give directions. I am the first person after the Mover to contribute. Can Mr. Speaker close the debate before it begins?

The Temporary Deputy Speaker (Mr. Musila): Hon. Karua, the Speaker cannot close the debate; it is upon the House to decide. And for this reason, I will put the Question.

(Applause)

Ms. Karua: That is rigging, Mr. Temporary Deputy Speaker, Sir. The debate has not began.

*(Question, that the Mover be now called upon to reply,
put and agreed)*

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I beg to reply. I would be very brief because as explained, these are matters that have been discussed exhaustively in this House. But just in reply to some of the points made by hon. Karua, I would like to restate again that the President's role in appointing the commissioners here, is not any different from the President's role in appointing commissioners under the current Act. It is quite clear that the National Assembly will nominate 15 persons for appointment as commissioners and eight persons for appointment as alternate commissioners. Under Clause 4(7), the President shall upon receipt of the names, make the necessary appointments.

Secondly, she has said that Parliament cannot look at the various applications which are over 1,000 and, therefore, it is a way in which the process can be manipulated to get the right persons. I believe that the Select Committee has the capacity to make the necessary rules which will govern the criteria for appointing commissioners. After all, it is only the other day that we passed a constitutional amendment to appoint a Parliamentary Service Commission, whose sole duty is to appoint public servants to the National Assembly. They will be doing that by advertising, setting the criteria and making the necessary appointments.

Mr. Temporary Deputy Speaker, Sir, she has cited three instances of pressure from the Executive. She has said that the clause which relates to the fact that the Commission can after 12 months ask this House to submit interim proposals is another pressure that can be made to bear on the Commission. That is not true and I do support the clause. In fact, under the current Act, the period for the entire constitutional process is over three years. We know elsewhere that constitutional review process normally takes a long time. In Uganda, it took over five years. Therefore, this break clause which says that, if after 12 months, they find that they cannot review the whole Constitution altogether and that they can make interim recommendations, is a very sensible clause, indeed.

Mr. Temporary Deputy Speaker, Sir, she has said that another loophole is to say that eight of the persons will be commissioners who have experience in public affairs. She has asked: Who is there to judge the experience of public affairs? She forgot that, indeed, the wording of that are exactly the same as under the current Act, which she herself participated in drafting. Also, on the issue of constitutional lawyers, we know who constitutional lawyers are. They are not just people who have read Constitutional Law at the University and obtained a Bachelor of Laws Degree. They are people who have either taught or practised constitutional law for, at least, five years. So, I do not think that one can really quarrel with that. In fact, one should applaud that, the level of commissioners in this proposed Bill has been pushed higher than under the current Act.

Mr. Temporary Deputy Speaker, Sir, she alleged strongly that people will not be able to check the veracity of what they have contributed to the Commission.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Attorney-General! May we have some order, please? Hon. Members, consult quietly, so that we can hear the Attorney-General.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, she has alleged that there is no provision here to cross-check what individuals have submitted to the Commission and therefore, this is yet another way

of manipulating the results of the Commission. The position relating to **[The Attorney-General]** documentation centres where all the records of the proceedings of the Commission will go to, those provisions are still intact. Therefore, after an individual has made his or her submissions, he or she can still go to the documentation centres and confirm whether the contribution is reflected in the report.

Mr. Temporary Deputy Speaker, Sir, the other issue which she raised was about the Communications Commission of Kenya (CCK). The CCK had to be brought in because we now have, thanks to the liberalisation of the electronic media, more than just the Kenya Broadcasting Corporation (KBC).

Mr. Temporary Deputy Speaker, Sir, we do not have 1,000 local authorities here, we have not more than 363. Regarding the composition of the National Conference Forum, the totality of the numbers will not be higher than the totality of numbers of the number of the National Conference Forum, which is there under the current Act. So, all these are misconceptions which I hope I have answered and I will urge Members to support this Bill as amended.

(Applause)

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Kombe) took the Chair]*

THE CONSTITUTION OF KENYA REVIEW (AMENDMENT) BILL

(By Leave of the House)

The Temporary Deputy Chairman (Mr. Kombe): Hon. Members, we are now dealing with the Constitution of Kenya Review (Amendment) Bill.

(Clauses 2, 3, 4, 5, 6, 7, 8, 9 and 10 agreed to)

*(Clauses 11, 12, 13, 14, 15, 16, 17,
18, 19 and 20 agreed to)*

*(Clauses 21, 22, 23, 24, 25, 26,
27, 28, 29 and 30 agreed to)*

(Clauses 31 and 32 agreed to)

(Clause 1 agreed to)

(Title agreed to)

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Constitution of Kenya Review (Amendment) Bill and its approval thereof without amendment.

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Mr. Musila) in the Chair]*

REPORT AND THIRD READING

THE CONSTITUTION OF KENYA
REVIEW (AMENDMENT) BILL

Mr. Kombe: Mr. Temporary Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered The Constitution of Kenya Review (Amendment) Bill and approved the same without amendment.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Lands and Settlement (Mr. Keah) seconded

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Constitution of Kenya Review (Amendment) Bill be now read a Third Time.

The Vice-President (Prof. Saitoti) seconded.

(Question proposed)

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, the passage of this Bill through the Second Reading, Committee Stage, and now in the Third Reading, is in itself a milestone in the long process of the review of the Constitution. This Parliament must be fully seized of its vital responsibility of making sure that this nation stays and moves forward together. It would be dangerous for this Parliament to allow itself to be manipulated, blackmailed or intimidated by forces both within and without this country, into abandoning its responsibility that is central in the governance of this country. The examples we have seen of hon. Members properly elected by the people of Kenya to come and adjudicate the affairs of this nation, running away and abandoning Parliament to go and set up mock parliaments elsewhere, is in itself a betrayal of the will of the people. Whereas this Parliament must stand for the broadest rights and freedoms of our people, we must never allow anybody to usurp the role of this Parliament. Whereas, as a Parliament, we appreciate and facilitate such fora as the Ufungamano Initiative and all the others, we must never lose sight of the fact that the final responsibility for the destiny of this nation lies with this Parliament.

I hope that with the passage of this Bill, the controversy about the procedure of the constitutional reform will be behind us and that now the people of Kenya can press forward and fashion out the kind of Constitution that they want for their future.

Mr. Temporary Deputy Speaker, Sir, it is dangerous in a constitutional process, to create barriers and obstacles to say that this may happen or may not happen. I think it must be an open process, where the final product would be determined by the wishes and collective will of the people of Kenya. There has been this confusion about the constitutional review process being people-driven. I do not know where this cliché has come from. As far as I am concerned, the affairs of this nation, in spite of some of the shortcomings, have always been people-driven. This Parliament and all past Parliaments with all their weaknesses, have always been people-driven because the Members have been elected to this Parliament. We have in Africa and all over the world, seen people in power who have not been elected by anybody. How then can anybody claim with a fair mind that the affairs of this country, in spite of all these problems, have not been people-driven? I know that the people of Kenya understand our history. We know our past and current problems and we know our future hopes and aspirations. I have no doubt that our people will come out with clear ideas as to what kind of Constitution they want.

Mr. Temporary Deputy Speaker, Sir, it will not serve any useful purpose, if this afternoon we pass this Bill and then on Thursday, we go on recess. That will mean that this Bill will be in abeyance until the House resumes in October. After it has passed through the Third Reading, the Bill will require Presidential assent; then it will have to be published in order to become law. It is only at that point in time that Parliament can then appoint a committee that will form the Commission. I would, therefore, express the wish that the remaining processes be acted upon expeditiously,

so that in the shortest time possible, we will have this Act in place, so that the Committee can be appointed. I am, therefore, proposing that this Parliament does not go on recess until this Bill becomes law and the House nominates the Committee, so that committee can utilise recess period to appointment a Commission.

Mr. Temporary Deputy Speaker, Sir, finally, in this exercise and given what we have seen before, this Parliament must stand firm, and people must stand to be counted and we must not succumb to blackmail and intimidation.

Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I know that this is not the time at all to debate, but I want to really commend hon. Members who are here. This is because hon. Members who have sat here throughout to deliberate on this Bill are, indeed, the ones who believe in the legitimacy of Parliament.

We did hear a number of our own colleagues who tried as much as possible, to derail us by saying that Parliament has no legitimacy to review the Constitution. However, our Constitution is very clear; that, Parliament has the sole responsibility of legislation in this country. Indeed, we fail to find out what is wrong with Kenyans. How come in the case of Tanzania, President Mkapa, using the Constitution which has got the same provisions as the Kenyan Constitution, was able to set-up a committee to review the Tanzanian Constitution without outcry? But here, those people who we defeated out in the field, now want legislation to be done out there, instead of them joining us in this House.

Mr. Temporary Deputy Speaker, Sir, we have seen, unfortunately, our colleagues on the other side---

Hon. Members: Some of them!

The Vice-President (Prof. Saitoti): I am very sorry. Some of them, because we have wonderful ones! They pay lip-service to democracy. These are hon. Members who have "totalitarian" mind. I think on the basis of what we have seen, there can be no more compelling reason for this Bill not to be moved as quickly as possible, for it to become an Act of Parliament, so that a Commission can be appointed to review our Constitution. Indeed, on the basis of what we have seen, we need a Constitution that is going to deepen democratisation; a constitution that is going to protect more, the freedom of an individual against forces who do not belong to democracy. I say shame on them and we shall move ahead. Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Assistant Minister, Office of the President (Mr. Haji): Bw. Naibu Spika wa Muda, asante sana kwa kunipa nafasi hii niseme mambo machache juu ya Mswada huu. Leo ninasikika vizuri, hata kama sauti yangu ni ya chini sana. Hii ni kwa sababu baadhi ya waheshimiwa Wabunge ambao wameuwasi Mswada huu, huwa na desturi ya kutisha, matusi na hata kuzuia mhe. Mbunge kutoa maoni yake. Leo ninafuraha kwa vile vitisho vyao vimewadhuru wao kwa vile wamekuwa waoga kusimama hapa na kuzungumza juu ya mambo muhimu yanayohusu nchi hii. Wameshindwa kuchangia Mswada huu wa Katiba, na pia Hoja juu ya ufisadi. Tunafahamu kwamba katika nchi zingine, kwa mfano, Tanzania, kama vile Makamu wa Rais alivyosema, ni Rais ambaye amechagua Kamati ya kukusanya maoni juu ya urekebishaji wa Katiba. Huu Mswada ambao tumeupitisha hapa unawapatia wananchi wa Kenya nafasi ya kutosha kuweza kutoa maoni yao katika vijiji, miji na sehemu za mashambani. Kwa hakika, wale ambao walianza kuunda Bunge katika ulimwengu, walikuwa na kusudi la kuwa na Bunge ambapo wananchi watachagua Wabunge kuwawakilisha na kutengeza sheria za kuendesha nchi zao. Na kama ni hivyo, basi hakuna mahali pengine bora pa kujadiliana mambo ya nchi hii ya siku sijazo kuliko Bunge hili.

Katika ulimwengu mzima, ni Bunge tu ambalo lina mamlaka ya kupendekeza mambo kadha wa kadha ambayo yanahusu utaratibu wa uendeshaji wa nchi na Serikali. Ikiwa ni hivyo, ni bahati mbaya kwa wale watu ambao waliuliza wachaguliwe kuwa Wabunge ili wajiadili mambo --- Wabunge hao ndio wanaoenda nje kuzungumza mambo ambayo wako huru kuyazungumza katika Bunge hili ili maoni yao yajulikane. Mchezo wa paka na panya ambao hao Wabunge wanaucheza, kushurutisha watu kufanya mambo vile wanavyotaka, kwa hakika hiyo sio demokrasia hata kidogo. Kule kwetu tuna msemo usemao kwamba yale mambo ambayo watu wazima wanayazungumza ndiyo watoto huchukua na kuchezea sokoni. Tunafahamu kwamba watu wazima wakikutana kuna mambo mengine ambayo labda watoto hawafai kuyasikia. Kwa mfano, kama wazee wakisema kwamba msichana fulani ana miguu mizuri, watoto wataenda nje na kurudia yaliyosemwa. Wabunge hawa wenzetu wanafanya mambo kama hayo.

Bw. Naibu Spika wa Muda, nimesikitika sana kusikia Wabunge wengine wakisema kwamba mambo ya ufisadi---

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Haji! We are speaking on the Constitution of Kenya Review (Amendment) Bill, Third Reading. We have not opened the debate yet.

The Assistant Minister, Office of the President (Mr. Haji): Bw. Naibu Spika wa Muda, nimekubaliana nawe. Kwa hayo machache, ningependa kuunga mkono Mswada huu.

Ahsante sana, Bw. Naibu Spika wa Muda.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I think hon. Members of Parliament do realise that this is the Third Reading and we cannot really re-open the whole thing and speak for more

than one minute. My one minute is to say that the passage of this Bill enforces a very heavy responsibility on the part of Parliament, which must ensure that the Commission that it is going to appoint through the transparent process of advertising, is one which has the best possible men and women of integrity, with experience and good conduct to undertake this very important exercise.

Mr. Temporary Deputy Speaker, Sir, I am sure that if a very good Commission is appointed and goes throughout all constituencies and reflects the views of the people of Kenya as is required by this Constitution, they would have served the country well.

Mr. Temporary Deputy Speaker, Sir, I beg to move.

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

MOTION

ADOPTION OF REPORT ON FACT-FINDING MISSION TO SIERRA LEONE

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on a fact-finding mission to Sierra Leone laid on the Table of the House on Tuesday, 13th June, 2000.

(Mr. Musila on 14.6.2000)

(Resumption of Debate interrupted on 14.6.2000)

The Temporary Deputy Speaker (Mr. Musila): Mr. Poghismo was on the Floor and he has 25 minutes left. Is Mr. Poghismo around? He is not around.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, in support of this Motion, I want to---

(Several hon. Members withdrew from the Chamber)

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members, would you withdraw from the Chamber quietly? Mr. Sunkuli, you may continue.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, in support of this Motion, I want to begin by thanking the Chairman of the Defence and Foreign Relations Committee of Parliament, especially the hon. Members who accompanied me to Sierra Leone. The Chairman, Mr. Musila, and his Committee are persons whom when we went to Sierra Leone were absolutely useful in the mission that we set forth to do. The Chairman did accompany me on practically every part of the trip that we went to and this portrays a good image of Kenya.

The trip is one that you can easily describe as a success. As you will recall, the purpose of our trip was to visit our soldiers, because at that time they had been encircled in the central towns of Sierra Leone; the Town of Makeni and Magburaka. They had been encircled by rebels of the followers of Foday Sankoh.

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

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

I would like to inform this House that our soldiers fought their way out of the encirclement in Makeni and Magburaka; some of them travelled on foot while others drove through hostile land fighting their way out until they arrived in the town of Kabala where majority of them were still camped by the time we arrived in Sierra Leone. When we went to see our soldiers, they were in good form and they were highly motivated. Some hon. Members had urged

the Government to bring back the soldiers from Sierra Leone, but when we got there, that temptation was not there and our soldiers did not allow us to entertain it, because indeed they wanted to remain there to fulfil their mission.

I would like to take this opportunity to commend the Commanding Officer of the Kenyan Forces in Sierra Leone, together with his men, for their high spirit. By the time we went to Sierra Leone, Brig. Mulinge and others were in captivity. We visited the Liberian President, Mr. Charles Taylor, and urged him to help us get the hostages out. Whatever you may say about President Taylor, he was very useful and did assist our men to come out of captivity. Of course, Brig. Mulinge did not come out immediately. As a gallant soldier, he opted not to come out until all his men, not just the Kenyan men, but all the members of his brigade who included Zambians and others, had been released. As I speak here today, Brig. Mulinge is out of captivity and continues with his duties in Sierra Leone.

Mr. Temporary Deputy Speaker, Sir, some of our soldiers were wounded in the course of breaking out of siege in Makeni and Magburaka. Those were brought to hospital in Kenya. The majority of them have since recovered and some are actually on their way back to Sierra Leone.

Mr. Temporary Deputy Speaker, Sir, it was always the desire of our soldiers while we were there, that, those among the injured soldiers, who wanted to go back to Sierra Leone after recovery should be allowed to do so. So, we have taken that deliberate action to ensure that those soldiers have gone back to Sierra Leone.

While in Sierra Leone, we visited all the belligerent in this fight. We visited President Kabah, Mr. John Koroma and Mr. Foday Sankoh. Our visit to Mr. Sankoh was an opportunity for us to see for ourselves the man who has caused suffering for the people of Sierra Leone. We did not change that impression when we met Mr. Sankoh. He did not impress us as a man who could be talked to. He was in captivity; I think he was in the right place. Therefore, we had a splendid trip to Sierra Leone, during which we formed our own opinion about the situation there, most of which we have shared with the United Nations. Thereafter, we had a safe trip back to this country.

Mr. Temporary Deputy Speaker, Sir, we have a lot to say about our continued role in Sierra Leone. However, it is important that Kenya does not make a unilateral decision as to what it should do in Sierra Leone. That decision must be collectively made with other countries of the United Nations. Currently, West African countries have asked for an enhanced role in the United Nations peace-keeping role in Sierra Leone. Of course, questions arise as to what is the future of the United Nations soldiers in view of the fact that the Lome Agreement seems to have collapsed. However, these are questions that need to be answered by the United Nations and no doubt by our own Ministry of Foreign Affairs and International Co-operations, in due course. I would not like to belabour a point that has already been exhaustively debated both inside and outside this House.

I beg to support.

Mr. Morogo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since the Motion has been, debated exhaustively, I beg to move that the Mover be now called upon to reply?

The Temporary Deputy Speaker (Mr. Badawy): Hon. Members, I will now put that question to the House to decide.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, first, I would like to take this opportunity to thank those hon. Members who made some very valuable contribution to this Motion. Unfortunately, as you are aware, this Motion was interrupted by the Budget Speech and other Motions. Consequently, there has been delay in finalising debate on this Motion.

Be that as it may, on behalf of the Committee on Defence and Foreign Relations, I would like to commend the House for encouraging and giving us an opportunity to perhaps be the first Committee of this House to go on a foreign mission, to carry out investigations on a matter of national importance. I am pleased to say that wherever we went, as hon. Members of this House, we were very much on record, talking and saying that we were there on behalf of this House. I would once again like to reiterate my Committee's thanks to the Commander-in-Chief for facilitating that trip. If it were not for his generosity and goodwill, we would not have made it to Sierra Leone because, logistically, it was impossible to make such a trip to that war-torn country.

Mr. Temporary Deputy Speaker, Sir, when I presented this Report to this House last time, I mentioned that all Kenyan soldiers who had been taken hostage by the Revolutionary United Front (RUF) rebels in Sierra Leone had been released. As the House will recall, a contingent of the Indian Battalion had also been taken hostage by the RUF rebels. I am pleased to say that as of now, not even a single member of the United Nations peace-keeping mission is being held hostage by the RUF rebels. Even the Indian soldiers, who were the latest victims, have been released.

I think this House will be fulfilling its full role in commending our Armed Forces in Sierra Leone. All the men and women serving there have done this country proud because of the manner in which they have continued to

uphold this country's principles. I would, in particular, like to commend Brig. Mulinge. The House will recall that, while commanding a battalion that comprised of Kenyan and Zambian soldiers, Brig. Mulinge was taken hostage alongside other hostages. As hon. Sunkuli has said, while in Sierra Leone, we saw Liberia's President Charles Taylor, who made it clear to us that all the Kenyans soldiers who had been taken hostage by the RUF soldiers would be freed. Brig. Mulinge was also offered freedom but, to our utter surprise, he refused to accept his freedom until all the Kenyan and Zambian soldiers who were under his command were released.

Mr. Temporary Deputy Speaker, Sir, Brig. Mulinge stood his ground until all the soldiers who were under his command were released. It was only then that he accepted his freedom. Some people have wondered: "Why should we commend Brig. Mulinge, yet he was performing his duty?". On the contrary, being aware of the conditions in which Brig. Mulinge was at that time, we must all congratulate him for having handled that crisis professionally and doing this country proud. Perhaps, hon. Members would like to know that even the Liberian Head of State was, at that juncture, so impressed that he offered to personally gallant Brig. Mulinge for the act of bravery that he showed, if this country's Head of State agreed to it. That means even foreigners have recognised the bravery and professionalism exhibited by Kenyan soldiers.

We know that some soldiers were wounded in the process of moving from Makeni to Kabalah. I reported that earlier that some two critically-wounded soldiers were being moved to Europe for specialised treatment. The current information is that, after the assessment of those wounded, it was decided they did not need to be taken to Europe. The two gallant soldiers, who were critically wounded were flown to Nairobi Hospital, where they have been undergoing medical treatment at the cost of the United Nations. As the Minister has already said, we are pleased to say that the recovery of the wounded soldiers has been so fast and great that the majority of those who were wounded and treated at Nairobi Hospital and at the Forces Memorial Hospital have fully recovered and some of them have already returned to Sierra Leone to continue with the work they had been doing.

However, we are still sad that our soldiers continue to be missing in action in Sierra Leone. The House is aware that the Minister did set-up a Board to determine the actual position of the soldiers who are still missing. Our hearts go to the families, relatives and friends of the four soldiers who have been missing in action for so long; we are concerned that up-to-now their whereabouts are not known. All we can do is to pray for their families, because they are going through a very difficult period, from the time they went missing in action. I would like to urge the Department of Defence (DOD) to hasten the proceedings necessary to determine the fate of those soldiers.

Finally--

The Minister of State, Office of the President (Mr. Sunkuli): On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to inform hon. Musila and the House that, in fact, the DOD has already dispatched the Board under General Kiyanga to determine the missing persons and it is due back soon, and the Chief of General Staff will be leaving for Sierra Leone next month.

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I thank the Minister for that information, except that I still believe that it is a long time since those soldiers went missing and, by now, we ought to have a complete report as to whether they are still alive or not. I know that takes time, particularly because they went missing in a very hostile territory where guerillas are operating, but be that as it may, it is now nearly two to three months since that happened. We would like the anxiety of the parents and relatives of the soldiers to be put to a halt so that they know the fate of their relatives. All the same, I thank the Minister for that information.

Finally, the Minister did allude to the wishes of some hon. Members who said: "Let our boys come home." As a Committee, we did agree with the Minister, and indeed, with the Commander-in-Chief that it would not be in the national interest to bring our soldiers back to Kenya. In any case, the situation in Sierra Leone has continued to improve, and we have been informed that the countries of the region, including the United Nations, are doing everything to ensure that the peace process that had stalled is put back on track. However, my Committee still strongly believes that our Forces are in Sierra Leone to keep peace under the United Nations' mandate, and as long as there is peace to maintain in Sierra Leone, this House must continue to encourage our men and women to serve there. Our soldiers should never at any time be involved in fighting in guerrilla warfare that has been going on in Sierra Leone for the last nine years; they should strictly be in Sierra Leone for peace-keeping. As long as that is the position, I can assure the Government that this House will continue to support that position.

With those few words, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Badawy): Hon. Members, since there is no other business to transact, it is now time for the interruption of the business. The House is, therefore, adjourned until tomorrow, Wednesday, 26th July, at 9.00 a.m.

The House rose at 6.05 p.m.