

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th April, 2000

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:-
Dr. Noah Mahalang'ang'a Wekesa.

PAPER LAID

The following Paper was laid on the Table:-

The Report on the Central Depositories Bill, 2000

(By hon. Mkalla)

ORAL ANSWERS TO QUESTIONS

Question No.089

COLLAPSE OF MOSACCO CO-OPERATIVE SOCIETY

Mr. Speaker: Mr. Osundwa! You should all take note that Question Time will be one hour. Is Mr. Osundwa not here? We will leave his Question until the end. Let us move on to the next Question.

Dr. Awiti: Mr. Speaker, Sir, although I am asking this Question, I have not received any written reply to it.

Question No.107

REHABILITATION OF ROAD D219

Dr. Awiti asked the Minister for Roads and Public Works:-

(a) whether he is aware that Road D219 in Karachuonyo Constituency connecting the divisions of East and West Karachuonyo was destroyed by *El Nino* rains, rendering several major sections of the road impassable; and,

(b) how much money has been allocated to rehabilitate the road to all-weather road status.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, the written reply was sent yesterday to Parliament and I can see that he has just received it.

Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the Road D219 in Karachuonyo Constituency was destroyed by *El Nino* rains, rendering some sections of it difficult to pass through.

(b) The Government has allocated Kshs40 million from the fuel levy during this Financial Year to rehabilitate this Road.

Dr. Awiti: Mr. Speaker, Sir, I do not really know whether the Assistant Minister has been well briefed. This road is the artery of the Karachuonyo Constituency, because it links the farmer, the fisherman and the trader. The contract was awarded and the contractor started working on this road, but he has abandoned work on the road. Could

the Assistant Minister tell us when the contractor will resume the work? As it is now raining, people are unable to pass through this road. Why did the contractor abandon the work?

Eng. Rotich: Mr. Speaker, Sir, it is true that the contractor suspended work on this road due to non-payment. However, we have already paid the contractor and he is due to start work on this road during the first week of May, 2000.

Mr. Achola: Mr. Speaker, Sir, could the Assistant Minister explain to the House where he got whatever money he paid to the contractor from? As far as we are concerned, we have reliably learnt that the money in the *El Nino* Emergency Fund has been "eaten". Where did the Government get the money from?

Mr. Ojode: On a point of order, Mr. Speaker, Sir. You have heard hon. Achola alleging that the money in the *El Nino* Emergency Fund has already been "eaten". Who has "eaten" this money and how much has been "eaten"?

Mr. Speaker: By the way, how do you "eat" money? Do you do that literally?

Mr. Achola: Mr. Speaker, Sir, if you do not know, it is very easy to "eat" money. Ask the Assistant Minister to tell you because they are "eating" it.

Eng. Rotich: Mr. Speaker, Sir, I have never "eaten" money and, perhaps, I can get a lesson from hon. Achola.

This Road is being rehabilitated under the fuel levy and not under the *El Nino* Emergency Fund. We have already made a provision for Kshs40 million in this Financial Year during the revised statements.

Mr. Munyasia: Mr. Speaker, Sir, if it is true, as the Assistant Minister says, that the contractor has already been paid, why should he wait until the first week of May to resume work on this road? Why does he not start work immediately?

Eng. Rotich: Mr. Speaker, Sir, the contractor was paid on Tuesday this week.

Mr. Speaker: Next Question. Mr. N. Nyagah!

Question No.027

LIST OF NHIF DEBTORS

Mr. N. Nyagah asked the Minister for Medical Services:-

- (a) what is the current total amount owed to NHIF by its debtors;
- (b) whether he could avail a list of all debtors; and,
- (c) when was the last time NHIF accounts were audited and who are the auditors.

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

- (a) The NHIF is currently owed a total of Kshs999,340,328.25
- (b) I hereby beg to lay on the table the list of the debtors.
- (c) The NHIF accounts were last audited on 30th June, 1993 by the Auditor-General (Corporations).

(Dr. Wako laid the list on the Table)

Mr. N. Nyagah: Mr. Speaker, Sir, you can understand why I brought this Question. In fact, my records show that the NHIF accounts were last audited in 1982. However, be that as it may, here is a question where Kshs1 billion short by Kshs700,000 is owed to this corporation. Why has the NHIF not been audited upto date by the Auditor-General (Corporations)?

Dr. Wako: Mr. Speaker, Sir, as I said earlier, the NHIF has been audited up to 30th June, 1993.

Mr. Kihoro: On a point of order, Mr. Speaker, Sir. The Question from hon. N. Nyagah is about the current total amount owed. If we are given a figure which relates to 1993, there is no way that can be a current figure. So, we demand the Assistant Minister to give us the current total amount owed, as at, maybe, 1999 and not 1993?

Mr. Speaker: Order! Mr. Kihoro, you have taken a shortcut. What Mr. N. Nyagah had asked is: Why this organisation has not been audited since 1993? Now, if you wanted to ask a question, which is legitimate as you have now rose on, purportedly a point of order to catch my eye.

Mr. Assistant Minister, respond to Mr. N. Nyagah's question and ignore Mr. Kihoro.

Dr. Wako: Thank you, Mr. Speaker, Sir. As I said previously, the NHIF was last audited in 30th June, 1993, by the Auditor-General (Corporations). The accounts for the financial years 1994/95 and 1995/96 are currently with the Auditor-General (Corporations) for auditing. Accounts for the financial years 1996/97 and 1997/98 will actually be presented by the end of April.

Mr. Raila: Mr. Speaker, Sir, NHIF was one of the last "fat cats" to die. Now, the Assistant Minister is telling this House a very sad and sorry affair. He is saying that this corporation has not been audited for the last seven years. Can he tell the House whether he believes that this corporation is solvent? How much money is it owed currently if it has not been audited by the Auditor-General (Corporations)?

Dr. Wako: Mr. Speaker, Sir, as I have said, the amount of money owed to NHIF totals almost to Kshs1 billion. This relates to the current period. The audit reports covering the period up to 1997/98 are ready and are with the Auditor-General (Corporations).

Mr. Raila: On a point of order, Mr. Speaker, Sir. How can the Assistant Minister tell this House that so much is owed when the accounts have not been audited? Where is he getting the figures from?

Dr. Wako: Mr. Speaker, Sir, if hon. Raila would have looked at the list which I have tabled, he would have seen that most of the debts relate to an earlier period in the past. We have stopped lending out money. A big chunk of this money is actually owed by the bank which collapsed. This is to the tune of Kshs751 million. Kshs24 million is owed by certain councils which have not remitted the money to NHIF.

Mr. Angwenyi: Mr. Speaker, Sir, could the Assistant Minister tell this House why these accounts have not been audited for the last seven years? Could he also assure this House that these unaudited accounts will be audited and brought here within one month?

Dr. Wako: Mr. Speaker, Sir, I have already promised and said that the accounts for the financial years 1994/95 and 1995/96 are already with the Auditor-General (Corporations). The accounts for the financial years 1996/97 and 1997/98 will be here by the end of the month.

Mr. N. Nyagah: Mr. Speaker, Sir, can the Assistant Minister tell this House what remedial steps his Ministry is taking to ensure that money is recovered from people who owe them money as a result of imprests not being returned? These are the companies from which money can be collected if the Ministry was keen on collecting part of this money that is recoverable.

Dr. Wako: Mr. Speaker, Sir, the outstanding debts are generally classified into four different categories. The first are funds which were owed by the collapsed bank and for these, the Ministry has written to the Central Bank, which acts as our receivers, to get back the money. For the defaulting employees, various steps have been taken. For the imprests and advances, steps have already been taken and I think we are doing all we can to make sure that all the funds are back to NHIF.

Mr. Speaker: The last one, Mr. Anyona!

Mr. Anyona: Mr. Speaker, Sir, the Assistant Minister has said that the accounts have not been audited since 1993. It is a mandatory requirement under the Exchequer and Audit Act and also under the State Corporations Act that the accounts of the corporations are prepared and audited within the nine months of the year. In other words, they have six months to prepare the accounts and then they have to avail them to the Minister who will in turn present them to the House. How come this Ministry has allowed the law to be broken for seven years?

Dr. Wako: Mr. Speaker, Sir, it is true that the regulation is that the audit should be done within nine months. However, to date, it is only the accounts relating to the period up to 30th June, 1993 which have come to this House. The accounts for the financial years 1994/95 and 1995/96, are already with the Auditor-General (Corporations).

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. I am asking a question and this Assistant Minister is not answering it. In all his answers, he is repeating false information which he has been telling us for the last half an hour. Can he tell us why NHIF has not had an audit for the last seven years and yet, the law provides that it must be done within nine months of every year?

Mr. Speaker: Order! Dr. Wako, the books of accounts may very well now be with the Auditor-General (Corporations) because, probably, this Question has triggered them to be delivered there. What the House wants to know is why there has been no audit between 1993 and, say, for example, June last year.

Dr. Wako: Mr. Speaker, Sir, what I am saying is that, it is wrong for any corporation not to take its books for audit. The National Hospital Insurance Funds (NHIF) has not taken its books of accounts for audit, but the Ministry has pushed it to the extent that all their accounts are now with the Auditor-General (Corporations).

Mr. Speaker: I think he has been very honest!

Very well. Next Question, Prof. Anyang'-Nyong'o!

Question No.078

SUBDIVISION OF BONDENI OPEN SECTION

Mr. Speaker: Prof. Anyang'-Nyong'o not here? Next Question!

Question No.089

COLLAPSE OF MOSACCO CO-OPERATIVE SOCIETY

Mr. Speaker: Mr. Osundwa still not in. Question deferred.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

Mr. Speaker: Mr. Ojode's Question!

IMPOUNDING OF VEHICLES

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

(a) Could the Minister explain the circumstances that led to the impounding of the following vehicles:-

KA A 264H	Tobias Juma	Mitsubishi L.200,	
KAD 485Q	Eliakim Kura		
	Akuku	Mitsubishi L.200,	
KA A 417D	Nehemiah Oluoch		
	Otieno	Toyota Pick-Up,	
KYF 599	Alloyce Illa		
	Oyugi	Mitsubishi L.200,	
KZH 399	Fred G. Otieno	Mitsubishi Pick-	Up; and,
KA A 927X	Philip Ogolla		
	Owino	Mitsubishi Pick-	Up?

(b) When is the Minister going to order the release of the said vehicles to their owners?

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

(a) The six vehicles were impounded by the police because they were stolen from their owners on diverse dates and were having fake registration numbers.

(b) The vehicles were handed over as follows:-

(i) Vehicle, No.KAA 264H, was handed over to the Provincial Insurance Company who had already compensated the owner.

(ii) KAD 485Q, Mitsubishi L.200, was handed over to Kenindia Insurance Company which also had already compensated the owner.

(iii) KAA 417D, Toyota Pick-Up, was also handed over to Kenindia Insurance company which had also compensated the owner.

(iv) KZH 399, Pick-Up was also handed over to Concord Insurance Company who also had paid the owner.

(v) KAA 927X, Mitsubishi Pick-Up was also handed over to Occidental Insurance Company after producing relevant insurance documents. The final payment to the owner, I believe, has not yet been paid.

(vi) KYF 599, a Mitsubishi 200, was recovered from Alloyce Illa Oyugi. The registration number is fake and the vehicle belongs to Communication Corporation of Kenya (CCK) and the case is still under investigation.

Mr. Ojode: These vehicles were impounded seven years ago. Could the Minister tell the House why they did not take these cases to court?

Maj. Madoka: Mr. Speaker, Sir, we did not take these cases to court because the insurance company claimed for these vehicles and said that they compensated the owners of the vehicles.

Mr. Ojode: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to mislead this House by saying that the owners were compensated, while he knows very well that, anything that is stolen has to be taken to court? After having impounded these vehicles, the Government should have taken the case to court. Is it in order for him to mislead the House?

Mr. Speaker: Well, before I respond as to whether or not it is a point of order, are you saying that the Minister should take the vehicles to court?

Mr. Ojode: Mr. Speaker, Sir, what I am saying is that he has alleged that the vehicles were stolen, but they never took these cases to court. Why did they not take the cases to court?

Mr. Speaker: That is a question! Mr. Gitonga!

Mr. Gitonga: Could the Minister tell this House where these vehicles were recovered from? If they were recovered from the thieves, were the thieves taken to court? How many of them have been charged for stealing the vehicles?

Mr. Speaker: Mr. Minister?

Maj. Madoka: The Minister is here, he was just trying to verify some of the facts. Maybe, hon. Gitonga could ask that question again.

Mr. Gitonga: Mr. Speaker, Sir, I am asking the Minister to tell this House where the vehicles were recovered from and if they were recovered from people who had stolen them, how many of those thieves have been taken to court?

Maj. Madoka: Mr. Speaker, Sir, I confess that I have not got those details. I will be able to get those details and report appropriately.

Mr. Muchiri: Thank you, Mr. Speaker, Sir. If those vehicles were found to be having fake numbers, under what law did the police give these vehicles back to the insurance companies before they had charged the accused people in court?

Maj. Madoka: Mr. Speaker, Sir, may I ask for more time on this particular Question?

Mr. Speaker: Very well. I will give you a week. The Question is deferred!

(Question deferred)

Next Question, Dr. Kulundu!

USE OF POLYATOMIC APHERESIS
IN HIV/AIDS MANAGEMENT

Dr. Kulundu: I beg to ask the Minister for Medical Services the following Question by Private Notice.

Why does the Government still allow Dr. Basil Earle Wainwright, alias Dr. Stone, to use polyatomic apheresis in the management of HIV/AIDS cases in the country?

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

The Government has never allowed Dr. Basil Earle Wainwright alias Dr. Stone to use the polyatomic apheresis in the management of HIV/AIDS in this country. In fact, the Government has banned this mode of treatment in the management of HIV/AIDS in the country. It is, therefore, illegal for Dr. Wainwright or any other doctor to continue using polyatomic apheresis in HIV/AIDS management.

Dr. Kulundu: Mr. Speaker, Sir, you may notice that, that is just exactly the same answer I got on 29th July, 1998. It was illegal and it is illegal for anybody to use polyatomic apheresis in the management of HIV/AIDS. It is a fact, and even this Minister knows that Dr. Wainwright has continued practising this illegal---

Mr. Speaker: Why do you not ask him a question instead of giving him a statement?

Dr. Kulundu: Mr. Speaker, Sir, it is just a bit of an explanation. Is it not true that Dr. Wainwright is being protected by people whom the Ministry of Health cannot control and these people are mostly at State House?

Dr. Wako: Mr. Speaker, Sir, it is not true. First and foremost, in 1998, the hon. Member asked the same Question and so he is bound to get the same answer that there is nobody protecting Dr. Wainwright. He is not supposed to practise in this country.

Mr. N. Nyagah: Mr. Speaker, Sir, could the Assistant Minister explain to this House whether he has any knowledge of a document which I want to table before this House from Technology Integral International from Austria which funded Dr. Wainwright and took him to Russia and the results were disastrous? The Kenya Embassy in France through this group advised the Kenya Government that this man is being sought by the American and by the British Governments. I have the two letters.

An hon. Member: Saying what?

Mr. N. Nyagah: It is saying the following: Just one quick short sentence in the letter from the British High Commissioner himself, written on 15th October, 1997, says:-

"That, Interpol hold records of Dr. Basil Earle Wainwright, who has been convicted of several crimes similar to those practices which you know Dr. Wainwright appears to be carrying out in Nairobi. We understand that the interpol would release further information to the Kenya Police should they ask for it."

The last one says:- "In response to this inquiry by the American Embassy, the FDA has advised that the use of the polyatomic apheresis has not been medically approved in the United States for the treatment of HIV/AIDs. Further to this, the FDA has advised that Dr. Basil Earle Wainwright is a fugitive from the United States on probation for violation---" There is presently an outstanding arrest warrant issued in the State of Florida for the arrest of Dr. Wainwright alias Dr. Stone.

Mr. Speaker: Do you want to table all that?

(Mr. N. Nyagah laid the letters on the Table)

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. In view of all these, would I be in order, for the benefit of Members of Parliament to ask either Dr. Wako or Dr. Kulundu to explain to us what polyatomic apheresis is all about?

An hon. Member: Aah, that is not necessary!

Mr. Speaker: Order, Mr. Ndicho! The hon. Members are expressing disapproval of your attempt to change the House into a classroom. I would have expected Dr. Kulundu, now that the Assistant Minister has said the use of this particular method of treatment for HIV/AIDS is illegal---I do not think any hon. Member has asked the Assistant Minister whether Dr. Stone actually uses that method.

Mrs. Ngilu: Mr. Speaker, Sir, as far back as last year Dr. Wainwright had his company registered in this country, meaning that somebody had been in touch and working with him. With all the documents which have been laid on the Table, we would like to know who really authorises this kind of business and who registered Dr. Wainwright's company. If there is something which is going to cure Kenyans, can proper research be done on it so that it is not ruled out before it actually treats cases of HIV/AIDS? As President Mbeki said, anything that can treat South Africans of HIV/AIDS should be used.

Dr. Wako: Mr. Speaker, Sir, I will reiterate that at no time had Dr. Wainwright been registered. The registration of any doctor normally goes through the Kenya Medical Association(KMA). The KMA had asked Dr. Wainwright to submit his research so that they could actually quantify it, but he has refused. Therefore, he has never been registered in this country.

Mrs. Ngilu: On a point of order, Mr. Speaker, Sir. I have documents which show that Dr. Wainwright was registered last year to do research in this country.

Mr. Speaker: Can you table them?

Mrs. Ngilu: Yes, I can table them tomorrow?

Mr. Speaker: No, do it now!

Mrs. Ngilu: I will table them tomorrow since I do not have them right here, but I have them in my office.

Mr. Speaker: Order, hon. Ngilu! I thought you are a Member of the Departmental Committee on Health. Obviously, you knew as a Committee that this Question was coming and you may be required to table the documents. I think it would help the House if Members come here prepared. We cannot keep on dragging these things on and off. If you have documents, I will facilitate you even now to table them.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir. Hon. Dr. Kulundu made a serious allegation here that Dr. Wainwright is being protected by men from State House. Would it be in order to ask that Dr. Kulundu does substantiate because this appears to be a man whom we cannot manage?

Mr. Musila: Mr. Speaker, Sir, my concern relates to the documents that hon. N. Nyagah has laid on the Table. If those documents are true, then is it not obvious that we are actually giving refuge to a fugitive in this country?

Mr. Speaker: Dr. Wako, if you have refused to register this "fellow" and this Parliament has been up in arms all the time and you think the method of treatment is against the interest of Kenyans, why do you not do the natural thing to do. Get the "fellow" out of this country!

Dr. Wako: Mr. Speaker, Sir, that does not fall under the docket of the Ministry of Health. This Question went to the Office of the President, but since it is about a practice which we have declared illegal, it was brought to the Ministry Health. We have made sure that his clinic in Karen is closed down and taken him to court and the Ministry of Health cannot do more than that.

Mr. Maore: Mr. Speaker, Sir, can the Assistant Minister be very honest to this House and this country and say that the same god-fathers who protected Dr. Davy Koech to reap billions of shillings through KEMRON and Prof. Obel to reap billions through the Pearl Omega are the same people who cannot allow Dr. Stone to be deported because he is a money minting machine for them. The Assistant Minister is just wasting time here by saying how they have taken him to court! There is no such a thing

Mr. Speaker: Order, Mr. Maore! Nobody wastes time here! He is taking our time away.

Dr. Wako: Mr. Speaker, Sir, I am not aware of any person protecting Dr. Wainwright. We put a Legal Notice

in the Kenya Gazette of September, 1998, to the effect that nobody should practise polyatomic management.

(Several hon. Members stood in their places)

Mr. Speaker: Order, all of you! The Chair has nothing to do with Dr. Stone. The Chair can only allow one of you a chance to speak. So, be patient.

Mr. Raila: Mr. Speaker, Sir, this is a matter that involves human lives---

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

Mr. Speaker: Order, Mr. Wanjala! This is a House of hon. Members. Try to fit into that category. Proceed, Mr. Raila!

(Laughter)

Mr. Raila: Mr. Speaker, Sir, this is a matter that involves human lives and we urge the House to discuss this matter with sobriety. There are several drugs already in the market purporting to be reversing the symptoms of HIV/AIDS. We have so many quacks in the country who are purporting to be treating HIV/AIDS without any licence. There is a lot of tension about Dr. Stone and the polyatomic treatment. This is a method that was used in Germany before the Second World War. Would the Assistant Minister confirm or deny that International Monopoly Drug Manufacturers are behind the campaign to deny experiment and research on these other alternatives of treating HIV/AIDS? Why are criminal charges being preferred against this man, if there is no international monopoly capital involved in this?

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. Could hon. Raila tell this House what disease this method was treating before the Second World War? Was there HIV/AIDS before the Second World War?

Mr. Speaker: Mr. Obwocha, do you want to target hon. Raila now?

Mr. Muchiri: On a point of order, Mr. Speaker, Sir. You have heard the Assistant Minister saying that the practice being used by Dr. Stone is illegal. Is he in order to say so when he knows that Kenyans are desperate to be treated in any manner so that they can be healed?

Mr. Speaker: Order! Order, Mr. Muchiri! First of all, that was not a point of order. In any case, when the matter is illegal, no amount of necessity will legalise it, until this House has made it legal through legislation. So, maybe, you would appeal to him to change the law.

Dr. Kulundu: Mr. Speaker, Sir, I have said that Dr. Stone is being protected by very high people in Government circles. Unknown to the people who have been going to Dr. Stone, he has been video-taping them and every time there is some adverse report on him, he threatens to show this video pictures to people. As a result, the Government officials develop cold feet. For example---

Mr. Speaker: Are you debating, or asking him questions?

Dr. Kulundu: Mr. Speaker, Sir, I have a letter written by the Chief Drugs Inspector in the Ministry of Health to the Director of Medical Services (DMS) and with your permission, may I read a bit of it. This is a letter written to the DMS by the Chief Drugs Inspector when he went to invade the offices of Dr. Wainwright. He says as follows:-

"When we were inside the house, we could not be allowed us to interview Mr. Basil Wainwright.

He insisted we should not go ahead until he clears with Col. Sitienei of State House, Maj. General Sumbeiywo of the Army and the CID Director, Noah arap Too. When we had made up our mind to arrest them, a telephone call came from CID Headquarters to Senior Superintendent Waithaka instructing us to stop any further action and not to take away any material or equipment and to have Maj. Sambu and Mr. Wainwright immediately released. We did as instructed by CID Headquarters.

On our way back to the office, Mr. Juma, who was then the Chief Drugs Inspector, accompanied Mr. Waithaka, a Senior Superintendent of Police. They went to see the Director of CID, who confirmed to them of the instructions from above."

Mr. Speaker, Sir, I am willing to table this document.

(Applause)

Mr. Speaker: Order! Order! Those are very serious allegations. Can you table it so that---

Dr. Kulundu: I have another one to table, Mr. Speaker, Sir.

Mr. Speaker: Would you do that now!

Dr. Kulundu: Let me read it, so that I can table the two of them. This is a letter from the Permanent

Secretary, Ministry of Foreign Affairs and International Co-operation to the Permanent Secretary, Ministry of Health. It says as follows:-

"The story repeats accusations which have appeared in the local Press alleging that Mr. Wainwright is a conman and an ex-convict. However, the story drags the President's name in the controversy by alleging that he gave instructions to your Ministry to allow Mr. Wainwright to operate in the country."

Mr. Speaker, Sir, I am willing to table these documents.

Hon. Members: Shame! Shame!

(Dr. Kulundu laid the documents on the Table)

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, the hon. Dr. Kulundu is reading out here documents whose authenticity is questionable.

Hon. Members: No! No!

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, I would rather before any documents of this nature is laid on the Table here, that we are allowed to read them. In any case, he may have manufactured them from Lurambi Constituency.

(Several hon. Members stood in their places)

Mr. Speaker: Order! Order, all of you! Mr. Minister, I do not think you have seen the so-called documents. Have you? Neither have I. I am just seeing them for the first time. I do not know whether they are authentic or not. I will make them available to you to see whether you think they are authentic or false. So, can you look at them before you deny? I will give you a little time to look at them.

(Applause)

Dr. Wako: Mr. Speaker, Sir---

Mr. Speaker: Order!

Dr. Wako: Mr. Speaker, Sir, I think, it is better that we study the papers and then, report back to the House.

Mr. Speaker: I think, I do agree with you. How long do you require?

Dr. Wako: One week, Mr. Speaker, Sir.

Mr. Speaker: Very well.

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

Mr. Speaker: Order! Order!

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir---

(Mr. Angwenyi stood in his place)

Mr. Speaker: Order, Mr. Angwenyi!

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, from the contents of the letter, it clearly shows that this is not an official letter and I will prove it. Just give me the opportunity.

Hon. Members: How do you know?

The Assistant Minister, Office of the President (Mr. Haji): Mr. Speaker, Sir, this letter should be---

(Mr. Angwenyi stood in his place)

Mr. Speaker: Order! Order! Mr. Angwenyi, who tells you that, you have better rights in this House than Mr. Haji? He is an hon. Member, and he is entitled to have his say and you will not stop him. Proceed.

The Assistant Minister, Office of the President (Mr. Haji): Thank you, Mr. Speaker, Sir. This letter will be investigated properly and the man who brought it will face the consequences if it is proven that it is not an official letter?

Hon. Members: Kaa chini!

(Several hon. Members stood in their places)

Mr. Speaker: Order! Order! There is really nothing to be excited about. The Assistant Minister who answered the Question, if I recollect, said that his Ministry refused to license this doctor because in their view, he was not practising a recognised mode of treatment. That is what he said. As regards this other document that has been laid on the Table, as I said, the Assistant Minister can find out the veracity. He has rightly asked me to give him time to go and peruse the records, find out whether they are genuine or false. I think, that is the most reasonable course. Let us defer the Question, to give the Assistant Minister time to look at the documents. If at the end of the day, he finds them genuine, then he will come to the House and say: "Yes, they were correct". If at the end of the day, he will find that they are false, he will come to this House and say: "They were false". So, that should end the matter. The question is deferred.

(Question deferred)

(Several ho. Members stood in their places)

An hon. Member: On a point of order, Mr. Speaker, Sir. Is he in order to threaten Dr. Kulundu?

Mr. Speaker: Order! Order!

Dr. Wako: Mr. Speaker, Sir---

Mr. Speaker: Order! Order! Mr. Assistant Minister, did you want anything else?

Dr. Wako: Mr. Speaker, Sir, all I was saying is that, probably, we need more time, because to establish the authenticity of these documents, we might need to send them to experts. So, we need, at least, two weeks.

(Several hon. Members stood in their places)

Mr. Speaker: I will give you two weeks.

Mr. Wamalwa: Mr. Speaker, Sir, while the Assistant Minister is looking at all these documents and so forth - these are things that I am not particularly concerned about -will he also ascertain what Government policy on this matter really is? There are Kenyans dying, just like in South Africa, where President Thabo Mbeki said he will try anything if it is going to cure one or two people in his country. So, instead of just accepting what the British and Americans are saying about this particular doctor, maybe, he can come here next time and give us a Government policy on the admission of people purporting to be treating AIDS.

Thank you.

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. Are you satisfied with what hon. Haji has said, that, if it turns out that the documents tabled here are not genuine, the hon. Member will see fire? How can hon. Haji threaten another hon. Member in this House?

(Laughter)

Mr. Speaker: Order! Order! Hon. Members, although I do not subscribe to any hon. Member issuing threats to another from the Floor of this House, from the Chair I would like to say that, if any hon. Member, by any chance, knowingly, presents a false document to this House, he will see the fire of this House. The House will be so cross---

(Loud consultations)

Order! Order! Hon. Haji has no fire! He is only issuing empty threats.

Let us go to Mr. Kikuyu's Question by Private Notice!

RELOCATION OF KENYA ORCHARDS LIMITED

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

(a) Is the Minister aware that Kenya Orchards Limited has moved from Machakos to Nairobi and that the company is currently disposing of its land in Machakos?

(b) Is the Minister further aware that in the said land are two public institutions which have been built through

local community effort?

(c) Could the Minister ensure that the sale is halted until the land on which the said institutions stand is excised from the main title deed?

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

(a) I am not aware that Kenya Orchards Limited has moved from Machakos to Nairobi or that the company is disposing of its land in Machakos.

(b) I am, further, not aware that on the said land are two public institutions built through community efforts.

(c) The land in question is private property, and my Ministry cannot interfere with registered proprietors involved in the alleged transaction unless there is proof that a breach of the terms and conditions of the grant is intended.

Mr. Kikuyu: Mr. Speaker, Sir, the Minister said that he is not aware of the issues raised in parts (a) and (b) of the Question. The two public institutions that are on the said land are a primary school and a secondary school with three and four streams respectively, both of which are called "Ngomeni". How can he not be aware of the existence of those institutions on that land? It seems that the Assistant Minister said that he is not aware because the Question has not been directed to the correct Ministry. Why did he not direct this Question to the correct Ministry?

Mr. Opore: Mr. Speaker, Sir, as a Ministry, the advice we would like to give is that, if it is true that there are public institutions on the said land, which were built by the local community, the hon. Member should take up the matter with the area Land Control Board to stop the sale of the land until the area occupied by the said public institutions is excised and transferred to the local community. My Ministry has no powers to stop the sale of the said land by the registered owners.

Mr. Maundu: Mr. Speaker, Sir, the Assistant Minister has said that he is not aware that a transaction of this nature is taking place. How did he go about it to come to such a conclusion? Did he get in touch with the owners of the said land to find out whether they are disposing of it or not?

Mr. Opore: Mr. Speaker, Sir, the said land is a private property. If the owners want to dispose of it, we cannot stop them. My advice to the hon. Member is that he should raise the matter with the local Land Control Board, for it to take up the matter in favour of the said institutions, if they are there.

Mr. Mwenje: Mr. Speaker, Sir, the Land Control Board is not senior to either the Ministry of Lands and Settlement or to this House. The Assistant Minister has been informed that two public schools are on the said land. Is he, really, in order to, again, tell the hon. Questioner to raise the matter with the Land Control Board when he should order, from this House, that, the said land should not be sold?

Mr. Opore: Mr. Speaker, Sir, first of all, if Kenya Orchards Limited offered a piece of land to the said public institutions, it was up to those institutions to make an application for the same, so that the land on which they stand could be excised from the rest of the land parcel in question. Secondly, at the local level, we have the Land Control Board, members of which belong to the area. So, instead of the hon. Questioner raising this issue with the Lands Office, he should have raised that matter with the local Land Control Board.

Mr. Kaindi: Mr. Speaker, Sir, I think that this is a contentious matter because, way back in the 1960s, the late hon. Harun Mutunga and the late hon. Kyalo - they were the Members of Parliament for the then Iveti North Constituency - were directors of the said company. The late Mutunga used his magmamity and ensured that the local community was given the portion of land on which the two public institutions stand today. It was on the basis of that, that the Ministry of Education registered those two institutions. Now that Kenya Orchards Limited has been relocated to Nairobi, is it not in order for the Assistant Minister to issue proper instructions to the persons concerned, to excise the portion of land in question, to ensure that the local community does not lose the two said valuable institutions?

Mr. Opore: Mr. Speaker, Sir, I think my advice to the hon. Members is very clear that if the two institutions were, indeed, offered the said portion of land, it is only proper that they apply for the ownership of that portion. Until that happens, there is no action we can take at the Ministry.

Mr. Speaker: The last question, Mr. Kikuyu!

Mr. Kikuyu: Mr. Speaker, Sir, you can see the urgency of this Question and so it is not a question of going to the local Land Control Board. The said land is already on sale. Are we going to close down two of the biggest learning institutions in Machakos District just because of greed for money, or because the Government is, simply, idle, and cannot do anything just because it is fearing an Indian? Mr. Assistant Minister, please, do something about this matter.

Mr. Opore: Mr. Speaker, Sir, I think the Ministry has empowered the local Land Control Board to exercise the powers of the Ministry. If the hon. Questioner has problems with the local Land Control Board in his area, why does he not come forward and say what those problems are?

Mr. Speaker: Let us go to Mr. Tom Onyango's Question by Private Notice.

Mr. Onyango: Mr. Speaker, Sir, before I ask my Question, I must say that I have not received a written

answer!

NON-PAYMENT OF ALLOWANCES
TO MIGORI COUNCILLORS

Mr. Onyango: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that most of the councillors of Migori County Council have not been paid their allowances and dues for the last fifteen months?

(b) How much money does the county council owe the councillors in allowances and other dues?

(c) Could the Minister ensure that the money is paid urgently to save the councillors from financial and social embarrassment?

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

Mr. Speaker: What is it?

Mr. Munyao: Mr. Speaker, Sir, yesterday, the Chair ruled about the failure by Ministers to provide hon. Questioners with written replies to Questions. This morning, there was an outcry by hon. Members about the failure by Ministers to supply them with written replies. Here, again, a hon. Member has asked a Question, being the last Question on the Order Paper - it has been asked about one hour after the House re-convened this afternoon but the written reply to this Question has not been received yet. Is the Chair going to repeat the same ruling every time the House convenes for business? Could the Chair have teeth with which to bite this time?

Mr. Speaker: Mr. Munyao, watch out; I might bite you!

(Laughter)

Mr. Opoire: Mr. Speaker, Sir, this is a Question by Private Notice.

Mr. Munyao: On a point of order, Mr. Speaker, Sir. The point of order I have raised is very important. I have addressed myself to the Chair, and I am seeking some ruling from the same.

Mr. Speaker: Mr. Munyao, I do not have to rule every minute; I did so yesterday. I addressed that issue to the Leader of Government Business; I look forward to the Leader of Government Business taking it up with the various Ministers.

(Loud consultations)

Order! Order, hon. Members! Mr. Munyao, I am not going to rule on the same thing every minute. I have made a ruling on this matter. I expect the Leader of Government Business to take up the matter with his colleagues. However, I do not expect that to happen instantly. Let us give the Ministers a little time. I hope to see changes next week. If you insist that, on every one of these Questions, I should make a ruling, and if I proceed to make the same ruling, I think we will reduce the dignity of this Chair. It will be perceived that the Chair only talks, and that it will not do anything. So, let this sink in; I hope that it is sinking.

The Assistant Minister for Local Government (Mr. Affey): Mr. Speaker, Sir, I beg to reply.

I am aware that Migori County Council has not paid councillors all their allowances for a period of 10 months. The outstanding payments of councillors' allowances was Kshs3,617,721, as at 31st March, 2000. My Ministry has advised the council to improve its revenue base in order to meet its financial obligations. Once this objective is achieved all outstanding payments due to the councillors and other financial commitments will be settled.

Mr. Onyango: Mr. Speaker, Sir, is the Minister aware that Migori County Council cannot pay the councillors due to mismanagement by the Chief Officers who have been transferred from Webuye because of running down that municipality?

Mr. Affey: Mr. Speaker, Sir, I am not aware that the council cannot pay its councillors due to mismanagement. However, Migori County Council, like many other local authorities in the country, is unable to meet all its financial obligations because its revenue base cannot match the expenditure.

Mr. Omamba: Mr. Speaker, Sir, since there is a continuous loss of money in the council, and there is no way the situation will improve, could the Assistant Minister consider the councillors being paid their allowances by the Central Government so that they are paid every month?

Mr. Affey: Mr. Speaker, Sir, at the moment there is no provision in law to pay councillors their allowances from the kit of the Central Government.

Mr. Achola: Could the Assistant Minister inform the House how much money has been disbursed to the

council from the Local Authority Transfer Fund (LATF)? As far as I am concerned, all the financial returns for Migori County Council are up-to-date. So, could the Assistant Minister inform the House the amount of money that has been given to the council for this purpose?

Mr. Affey: Mr. Speaker, Sir, I know that all the county councils in this country have received money, but I might not give the figure Migori County Council has received.

Mr. Speaker: Question Time is up.

MINISTERIAL STATEMENTS

MALARIA OUTBREAK IN THE COUNTRY

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, I rise to make a Ministerial Statement on the current situation on malaria with specific reference to Nyanza Province as a response to the Question raised by hon. Dr. Ochuodho, the MP for Rangwe, last week on Thursday.

In the recent past, there have been reports appearing in both the print and electronic media on malaria outbreaks in various parts of the country, especially in Kisii and Gucha Districts of Nyanza Province. The Ministry of Health would like to clarify that up to this point in time, there has been no observed increase above normal in the number of cases of malaria or in the number of deaths arising from malaria.

Malaria occurs in two patterns in this country. In endemic zones where there is stable malaria, transmission occurs throughout the year. These areas include parts of Nyanza, Western and Coast Provinces. In Nyanza Province, districts like Kisumu, Homa Bay, Suba, Siaya and Bondo, children under five years and pregnant mothers are more affected. The Ministry, therefore, endeavours to make drugs available throughout the year and promote primary health care activities for control.

The other form of malaria is the unstable malaria that tends to occur in some parts of Rift-Valley, Nyanza and North Eastern Provinces. The transmission is interrupted and may not be continuous. This pattern is seen in some parts of Kisii highlands, Nandi and Bomet. There is usually an upsurge in transmission after long rains and an epidemic may occur. The number of admissions, and out-patients cases increase and there may be more deaths. Adults, children and pregnant mothers are affected alike.

The Ministry of Health foresaw the occurrence of malaria epidemics in the country from the lessons learnt in the last year's epidemic and started putting in place the necessary measures to control the same.

To ensure that malaria epidemic does not occur to the magnitude experienced in 1999 various activities have been undertaken:-

(i) In February and March, 2000, the Ministry of Health launched malaria campaigns which were spearheaded by the Minister for Public Health in some of the malaria epidemic and endemic zones of Coast, Nyanza and Rift-Valley Provinces. The campaign rallies emphasized:-

(a) Early diagnosis and prompt treatment using Sulpha drugs. I would like to inform this House that these drugs have undergone quality control tests and proven to be effective.

(b) Increased awareness and preventive measures with emphasis on the promotion and use of insecticide treated bednets.

(c) In-door residual house spraying in some of the epidemic prone districts.

(ii) The Ministry of Health with support of partners has procured and distributed anti-malarial drugs worth Kshs35 million to malaria epidemic districts. A buffer stock of anti-malarials is currently held in the MSCU as a stop-gap to address any unforeseen rise in the number of cases of malaria. Currently there are adequate stocks of anti-malarials in health facilities. Attached is a list of distribution of drugs in malaria prone zones.

(iii) The Ministry together with partners mainly Merlin and MSF-France have trained health workers on case management of malaria in the said districts. Community health workers have also been trained on the treatment of malaria.

(iv) Health workers have been trained on vector control methods in epidemic prone districts. Effective in-door residual house spraying is currently being undertaken, for example, in Nandi, Kisii, and Gucha District.

(v) Selective vector controller activities are being undertaken in all the districts that malaria epidemics do occur. In-door residual spraying is being implemented in the western highlands which include districts such as Kisii, Nyamira, Gucha, Transmara, Buret, Kericho, Nandi and Uasin Gishu.

(vi) In both Kisii and Gucha Districts, villages which were worst hit in the last epidemic and are known to have mosquito breeding grounds such as swamps and brick-making sites have been sprayed with chemicals to kill mosquitoes.

The Ministry is currently supporting the provincial and district health teams to put in place an effective malaria epidemics monitoring system. Currently, several partners including donors and NGOs have been mobilised to

supplement the Ministry's effort in controlling malaria in the country. Referring to specific information put in the Press, I would like to state the following:-

In both Gucha and Kisii Districts, the current malaria prevalent is about 13.6 per cent. This is a normal situation and the staff are well equipped to manage the same, for example, the situation in Kisii, as indicated in the data that I shall table now.

(Dr. Anangwe laid the documents on the Table)

These figures show that the expected Malaria status is not different from what is being seen in other parts of the country. However, with the onset of the rains the situation is bound to change and the Ministry has put in place the mechanisms to address the situation which includes setting up of temporary treatment centres to supplement existing facilities and improve accessibility.

Finally, although the Ministry has taken up measures to control the Malaria epidemic, we would like to appeal to the community to play a major role in seeking treatment early and take preventive measures as outlined above.

Mr. Speaker: You would like to make an inquiry?

Mr. Anyona: I would like to raise two points for clarification. Would the Minister explain why in the case of Kisii, Gucha and maybe Nyamira, there has been a controversy, if the situation is normal? There cannot be a controversy if things are normal. Can he tell us what he means by "the matter being normal"? Secondly, when the Minister for Public Health went round he did ban the use of chloroquin in those areas because it has become resistant to the malaria infection. Even in the Abuja Summit it was recognised that chloroquin is not effective.

Secondly, there is another---

Mr. Speaker: How many questions are you raising, Mr. Anyona?

Mr. Anyona: I want to raise three points of clarification.

Mr. Speaker: That is the fourth point.

Mr. Anyona: The third one is that the use of Halfan has also been said to be illegal. In fact, during the time when the late hon. Kapten died it was said that it was one of the causes of his death. If those are the circumstances, why are Chloroquin and Halfan still being used to treat malaria?

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, the first question which hon. Anyona asked is that: If the situation is normal why are there controversies particularly in Kisii over this particular matter? I think he is in a better position to explain because it has to do largely with the politics of Kisii which I would not wish to be dragged into for the moment. However, to underscore and clarify this particular point, if you compare the situation, as it was in terms of outpatients and inpatients, since last year up to now you, can see a fundamental difference. The statistics are here.

We have drawn the relevant graphs to demonstrate that there is no outbreak to the magnitude that occurred last year. I will table these documents so that you can examine them.

(Dr. Anangwe laid the documents on the Table)

As to the use of Chloroquin and Halfan, I would like to say that through drug studies done by KEMRI, it was discovered that Chloroquin was no longer as effective as it used to be and that there were more effective drugs. We went out and issued a Gazette Notice saying that the use of Chloroquin will be restricted to prescriptions only.

As far as we are concerned, Government hospitals are no longer distributing any new stock of Chloroquin. We are actually withdrawing the stocks of Chloroquin from those Government health institutions that have them.

As to whether the public is using the Chloroquin in the circumstances that hon. Anyona has mentioned, it really depends. If it is on prescription basis, I think the doctor who is prescribing it is taking responsibility for it. It is really a professional undertaking and it is up to him to tell us what the efficacy has been. Halfan is a drug that has to be given on prescription basis. I do not know about this. I would need to get more information from him to give him a comprehensive answer with relevant data.

VANESSAR ASSOCIATES
SHAREHOLDING IN MIWANI

The Minister for Agriculture (Mr. Obure): Mr. Speaker, Sir, last week, hon. Sambu raised a Point of Order wishing to be shown evidence that Ketan Somaia's group, Vanessar Associates Limited actually paid for their 51

percent shareholding in Miwani Sugar Company. In this respect I want to lay on the table the following documents.

*(Mr. Obure laid the documents
on the Table)*

The first one is a report of the accounts of Miwani Sugar Company for the period ended 31st March, 1995. The second is a report of the task force on Miwani Sugar Company dated 10th September, 1996. It will be seen from the documents I have laid on the table that Vanessar Associates Limited actually paid for their share of 51 percent in Miwani Sugar Company. The payment was made on the 6th April, 1991, through a cheque deposit at the Miwani Sugar Company's account at the Kenya Commercial Bank in Kisumu. The Government similarly paid for its share on 5th August, the same year.

Mr. Speaker: Next Order!

MOTION

ADOPTION OF REPORT OF SELECT COMMITTEE ON CONSTITUTION OF KENYA REVIEW ACT

THAT, this House adopts the Report of the Select Committee on the Constitution of Kenya Review Act, 1997, that was laid on the Table of the House on Thursday, 6th April, 2000; and further recommends that the Attorney-General introduces a Bill to the House in accordance with the recommendations contained in this Report proposing amendments to the Constitution of Kenya Review Act, 1997.

(Mr. Raila on 19.04.2000)

*(Resumption of Debate interrupted
on 25.04.2000)*

Mr. Speaker: Who was on the Floor? Mr. Nyenze!

The Minister for Environment (Mr. Nyenze): Thank you Mr. Speaker, Sir. I wanted to finish up my contribution on the Parliamentary Select Committee Report. I was talking about the necessity for peace in this country. I said that this is like rocking the boat while you are sailing in it. We live in this wonderful country. It is a very good tourist destination endowed with so many resources, though we cannot fully realise our potential. Presently, I am appealing to the Opposition MPs, especially those from Central Province, not to rock that boat because all of us will sink. It is also good to consider who will sink deepest. By "sinking deepest" I mean those people who have property in the places where you want mass action to take place.

No legislator sends his children to the streets whenever he advocates for mass action. Nobody wants their sons or daughters to participate in the street running battles. I would urge Kenyans, that whenever they are told to go to the streets to demand for the children of those people telling them to do so, to also participate because that is the only way out. If they do not participate, why do we allow some few leaders to buy bhang and give drugs to people to go to the streets? What if they get hurt? The reason why they do not allow their children to participate in these mass actions is because they know they will get hurt and they would rather than other people's children getting hurt. This is selfishness. It is wrong and that is why Kenyans will not accept to be incited to go to the streets. Those advocating for mass action do not know what they are doing. It is like detonating a very powerful time-bomb which will destroy whatever we have achieved since Independence.

We have achieved two very important things in this country. One of them is peace. We are poor, but peaceful. The other thing is quality education for our children. Most legislators here are graduates from various universities. We are very educated. We have achieved that level of education because our Government has maintained peace. It has also encouraged our people to study. It is good to be knowledgeable even if you do not get an employment opportunity. We give big credit to the Head of the State because he has encouraged the establishment of so many schools, colleges and universities. He has really contributed a lot in raising education standards in this country. Therefore, we cannot allow few individuals to destroy what we have achieved.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I would urge this House to adopt this report because it has been carefully prepared by sober and selfless legislators who want to see peace and prosperity in this country. I want to be among the first legislators to support the report. Any hon. Member who has been elected by people and is being paid salary from taxpayers' money, should be here to support the adoption of the report for the sake of unity. Nobody wants to live in a country where people are killing each other. Those of us who have never experienced what our fellow legislators want us to do, can talk. But when that time comes, you will regret. Look at the countries surrounding us. Those countries have been engaged in civil strife for many years. They are now faced with a lot of problems because of hatred, wars and mistrust among their people. So, let us pray for peace. Let us unite and adopt this Report because it will bring peace and prosperity. At the moment, this is the best thing to do. Let us be sober. Let not a few hon. Members try to propel some selfish tribal interests. This struggle you see is all about succession. But without the current Head of State, I am seeing gloom and I stand to be challenged. That is why I have advocated for continuity of this Government. It is our prayer that His Excellency the President continues to rule, so that we enjoy peace for a longer time. We should uphold the rule of law and our Constitution because it will guarantee safety, prosperity and progress in all areas of development. This is because we want to be like Japan and United States of American in terms of development. But how do we get to that level of development, if we do not uphold the rule of law? Why should hon. Members stage a walk-out?

Mr. Temporary Deputy Speaker, Sir, a few NGOs are notorious for calling for war. I wonder whether it is right for the church not to preach peace. Most registered NGOs are clustered here in Nairobi. They are calling themselves stakeholders in the Constitutional Review Process. But if you compare them with the number of NGOs registered in North-Eastern Province, you will be very surprised. I represent Kitui West Constituency in this House. So, I talk on behalf of people of Kitui West Constituency because they are stakeholders in this process. They elected me to come to this Parliament and talk about the Constitutional Review Process and make decisions on their behalf because Parliament is a decision-making body. This is where laws are made and changed, in order to run the country efficiently and peacefully. However, in my constituency, there is one robber who pretends to be a stakeholder in the Constitutional Review Process. Whenever there is a meeting in Ufungamano House, I see him going to catch a bus because he does not even ride a bicycle. We do not know how he was selected. This is a man who has been stealing and breaking into houses and he still goes to Ufungamano House. How can he go to Ufungamano House as a stakeholder? I wonder how he shares tables with those high priests. This is very wrong. It is very unfortunate for some people from Kitui to claim to be stakeholders in the Constitutional Review Process because they have registered an NGO. If you look around the country, this is the scenario that exists everywhere. Someone has registered an NGO which his wife and sons are members. They meet in Ufungamano House to talk about the Constitutional Review Process. Is this not a farce? Are we not cheating ourselves? We should not allow them to cheat our people that they represent them.

Mr. Temporary Deputy Speaker, Sir, since we have an effective Government in the country--- Those people who are talking about mass action should know that confrontations will fail because we have rules that governs this country. I thank Kenyans because they have refused to go to the streets and demonstrate. Kenyans will never accept to go to the streets. That is one good thing that has happened in this country because they know that they are being cheated by those Hon. Members who want to take a short-cut to State House. State House may be very far for them because of the route they have taken. These are noble hon. Members because they have opted to remain and debate this report. They are nearer to State House than those who staged a walk-out. This is the way forward. I thank hon. Raila for leading the Committee very effectively. He has come out with very good ideas and we are looking forward to that time, when the Commission will go to the village level to ask our people about how they would wish to be governed.

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

Mr. Ngure: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Parliamentary Select Committee Report.

I will start my contribution by stating that Parliament is the supreme law-making body. Most hon. Members know that when our leaders went to negotiate the present Constitution which we want to overhaul, members of political parties had to travel to Lancaster House. At that time, we had KANU and KADU. KANU had just given Mzee Jomo Kenyatta the leadership of the party. But it turned out that he was not able to lead KANU to Lancaster House; not that Kenyans did not want him. It was also not because he was not a famous man nor the choice of majority of Kenyans. So, he was not going to lead the delegation because he was not a member of the Legislative Council. At that time, there was no proof that he had people behind him. It forced KANU to request Mr. Kariuki Njiri

to forego his seat, so that Mzee Kenyatta would become a member of Legislative Council and take his rightful seat at Lancaster House. I believe, at that time, we had bishops. None of them, even if they were willing to surrender their seats would have made Mzee Kenyatta the leader of KANU delegation to Lancaster House. At that time, it was rumoured that Mzee Kenyatta was a high priest of Akorino sect. That did not qualify him to sit on the table where the Constitution was being discussed. So, efforts at Ufungamano Group are of no consequence to Constitution-making process in a democratic society. So, let us tell Kenyans very clearly that, if they want to be at the divine table of Constitutional-making process, they should try to become hon. Members of Parliament, so that they can represent people and their views.

I do realise that there are so many churches in Kenya, but those ones at Ufungamano do not represent the entire Kenya. So, let them not talk about a people-driven Constitutional Review Process which Kenyans want. At present, we know very well that if you look at the mainstream churches, you will see that they have lost the campaign in the domain of religion to the so-called evangelists in street corners, stadiums and other areas. So, to attract more funds they think that they have to venture into the domain of the politicians. With that, we do realise that when a Member of Parliament fails to argue his or her case, or sits in Parliament and is a member of the Opposition, and that is his or her duty--- If he or she suspects that the Report is laced with all the KANU propaganda he or she should sit in the Chamber and debate it. As of now, we have not known their opinions.

Mr. Temporary Deputy Speaker, Sir, it is saddening to realise that even in this House at one time there was an Opposition politician who claimed that he represented the people, made technical appearances here and when it came to elections, he avoided them. We are not missing him in this House. In the same way, we are not missing our colleagues who are not sitting here now, because all I know is that they are idling and not doing anything at all to advance the Constitution-making process of this country. Some of them have gone on record--- I know that during the time Mzee Jomo Kenyatta passed away and President Moi was the so-called Acting President, they went to pledge their loyalty to him. They are on record as having stated very clearly that they had gone to State House to pledge their loyalty to President Moi, not as Kenyans, but as the hard-working sons of the House of Mumbi. So, they warned President Moi to watch the hard-working sons of the House of Mumbi. Needless to say they were honoured with the Vice-Presidency. Some delegations went there and stated clearly that they were Kenyans and supported the ascendancy of President Moi to the leadership of this country. Those same fellows, who are now trying to be more patriotic stated here that the lot that was fighting for multipartyism in this country were cutting Mugumo Tree with a razor blade. The Mugumo Tree was cut with a razor blade, it fell, they took a branch of it and went and formed their parties in Mombasa.

Mr. Temporary Deputy Speaker, Sir, those are the patriotic Kenyans who do not want to overhaul the Constitution. Those are the same fellows who went public and told Kenyans: "Eti vyama vya siasa si mbuzi. Lazima uwe na nyingi." It is the same people who are counting their representatives as Kenyans in terms of fragments of parties which they can lead out of the Chamber like "mbuzi." We are not here to say that if I favour you, then, whatever you do is right. But we are here to say what favours Kenyans is what will be right for them. If the Constitution which has served Kenyans for all this time is flawed and now they have woken up to say: "When we are talking about the changes to the Constitution, we must have dialogue," we will never achieve anything by hiding behind church leaders and running away from the Chamber.

We know very well that the National Council for Churches of Kenya (NCCCK) has been backing the so-called Ufungamano Initiative. They refused to attend the Committee's meetings to air their views but said that this Committee of Parliament does not represent Kenyans. But when the Report was tabled before the House, we were surprised that the General-Secretary of NCCCK turned up and said: "By the way, I have my Draft Constitution and I will take it to the people." Which people is he referring to and how did he draft it? It is on record that he must have drafted it by himself, maybe with the assistance of his wife. But no Kenyan ever participated in the drafting of that Constitution. He even said that, that draft Constitution of NCCCK has nothing to do with the Ufungamano Initiative Group. It is time that we said very clearly whether we are money-driven and not people-driven; whether we want to own up a project and be in the front-line of the Constitution-making process so that we can control funds. Let them come out and say so clearly.

Mr. Temporary Deputy Speaker, Sir, we have got the fellows of NCEC, like Mr. David Lamber and Mr. Phereoz Norwojee, who have called for mass action. I would like to go on record by welcoming the mass action called for by the two Asians. We have never interacted with the Asians for a long time, particularly the ladies, although they say that they are citizens. A lot has been said here about Safari Park meetings. I know that there was euphoria of everybody wanting to be part of the Constitution-making process and we ended up with a lot of NGOs. Many fellows have talked about NGOs. How many of those NGOs know where the funds are coming from? Some of the funds which have been received by those NGOs are those funds which were used to oppress the Africans. Some of the funds being channelled to the NGOs are those which people extracted from the Jews during the holocaust and have been a burden to the local banks and to this country. They have now found ways of disposing them.

But while doing that, they have an agenda. Even a drug baron, after enriching himself through the sale of drugs, can spare funds for the fight against drug abuse. So, let us not take it at face-value; and pretend that we are getting funds to fight drug abuse. The funds must have been left behind by Al Capone Trankos Teli and all the known gangsters. Let NGOs not boast about being able to represent people and tap funds. We know that during the hearings of this Committee at the County Hall, the doors were open. Everybody, including experts, was invited to attend. Those experts who attended and gave their views were those who had Kenya, as a country, at heart.

Those were the fellows who wanted to see some change in our Constitution. Some experts did not appear, but we have claims that those who appeared and gave their views were hand-picked KANU sympathizers. It is time we started accepting our mistakes and faced the Constitution Review process squarely. It is time Kenyans expressed their views on how the Constitution is going to be made. I do not know of any arrangement that the Ufungamano Initiative will use to approach people at the grassroots if they do not go to the constituency level. In my Constituency, Rarieda, I won an election by 20,000 votes, and 20,000 people giving their opinion is not a mean number. Apart from that, I have gathered more sympathizers. For instance, the churches are always empty on Sundays unless it is known that I will attend the service. So, let them not claim to represent the people. We are the people who represent Kenyans, and we are the people who will give our views on the Constitution making process.

Mr. Temporary Deputy Speaker, Sir, there is a belief, when multiparty politics was introduced in Kenya, that the present Government would be removed from power. I am in the Opposition because I wanted KANU to be voted out, but we did not succeed. So, the failure to do so, should rest with us in the Opposition. We should not act scared of KANU in everything we do. Hon. Members of NDP are not co-operating with KANU because they want to be KANU Members. I know very well that nobody will stop me from joining KANU, but the people will not allow me, and I will never be an hon. Member of Parliament for my constituency. The Kenya African National Union had a manifesto that I knew they were not going to honour, but they still won on that manifesto. We should therefore, blame Kenyans for having not known that for all the years, they have not been receiving what is due to them. There is no difference between those co-operating with KANU and those not, because day in, day out we all still question the Government for not doing what it should do. We are not there merely to consume, but to suggest to KANU ways of doing things.

Mr. Temporary Deputy Speaker, Sir, I support those who have said that people are scared that the President might choose the Commissioners from Central Province. I am also scared about that, because he has always appointed people from Central Province to key positions. For example, he has appointed Jimnah Mbaru, when we have the same lot as councillors in the council. We should, therefore, give the President 15 names of commissioners to endorse, who then will choose their Chairman and Vice Chairman. Every Kenyan should be accorded an opportunity to serve in any capacity if he has the know how.

I do not think there is any single hon. Member here, right now, who, if given a chance to re-write the Constitution, will write one that will exclude others. The Constitution making process can even be left to experts, but Kenyans should be let to have their input. Let Kenyans say what affects them, and how what affects them can be put in the Constitution. How does the Raila Report come out with a Constitution that will not favour our friends who have walked out? How will they redress that by not making their views known?

Mr. Temporary Deputy Speaker, Sir, Kenyans are tired of going to the streets. Those who have never demonstrated on the streets should not call people to go on the streets. I come from Bondo District, where for many years we were under oppression, but we were patient the way the Russians did with Napoleon, until "mother time" has got us where we are now. The hon. Members who walked out are the ones who thought, that with the introduction of multipartyism they were going to land in State House. That was not to be, because Kenyans are made of 42 tribes. When you consider what should be done, you should consider them in toto. I was born a Kenyan and I will never ask permission from anybody else to be a Kenyan. Whatever Kenyans have agreed, which is legal and Parliamentary, I have to participate and give my views whether they are good or bad. I would like my views to be recorded in the HANSARD, because if I do not, 100 years from now, nobody will know if I supported or objected to the Committee Report.

Mr. Temporary Deputy Speaker, Sir, we are a people who have not found their way out. We have not found our bearing because we still think that there are things to be gained when we are in power. But the essence of this constitutional review that we are clamouring for, is not to concentrate power on one single individual, but to give power to Parliament so that it can deliberate on how the resources of this country can be shared out. Is that a reason to make hon. Members to walk out of Parliament?

Mr. Temporary Deputy Speaker, Sir, some people have whispered that this is the Constitution that guarantees President Moi's exit. Yes, it guarantees President Moi's exit and that was done by an agreement of Kenyans. The next person who will take over as the President will also be in power for only two terms. How has the Report guaranteed the continuation of President Moi in power? This is not even in the Report, but it is in their minds. They want to say

that President Eyadema of Gabon has always been recycling himself to power every time there is a constitutional review and he argues: "The other Constitution was the one that guaranteed my exit. This is a new Constitution and I am starting again". But that is naivety because we are having a Constitution. Maybe President Eyadema knew how he could rig himself back to power, but we are writing a Constitution that will guarantee the wishes of the people. The wishes of the people resulted into piecemeal amendments to remove Section 2A and the piecemeal amendment that provided that the President should serve for only two terms.

Mr. Temporary Deputy Speaker, Sir, we have the Attorney-General here--- If maybe, that is the amendment that he wants to bring to the House, it should be brought now because I, for one, will not support it. We need change and we should not confine change to one particular group of people. Who amongst us does not want to be the President? A few individuals, just because they come from one house of a woman, cannot arrogate themselves the leadership of this country for ever.

With those few remarks, I beg to support.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to, as it were, respond to the Motion by hon. Raila Odinga.

I want to say at the onset that I will be fairly brief because the Motion, as amended, gives certain responsibilities to the Attorney-General, if it is adopted. Those responsibilities include power to introduce a Bill to this House in accordance with the recommendations contained in the Report. Therefore, I will not touch on the content of the Report because when I bring the Bill to this House, I will be the person who will move that Bill. At that time, I will speak at length on each and every provision of the Bill.

Mr. Temporary Deputy Speaker, Sir, this National Assembly, in accordance with Section 32 of the Constitution, consists of duly elected representatives of the people. If the duly elected representatives of the people have by resolution of the House said that the Attorney-General should bring this Bill, I conceive it as my duty and responsibility to bring that Bill. Therefore, I will not touch on the contents of the Bill, but I will just talk generally.

This has been a long process since 1990s. But as far as this House is concerned, the process really began on 31st July, 1997, when the Government published a Bill on this issue. Because of the various view points that I expressed at that time, it became necessary for the Inter-Parties parliamentary Group (IPPG) to look at that Bill. You may recall that IPPG made substantial recommendations to that Bill which were contained in the statute law (Repeal and Miscellaneous Amendment) Bill of 1997, and which was passed unanimously by this House.

However, at the beginning of 1998, again problems arose, that the provisions of that Bill were not enough. When the President opened this House, he called upon this House to consult with the people and if, amendments were required to the Bill, to bring those amendments to this House as quickly as possible. It was following that call that the Inter-Parties Parliamentary Committee (IPPC) was formed. The IPPC then decided to consult other interested groups, and, in fact, I put out an advertisement in the newspapers calling upon all individuals and organisations which had something to say on this issue to submit their memoranda in writing. Following that, the IPPC reviewed that memoranda and, in fact, invited all of the interested groups to Bomas of Kenya on 11th May, 1998. Then from Bomas of Kenya, in order to facilitate really substantive discussions on the specific amendments, the IPPC then decided to invite about 34 serious groups who had shown an interest and who had made substantial comments on the amendments, hence, the birth of the Safari Park Hotel Constitutional Consultative Forum, which went on from May up to the last meeting which was held on 5th October, 1998. I will not go to the details of that. I think it is all self knowledge, but I am just summarising very quickly.

On 5th October, 1998, the Safari Park Hotel meeting then passed a resolution and it gave the mandate to the Chairman of the drafting Committee to finalise the amendments and also to authorise me to table the Bill in Parliament. I must state, and it is there on record, that even at the Safari Park Hotel Constitutional Consultative Forum, it was recognised that this National Assembly has the constitutional duty to look at what had been recommended at the Safari Park Hotel Consultative Forum and come up with amendments. Nevertheless, in view of the fact that it was a negotiated instrument, the appeal from Safari Park Hotel was to mandate me to appeal to this National Assembly to pass the Bill as it was.

Mr. Temporary Deputy Speaker, Sir, you will recollect that I took a whole afternoon and almost the entire following afternoon referring to the provisions of that Bill, but basically appealing to Parliament: "Please, do not touch this. If you touch it, it can open up a pandora's box. Just pass it as it is". I am glad that this National Assembly passed that Bill with only a few minor amendments here and there. The Bill became an Act of Parliament and then came the implementation stage. I will not go into the history of that, but the fact of the matter is that both sides of the people on the debate on this issue felt that the Act, as it was, had certain flaws.

Mr. Temporary Deputy Speaker, Sir, I recollect that at the very beginning, I argued that it can be implemented and I appealed to both sides to try their level best to implement the Bill as it was. I spent a lot of time and energy on

this point. I lost weight on this issue. However, it was like I was speaking to deaf ears and both sides believed that there were fundamental flaws; that it must be re-negotiated, discussed and so on. One side even produced a document which outlined 52 to 56 major flaws in the Act. They then decided that, at least, we go ahead. Then the problem now really was between Parliamentary political parties and how to agree on a formula of sharing out the 13 commissioners that were to be appointed. Therefore, on both sides, it became almost inevitable that this Act had to be amended if we were to jump-start the constitutional review process.

Mr. Temporary Deputy Speaker, Sir, subsequent to that, as you are aware, there have been major differences of opinion in this country on this issue. However, Parliament felt that it was their duty because they are the ones who passed the Act to see what can be made. There were amendments to the Act to jump-start the process. So, my comments will basically be on this divide because, unfortunately, the debate has degenerated. Whereas some measure of scepticism, suspicion and doubt are necessary in a democracy, a famous philosopher said: "Too much of distrust, cynicism, scepticism and suspicion does poison the atmosphere and destroys it". A famous playwright by the name of William Shakespeare in a play entitled "*Measure for Measure*", had a character in the play who said: "Our doubts are traitors and make us lose the good we often might have won by fearing to attempt". In other words, the atmosphere became poisoned and even the good ideas could not really be viewed in a rational way. This is because once you are stigmatised as, on one side people-driven and on the other side, not people-driven, then you do not consider the good ideas that might emanate from both sides. You do not look at them because you do not even want to listen to them. That is what has happened now and that is why some people walked out. I will be coming to that later.

Mr. Temporary Deputy Speaker, Sir, therefore, it appears to me that we must find a way in which we can reduce the mistrust and suspicion. In this regard, I would really wish to appeal to the religious organisations particularly, and to the Opposition parties which walked out of this House and gave a statement to the effect that they were walking out because these proposals will enable the President to manipulate the whole process with a view of giving the President two further terms beyond the year 2002. When we come down to the crux of the matter, what is causing this utter distrust, suspicion and scepticism is the fear on the part of some people that this process is going to be manipulated. I want to appeal to the people who have that fear and I repeat the words of the philosopher and William Shakespeare, by saying: "Too much of that fear, suspicion and distrust is going to destroy this process". I would like to appeal to them as Shakespeare said that they should quietly attempt to come down and discuss even with the Raila team. Why not? Come down and discuss with the Raila team, formulate ideas and let us see if we cannot reach some agreement so that all of us can come on board.

Mr. Temporary Deputy Speaker, Sir, I am saying this so that maybe I can revoke some of your fears a bit; so that some of their fears and suspicions can come to a level which will permit a rational discussion on this issues. Since their fear is the President, what has the President said on this issue? That is number one. What has been the President's conduct so far on the issue of appointing commissioners? On both issues, I think the President has been very clear. He made it clear on 23rd September, 1999 at the National Youth Conference. He was speaking to the leaders of tomorrow and was more or less telling them that it is now their turn to take on the baton of leadership and prepare for it. He said, and I quote him:

"I am not anxious to remain in power; I am also human and I want to rest". Talking to an international press conference at State House and referring to a written document, the President stated and reiterated that he would retire and leave Kenyans united. When he was in America, made similar sentiments. These are just, but a few instances where the President has addressed himself to this issue.

Mr. Temporary Deputy Speaker, Sir, recently and I think it was last week, when the *Daily Nation* and the *People* magazine stated in their lead story that President Moi appeared to waver on his promise to step down as Head of State in the year 2002 and made headlines to that effect, the President himself issued a similar statement which had been signed by himself and not by the Government spokesman, Head of the Public Service and the Secretary to the Cabinet or the State House Comptroller. This statement was signed by himself as the Head of State in which he re-affirmed that whatever had been carried by the *Daily Nation* was completely wrong and reiterated his previous promises on that. So, I am asking those who do not trust the President on this issue, even if they do not trust him completely, at least, to reduce their distrust and suspicion, in view of these statements, to a level which can permit a rational discussion on this issue. At least, to divorce the issue of the President's succession; the President getting on beyond 2000. Keep it out because it is only through that way that we are going to have a rational discussion on this issue.

Mr. Temporary Deputy Speaker, Sir, if we are talking about appointment of commissioners, I just have to refer to the most recent commission appointed by the President, and that is the Koech Commission. In the Koech Commission, the President had absolute discretion in appointing members of the Koech Commission.

Mr. Temporary Deputy Speaker, Sir, we know the President as an educationist. Indeed, he was teacher number one before he became a politician. We know the President, as a person who has, throughout his tenure in the public service, focused on developing education in this country. He is responsible for putting up many educational institutions throughout the Republic and actually his very weak point, and his soft spot, is children. So, he is a President who has a very keen interest in education. He is a President, who in appointing a commission on education it is his entire discretion to appoint - the President could have manipulated that Commission so that the Commission came out with the ideas which he has on education in this country, so that, that Commission came up with the ideas that he wanted. But what do we see? We see that, the Koech Commission actually visited each and every district of Kenya, consulted widely and come up with recommendations. At least, some aspects of those recommendations were not acceptable to the President he has voiced his opinion on that issue.

Ms. Karua: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Attorney-General in order to mislead the public by comparing a Commission set under the Commissions of Inquiries Act, which gives the President exclusive powers to appoint, and a Commission set under a statute that does not allow for a process that is Executive-driven? Is he in order?

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I am, in fact, addressing that very issue. If the President, in his absolute discretion as an Executive President, can appoint a commission on a topic which is very dear to his heart, and does not manipulate that Commission to come with the recommendations that he wants--- The issue here is the accusation that the President wants to manipulate this process so that he can continue being in power. Manipulation is the issue.

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

The Attorney-General (Mr. Wako): I take it.

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, I wish to inform the Attorney-General that the Committee has made that point very powerfully and it has sunk. The point is that, here was an opportunity for the President to manipulate, if he wanted to manipulate, and he did not. We are not even allowing him to appoint the Commission.

The Temporary Deputy Speaker (Mr. Musila): I think you are through with your point of order---

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, I am just informing the Attorney-General, in case, he might be in doubt. I am informing him that this House has received that point very well.

(Applause)

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I am glad that this House has received that point very well. I will now move on.

As I said, I will not speak on the contents of the Report itself because, when I bring the Bill - it is my duty to do so, I will speak at length at that particular time. What I conceive this debate to entail in this House--- It is in this House so that Members of Parliament can even generate new ideas which, if adopted, will enable us to amend this Report. I expect the period between the adoption of this Report and the introduction of the Bill in this House--- I am now in the process of making refinements and so on. It was said here by the Members of the Committee, and other Members of Parliament, who contributed, that I have to take into account some of the new ideas which have cropped up in this House and even some of the ideas that have been spoken outside this House. In fact, I remember what hon. Anyona said that--- If you look at Dr. Gibson Kamau Kuria's reports, which I have received and they are in my office-- Let us look at them and see what can come out of them.

Mr. Temporary Deputy Speaker, Sir, this is now my appeal for the reduction of the suspicion, distrust and so on, to enable a rational exchange of ideas to be made. This will enable us, during this period, as we are refining this Bill to take some of the good ideas that have emanated from both this House and outside. That is why really I wanted to address this issue of suspicion. Therefore, in this regard, I do hope that it will be possible for the mandate of the Select Committee to be extended so that, I can consult it on these new ideas before I bring the Bill to the House. I very much hope that, that will be possible because this is not the final document. The final document will come when I bring the actual Bill to the House. So, in the period between now and when I bring the Bill to the House, let us have some rational sensible debates on these issues rather than just criticise people and say, "oh yes, that one will be manipulated; this one will be done this way and that one will be done in any particular direction"

It is in the same breath that I make these two appeals, particularly, to the Ufungamano Group and the Members of Parliament who walked out. We are currently engaged at stage one of the constitutional process. Let us jump-start the process and go to stage two.

Mr. Temporary Deputy Speaker, Sir, I made a statement in which I outlined the seven steps in the constitutional review process and we are still at stage one. Since Parliament has in its wisdom, enacted this Bill, stage

one must be focused on bringing amendments to the Bill to jump-start the process. So, let us not jump-start the process and begin commissioning commissioners and doing all sorts of things. Let our minds be focused on the Bill and the good amendments that you can bring to the Bill to ensure that everybody is on board that we can proceed. This is because constitutional review process is a very important process and one wants to ensure three things in that process, that it is a process that gives the people of Kenya an opportunity to air their views freely on the constitution they want. It is a system which allows groups of people a chance to state their views on the constitution they want. Two, that once such person or groups of people have exercised their rights to state their views that the process ensures that the final outcome of this process faithfully reflects the wishes of the people of Kenya. Thirdly, that the process is not subjected to manipulation by any one person, group of persons or any class of persons. I can *ad infinitum* on that one. It should not be subjected to that, so that the end product is a product which is not of all Kenyans, but of only that group of people and serving the interest of that group of people.

Mr. Temporary Deputy Speaker, Sir, the constitution must be one which serves all people of Kenya so that all people of Kenya can feel that they are protected by the Constitution or that they do actually own the constitution that will come out of it. That is why I am appealing particularly, that, let us now focus on this stage to ensure that the process that will come to this House when the Bill is drafted, is a process that meets the criteria of the three points that I have just mentioned. Therefore, I appeal to them that, let us not jump-start the process by commissioning commissions. Let us focus on these three points for the time being.

I also appeal to them not to engage in mass action. This is because mass action in this country, however, peaceful the proponents or leaders of that action, at any given particular time are or, however, well intentioned they are - we know this very well - in fact degenerates into acts of violence.

I will give an example of the time when there were many demonstrations here in town and those demonstrators wanted to see me. I decided to meet the leaders of that group and the rest were left outside because I did not have room for them. The leaders came to see me and we went into the conference room because I wanted to listen to them. But before we could start, the doors and windows of my Chambers had been broken and everybody had come to that room. The leaders wanted to prevail upon them, but they were not being listened to. That could have been deliberate or otherwise, but I do not know. The fact of the matter is, if I took them on their face value, those leaders were well intentioned. They wanted a peaceful demonstration to air their views, but it turned violent.

Mr. Temporary Deputy Speaker, Sir, mass action brings the culture of confrontation. We do not want the culture of confrontation in this country to develop. Developed countries, as it were, are strong enough to wither the adverse effects of mass action and violence because in developing countries, we have more pressing problems to address, both social and economic. Let not our attention be diverted from the real issues and be focused more on containing mass action. I have heard hon. Members talk about India and the United States of America. The situations in those countries were completely different from the situation we have in Kenya today. In Kenya today, on this issue, we are all agreed that we must have a new Constitution. In fact, we are all agreed that, that new Constitution must be a result of a people-driven process. So, the area of disagreement is not there. If we remove the suspicions that I talked about, we shall be able to have a process in accordance with the laws of this country and which respects the Constitution of the land as of today.

With those remarks, I beg to support.

Mr. Ochilo-Ayacko: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make a few remarks regarding the Motion we are debating today.

Mr. Temporary Deputy Speaker, Sir, I would like to start by thanking the Committee Members for taking their time to do a good work and finally coming up with the report that has been tabled in this House. I know that the time the Committee was doing its work, there were other Members of this House who ought to have been in the Committee, but opted to go and play golf elsewhere or run their business. They were doing so at the expense of the Kenyans who voted for them to come to this House. So, I am particularly thankful to the Members of this Committee and its Chairman for taking their time to be in this Committee.

Mr. Temporary Deputy Speaker, Sir, I knew from the onset that those who went to Safari Park or the Bomas of Kenya would fail. I knew that they were going to fail because they never consulted me. I got elected for the first time to this House in 1997 and I was fully mandated to discuss all matters that pertain to legislation. After some little persuasion, Members of this House decided to surrender a bit of their mandate to some pretenders to popularity. That is why I knew that the process would come to a halt and I am glad that the matter has come back to where it rightly belongs. The Constitution of this country is a very important document and we cannot surrender it to people with unquantified mandate. We cannot surrender the discussion of this document to some people whose only claim to relevance in discussing that document is their learning. This is a document that must be discussed in this House. We know that Members of Parliament are the only people who have Kenyans to reckon with, in the event that we make an improper legislation. For instance, if this constitutional process is to go wrong, who will question the Catholic Church?

They have nothing at stake. They will pray to God and probably go to Heaven unharmed. It is the Members of Parliament who will have to reckon with their constituents when this process is deliberated in a manner that is injurious to the needs of Kenyans. So, I want to add my voice to those who believe that the process belongs to this House in the sense that its passage must be done by this House after consulting Kenyans who elect Members of this House.

Mr. Temporary Deputy Speaker, Sir, I want to depart from the position that has been taken by the Attorney-General that we should not suspect the Presidency. Those who understand Constitutional Law well know that the concept of separation of powers was devised because the Presidency is always suspected. The suspicion that is normally cast at the Presidency is checked in only one way through Parliament. In other words, there must be a Presidency that would want its way and there must be a Parliament that is ready to check the excesses of that Presidency. If our colleagues who walked out of this Chamber were wise, they could have remained in this House because the only way they could check the current Presidency is by coming to this House and showing us what fears they have about the manipulation that is expected to come from the Presidency. You cannot check the Presidency on the streets! The President is the Commander-in-Chief of the Armed Forces. So, when you are talking about armed forces and you are a civilian like those poor gentlemen who walked out, you are dreaming because you cannot check the Presidency. The only way to check the Presidency is to stand here and say what is expected of the Presidency. I remember that late last year, we passed the Commission Constitutional Amendment Bill to create the Parliamentary Service. We did so when we knew that the President had misgivings about the Mover of that Motion. The President would have preferred somebody else to Move that Motion. But after consultations between this side and that side of the House, the Presidency was prevailed upon to accept the Motion the way it was. So, the only way you can safeguard the interests of your constituents is to be in this House and ask the House to defeat any proposal by the President.

Mr. Temporary Deputy Speaker, Sir, it appears that the ladies and gentlemen who walked out of this House did not understand this basic concept in making laws. Some of them are lawyers, but I do not know the kind of legal learning they have undergone. It is very unfortunate that this had to happen. So, if you have any opposition to this process, this is the only place where we can debate it. If you want to go to the streets as Rev. Njoya did, it is your own problem. Look at what happened to Rev. Njoya. He tried mass action and what he got was mass action! If those ladies and gentlemen who walked out of this House try it, I am sure some of them will come back and take refuge in this House. They would come back in crutches, wheelchairs and then take refuge in this House. It is in this House that one can get real protection and privilege for what you say. So, I am urging those ladies and gentlemen to become wise. The sooner they become wise, the better because we shall proceed with their good views, if they have any.

Mr. Temporary Deputy Speaker, Sir, I know very well that when the American Constitution was being written in 1776, it did not require the agreement of everybody. I remember it was ratified by only nine States out of the 13 original ones and it became the Constitution of that country. So, these 40 or 50 gentlemen who do not seem to have mouths to speak, will not deter this process. I looked at the Report and I found that it has unequivocally stated that there will be a Commission that will go to the people. That is important. Once, it goes to the people, I do not understand how somebody can impute improper motive or can say that the Report will be subverted one way or the other. I think, what is at play is that some gentlemen who lost in the last general elections want to use this process to snooker the current winner. That is not possible. We are not indulging in this process to oust President Moi. His term is legally coming to an end in the year 2002. We hope that he will be alive up to that time and he will retire honourably. We do not want to snooker him through the window. We do not even want him to die; we want him to continue in office, so that we are not faced with a crisis. I am really worried as a legislator and a young one, to learn that very experienced legislators ran away with their experience and decided to go with such experience to the streets.

Mr. Temporary Deputy Speaker, Sir, I remember I had been discussing with my colleagues casually, regarding the process. The Review Act that we passed the other year or the one that we intend to amend, had its focus at the district. I was telling my colleagues that any process that does not give voice to a voting unit - a voting unit for promulgation of laws in this country is a constituency - it is a process that is disfranchising a constituency. So, these particular recommendations that our Committee has come up with are trying to give it the right focus. We are going to the constituency and every constituency is likely to take a position. Once such positions are taken in all constituencies, then we will have a broader consensus than we would have had if we focused on the districts. We know that there are some districts that also form constituencies. There are others districts, like Bungoma that have seven constituencies. Migori District has four constituencies. So, if we had our focus on constituencies, then there will be an evenness. But this is the best opportunity. Let us as a House, focus on the substance rather than the means through which we get there.

There are some people who run around here and I think, they have something personal against the President. They are not saying this, but they are trying to use the threat of mass action. Every time, they run around talking about the President. I think after elections, people should recognise whoever has won the elections. If you or I, as a Member of Parliament wants to be recognised as a Member of Parliament, then I am obligated to recognise other people who

are so elected. I am under obligation to agree that the President was also elected. But if I am saying that he rigged himself into office, then how can I justify my own election because all these elections were done on the same day? Who knows who was rigging?

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

The Assistant Minister for Education, Science and Technology (Mr. Awori): Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me also, to speak in support of getting this Report adopted by this House.

Mr. Temporary Deputy Speaker, Sir, while I regret very much the walk-out by a section of the Opposition, as an old Member of this House, I have got the tolerance to accept their constitutional right of choice of action to walk out and not listen. But they never consulted their constituents that they will not participate in this debate. That being the case, their continual contention that they are practitioners of democratic principles, obviously, rings hollow. When they talk of a people-driven reform process, they are not being honest to themselves at all. The Parliamentary Select Committee, we want to sing it loud and clear, is legal. It was properly constituted in this House and there is no argument about it.

I want to congratulate hon. Raila for having brought to this House that Motion which broke the stalemate that was strangling this country on the constitutional reform process. I want also to congratulate Members of the Committee for the diligence with which they went about dealing with this work. My only complaint is that, probably, it took too long and every time I met them, I told them so. It took too long to the extent that people started misinterpreting it in the believe that the Committee was looking at the Constitution itself, while, in fact, it was looking at the Constitutional Review Act.

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

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

Everybody was agreed that the Review Act as it stood had flaws. There have been vigorous mention of 33 or 52 flaws or whatever. But I think, everybody did agree that it was not workable. That being the case, we must thank the initiator of that Motion for bringing it here.

Mr. Temporary Deputy Speaker, Sir, the long time that it took, also gave a wrong misconception. This is why the word "parallel committees" came in. Parallel lines, if I remember my school days, are two lines that never converge. But they continue to go in the same direction. It is obvious that the Ufungamano Group was looking at the Constitution itself, while the Parliamentary Select Committee was looking at the Act in order to make it workable. In fact, the Ufungamano Group, prematurely started looking at the Constitution. But, perhaps, let us pose once again at the point of boring people: Who are these people at Ufungamano? Who is this Ufungamano Group? We know that the religious groups or the so-called mainstream religious groups are in preponderance with that group. Then, there are Non-Governmental Organisations (NGOs) and the disgruntled section of our society. But one has to ask: Who gave the mandate to the Ufungamano Group? You cannot talk of people-driven process; you cannot talk of discussing the wishes of people, until those very people have asked you to speak on their behalf. But I still ask: Who gave the mandate to the Ufungamano Group?

If we start analyzing the Ufungamano Group, I just mentioned that one of the groups are the so-called mainstream religious groups. We must admit that, indeed, the majority of Kenyans belong to one religion or another. Therefore, one can say that all Kenyans are religious people and as religious people, they must have their leaders.

There are the clergy, the sheiks, and others. When did the clergy go to their flock and ask for mandate to come and speak for them? I am a member of one of the religious groups, but I do not recall any one time, while in my church or in any of the churches that I frequent, the religious clergy or church elders, asking me whether I can give them the mandate to come and discuss the Constitution on my behalf. In any case, we all know that when you go into a church, or a mosque, you are captive. The clergy have the captive audience; you cannot answer back. They, simply, speak to you, but they never ask for your opinion. Under the circumstances, I must say that the Ufungamano House Group has no mandate of any kind, from anybody, to review the Constitution.

I do not know whether the mainstream churches have seen the mushrooming of very many churches in this country. This is due to disenchantment by their followers who are fed up with the way they run the affairs of those churches. For a long time, there were no more than four main stream churches among the Christian faith in this country. Today, I think there are well over 1,000 different churches. This is because most of the followers of the mainstream churches are disenchanted with their leaders. Now, how can those organisations, which people no longer have faith in, say that they are speaking on behalf of the people?

Mr. Temporary Deputy Speaker, Sir, the other group that is at Ufungamano House is that of the non-governmental organisations (NGOs). Frankly, NGOs have acquired a bad name. Most of those NGOs belong to a man, his wife and, may be, his child. They are pressure groups. Indeed, they are no longer serving the purpose for which NGOs were intended. Where are the major NGOs that we know of? Saint Johns Ambulance, the International Road Cross Society (IRCS), African Medical Research and Foundation (AMREF), the Association for the Physically Disabled of Kenya (APDK), and many others, are the true NGOs, which are interested in the welfare of the people. Those are the NGOs which are found in Turkana District. Whenever famine strikes or problems you will find them in the North Eastern Province. They are not concerned as pressure groups; they are there to serve. The current NGOs are now housed at Ufungamano House. Those are some of organisations which have caused the economic problems in this country. They have got their paymasters out there; the money that used to be channelled to this country through the Government is now being channelled through them, for no reason other than to cause a problem in this country.

Then, there is a group called "the civil society". In my view, "civil society" refers to those people who are not in the Armed Forces, the Police Force, the National Youth Service, and who are not in the Prison Service. All those who are not in any of those disciplined forces - you, Mr. Temporary Deputy Speaker, and myself included - are in the civil society. At Ufungamano House, there is a small group of people, which calls itself "the civil society", which represents nobody at all. When did I, as a member of the civil society, mandate a group of people to go to Ufungamano House to oppose this House's Select Committee on the Constitution of Kenya Review Commission Act? Nobody has consulted me on that stance despite the fact that I am a member of the civil society.

Mr. Temporary Deputy Speaker, Sir, the other group at Ufungamano House is that of the Women Political Caucus. Now, the least said about this group the better. This group comprise of the elite women who, frankly, do not go out into the rural areas to seek the views of other the women. I represent a constituency, which has, continuously, voted me into this House for many terms now. I depend entirely on women's votes; they are the ones who bring me to this House. I visit my constituency every weekend, but I have never met any member of the Women Political Caucus who has gone there to discuss the affairs, or welfare, of women. So, I must discount completely the Women Political Caucus Group that is at Ufungamano House.

This is a time when we require sobriety, level-headedness and tolerance. So, we must pause and ask ourselves: "Do we need a constitutional reform? If we do, why?" We must ask ourselves what is wrong with the current Constitution. Do we see areas in the Constitution that require to be changed in order to fit the times of today, or do we want to look at the whole Constitution, tear it up and re-write it up all together? Is it not a question of interpretation? Of course, the human being has a free will. So, different people will interpret the Constitution differently. As long as we have good people who are within the Government, and who are exercising governance, frankly, the Constitution that has seen us through the last 37 years could still see us through another 100 years.

Mr. Temporary Deputy Speaker, Sir, at this stage, we have to ask ourselves: What is our priority? Is our priority one the re-writing of the Constitution, or is it putting food on the table? At a time when we see many pictures of starving children in Turkana District and other parts of this country, should we not put our priorities correct? Many of our people do not even understand the current Constitution. When they hear news about the constitutional review issue over the radio, they ask: "Na hii Katiba ni kitu gani? Hii Katiba inatoka wapi? Hii Katiba itatufanyia nini?" Let us agree that 85 per cent of our people live in the rural areas. Out of those, 99 per cent of them do not know anything about the Constitution.

Whenever we go to see our people in the rural areas, they tell us that they want water, food, school fees, health services, good infrastructure, among other things. They want us to help them reduce poverty and jump-start the economy. That is what our priority should be. All this hullabaloo about the constitutional reform, frankly, boils down to one thing only - mere terrible hatred for one man in this country called "President Moi". When you look around among leaders, and among many other people, you ask yourself: "Who else, among Kenyans, could have held this country together the way President Moi has done in the last 22 years? Could it not be that a section of the Opposition is only envious of his record?"

Mr. Temporary Deputy Speaker, Sir, the National Convention Executive Council (NCEC) wants mass action. They have said that they will call people into the streets, but do they see the consequences of mass action? Do they think of the damage that will be done on property and innocent people? These are the things which responsible leaders must think about before they open their mouths. Let us look at them; who are these people who compose the NCEC? As far as I am concerned these are a bunch of renegades who have opted out of the mainstream society and, now spend that idle time in creating mischief. These are town people and immensely rich, but frankly, of very little consequence as far as the welfare of this country is concerned.

The Parliamentary Select Committee is the channel through which we will deal with the reforms of our Constitution. The fears and the suspicions that have been expressed by the minority about the possible manipulation are groundless. What we need is to have trust, and we must trust Parliament. It is Parliament that will choose the

Commissioners. I would like to say that the Motion was amended quite clearly yesterday to ask hon. Members of Parliament to choose all the 15 Commissioners so that all the President will do and is to appoint and gazette them. I would like to say that Parliament will choose the Commissioners. It is not KANU that will choose the Commissioners; it is not Moi who will choose the Commissioners, it is Parliament that will choose them. Parliament has got 222 elected and nominated hon. Members.

So, I would like to ask my colleagues on the other side of the House who have walked out not to stay away. I would like to urge them to come back and take their places in the House so that they can help us to select the right Commissioners and not come to complain later on that they did not take part in selection of Commissioners. You must stop this phobia of President Moi choosing the Commissioners because this is not the case at all.

Mr. Temporary Deputy Speaker, Sir, I really wanted to salute the lady who has gone out, hon. Karua, for the courage that she took to stay behind and put across her points of view. That is the way that it should be. I was saddened when she was a little worried that this may have an effect in her constituency. In fact, this reminds me of the old days of colonialism; a time when we were fighting for Independence. During that time, any African who was praised by the so-called colonial Government had really a kiss of death and I think this is what hon. Karua was worried about. But nevertheless, her presence in the House and putting across her views indicated that not all DP Members kept away from the House.

Hon. Members of Parliament represent 28 million Kenyans who cannot sit down under a tree to choose Commissioners. We, the 222 hon. Members of Parliament are the people who will choose and we have got the right to do so. When we choose the Commissioners, then the term "people-driven" is really applicable. Not the Ufungamano Commissioners--- I heard on the radio that they are swearing-in their Commissioners tomorrow. As I asked earlier on, who will swear them in. They lack legitimacy. They will not be legitimate at all. In any case, how is Ufungamano process funded? We have got to know about that. Is it not their external god-fathers who give them money? Do we not know that he who pays the piper calls the tune? If that is the case, those external god-fathers who give them the funding are the people who will talk to them as to what should be in the Constitution. Do we want a Constitution that is dictated from Europe, the United States of America (USA) and anywhere else other than Kenya itself? To do justice to collection of views from people, Commissioners will have to travel the whole country many times and this will cost possibly billions of shillings. How will Ufungamano Group finance this exercise unless it mortgages Kenya to the outside world?

The Assistant Minister for Environment and Natural Resources (Mr. Kimkung): On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that this Motion has been exhaustively debated, would I be in order to propose that the Mover be called to reply?

(Applause)

The Assistant Minister for Education, Science and Technology (Mr. Awori): Can I finish my contribution, Mr. Temporary Deputy Speaker, Sir?

The Temporary Deputy Speaker (Mr. Poghio): Just let him finish.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, we urge the Ufungamano Group to come to the peoples' representatives. They should come to us so that the choice of Commissioners can be correct. Let them bring their views as to who should be appointed as Commissioners here.

The American Constitution has been mentioned many times, but when you come to think of it, it was written by no more than 12 people. As a colleague has just mentioned, it was ratified by only nine States out of the 13 States at the time. So, if our friends do not come back to participate, this will not illegitimise the proceedings of this House. So, those who are calling us to go back to Safari Park Hotel, are telling us to abdicate of our responsibility as the peoples' representatives. Holding meetings at the Bomas of Kenya and the Safari Park Hotel, to my knowledge or understanding, was a mistake that was made and we do not want to repeat it.

There are those people who link constitutional reforms to President Moi's succession or to the next general elections. We must delink this because the reform of the Constitution is a substantive thing that we must do ourselves. The reforms must be of a natural evaluation. Let us avoid tribe-casting a community negatively. Every community has got good and bad people. There is not one community in this country that has got a monopoly of bad or good people. Let us think nationally and refuse to be tribal oriented.

Mr. Temporary Deputy Speaker, Sir, all of us want peace. People have said here that what we are doing here will create a problem. I say "no". What we are doing here is what will bring peace. A problem will be brought by mass action. Let us strengthen the Judiciary, the Kenya Anti-Corruption Authority and the Civil Service. These are the things we should be doing now. Let us attract the untainted youth of this country to public life so that we can have

Members of Parliament and Ministers who are not tainted or corrupt. I want to appeal to the media to be patriotic by not lionising only the leaders who always bring controversy and abuse people. The members of the media should try and encourage people to make statements. At the moment they are encouraging leaders to make outrageous statements which have got no value at all.

Finally, there is a continuous cry to involve the said 54 stakeholders. Who are they? Who do they represent? Who is not already represented in Parliament? I call upon all my 222 colleagues in Parliament to come back and join us so that we can adopt this Report and get on with the reform of the Constitution.

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

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that the Motion has really been debated adequately, perhaps it is the right time now to call upon the Mover to reply.

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

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I would like to donate ten minutes of my time to hon. Maj. Anangwe and five minutes to hon. Madoka.

The Minister for Medical Services (Dr. Anangwe): Thank you, Mr. Temporary Deputy Speaker, Sir. Let me begin by thanking hon. Raila for being so generous as to donate ten minutes to me so that I can make some contribution to this particular important Motion. The people of Butere are thankful to him, I would have felt greatly disadvantaged if the record of this House would have gone without my voice having been added to the great contributions that have been made to this Motion. Let me begin by thanking this Committee for doing a commendable job. I have looked at this document very exhaustively and it will go down into the annals of history as a great document that did shape the history of this country. It did remove an important gridlock that had bedeviled the constitutional review process. Now we can move forward and history is in the making.

May I make a special mention of the Chairman of this particular Committee who withstood vilification in the Press and stood his ground. He demonstrated sound leadership. There are moments in the course of events in the history of nations when men have refused to stand up and be counted at the critical moment when nations really need leadership. At least this Committee and the Chairman have demonstrated ably that they can be depended upon to show leadership in the moment of crisis. Leadership is about leading from the front and not following. It is about standing up at critical moments and showing the people the way forward. The reason why people follow others is not because of their physique---

The Temporary Deputy Speaker (Mr. Poghiso): Order! There is need for the House to know that this is discretionary because we really have closed the debate. It was moved and we voted that the Mover be now called upon to reply. We still have time. Maybe you could just wind up and let us move on to the Mover.

The Minister for Medical Services (Dr. Anangwe): I am obliged, Mr. Temporary Deputy Speaker, Sir. What I wanted to say is in relation to those who chose to boycott this debate. They must take a lesson from this particular experience. It is a bad political decision when you are in a forum where you are given the opportunity to defend your ideas to run away. You have surrendered. You have given your opponents a blank cheque to go and write in any amount of money that they may wish to write in. You had better stay behind, either say something and if you cannot heckle, and at least put up a fight. These particular gentlemen of the Opposition particularly the Democratic Party and some from Ford-K chose to go away. It is an act of political cowardice. One should never really allow himself to stoop that low. Unfortunately, they left the forum to a very valiant fighter, hon. Martha Karua. I think we should congratulate her for her courage. She went ahead to put up a case the way she saw it. That is the way it is supposed to be. If there is any political party that now needs affirmative action, it is DP that should surrender its leadership to women because it is only a woman who put up a fight in this particular House. It is now time for the Leader of the Official Opposition to surrender that particular leadership of DP to hon. Martha Karua so that she can lead effectively.

Finally, I would like to make two comments. We should never mistake constitution making with democracy. If a Constitution is about a political map of power, it is equally possible that you could have people talking about the Constitution when they do not really mean to be very democratic. Indeed, history is replete with evidence of this. Even dictators everywhere also have Constitutions. The fact that people are out there in Ufungamano House talking about the constitutions, let us not assume they are up to constitutionalism and democracy. They may be up to other intentions of establishing their own dictatorship. With regard to this particular group at Ufungamano House I wish to say this: I have great respect for religious leaders because they give us spiritual leadership and healing.

I beg to support.

The Temporary Deputy Speaker (Mr. Poghiso): Order! I wish to appeal to the House that the Members

may continue conversation in very low tones because we are not actually following the debate. I now call upon the Mover to reply.

Mr. Raila: Thank you, Mr. Temporary Deputy Speaker, Sir. Let me right from the outset thank all the hon. Members, who have contributed to this debate. Most Members who have contributed here have given some very positive views about this Report. When Moving this Report, I said that these were proposals and that the Committee would welcome any kind of suggestions on amendments. That is the reason why Mr. Speaker said that it was wrong for other people to run away without giving us the benefit of their views.

Mr. Temporary Deputy Speaker, Sir, there are a few specific points which I want to respond to. One of them was a remark raised by hon. Karua about the legality of the Committee. I do not want to dwell so much on this because hon. Anyona effectively answered that point. That, the aim of my original Motion was to resolve the stalemate and that the Attorney-General was going to be the instrument for resolving it. The convening of the meeting of the stakeholders was a means to an end, but it was not an end in itself. So, we decided on a much more sober advice, that a Select Committee would do that role more effectively. Therefore, the spirit of the Motion was not "killed" by the amendment that was moved by hon. Anyona.

Mr. Temporary Deputy Speaker, Sir, another point which was raised by hon. Karua was that the Committee had decided to ignore civic education, but the contrary is the case. This is because we have said in the report here:

"The Committee underscored the importance of the civic education in the review process and resolved that immediately the Commission is established, civic education should commence and it should go on hand in hand with the review process."

We have even gone ahead to say how those who are involved in civic education should be accredited. We even did not downplay the role of the media as suggested by hon. Karua. All we said was that over and above the free air time that is going to be allocated by Kenya Broadcasting Corporation (KBC), we now have quite a number of other free independent media houses which also should be required to play their constitutional role by being required by the Commission to provide some air time for civic education.

Mr. Temporary Deputy Speaker, Sir, another point that was made here was that we have made this process Executive-driven. How have we made it Executive-driven? This is because we have said the President should appoint 15 Commissioners from a list of 21 names. But the other proposal is to go the American way, where the President nominates and Congress vets. In that situation, the Congress can only reject and reserve back to the President. The President would then nominate a replacement. In that way Parliament was going to be basically presented with the Presidential choices. Therefore, we decided to go the other way round and we gave Parliament the mandate to nominate and the President to appoint.

The question of Presidential appointment is not new because under the current Act, it is also the President who is supposed to appoint all the 25 Commissioners. So, those other respective bodies were merely nominating bodies.

Mr. Temporary Deputy Speaker, Sir, some very positive recommendations have come from the Floor of the House in the course of this debate. One came from hon. Dr. Oburu and again, the other one was made very strongly by hon. Biwott; that Parliament, instead of nominating 21 names, it should nominate 15 names to the President, so that he shall then appoints the 15 Commissioners.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we have taken note of this recommendation. We as the Committee, have consulted. In fact, this recommendation has got the full support of my Committee. If our mandate is extended, we shall work very closely with the Attorney-General to ensure that this recommendation is reflected in the draft Bill.

Mr. Temporary Deputy Speaker, Sir, another point which was raised was about women representation on the Commission. We did ensure that at least, one-third of the Commissioners shall be women. We did consider that. However, nothing stops Parliament from nominating five, ten, or 15 women as Commissioners. So, we are very gender sensitive. We have also said that three delegates who are going to come from the local authorities and municipalities, one of them must be a woman. That one will form one-third. So, I do not see how the charge of being gender insensitive can be sustained.

Mr. Temporary Deputy Speaker, Sir, the other one was about the statements which were made by hon. Nyachae. He said people of Kenya are excluded from this review. People of Kenya are not being involved in the Constitutional Review Process by the proposals contained in this report. He did not, however, point out where in the Report people of Kenya are not involved. As I said when I was moving this Motion, we have gone down from district to constituency level. We decided to open the process at the constituency level where religious leaders, women leaders, elders, businessmen among others, will present their views to the Commission. The Act we are reviewing was

going to involve only three people from every location going to the district to present views to the Commission. So, it is my submission that what we have submitted here, is more people-driven than the Act we are reviewing.

Mr. Temporary Deputy Speaker, Sir, hon. Dr. Godana gave the historical perspective to this process. He gave parallels to our situation in this country. He did warn that it is important for us to try to keep everything under check and that, we should avoid excesses that have created problems in other countries. He tried to warn hon. Members who are agitating wananchi to take farms belonging to Europeans like what is going on in Zimbabwe right now. That is not a solution to our current problem. The solution lies in addressing land issues that have not been addressed since Independence. That is, the need to come up with a comprehensive land reform, when we do the comprehensive review of our Constitution.

Mr. Temporary Deputy Speaker, Sir, we are accused of giving a lot of powers to the Attorney-General. What we have said in this report is that the Attorney-General had been marginalised in the Act we are reviewing now. That is the reason why his hands were tied when the stalemate persisted. All we have said is to try to restore his rightful position as a State Law Officer, so that if there is a problem, he can be rightly blamed for not performing his functions.

The Attorney-General was at pains when he was talking here, appealing to the Ufungamano Group not to appoint Commissioners. He should not be worried about what is going on at Ufungamano House at this moment in time. This is because, that is very health for democracy. Three years ago, I was an observer of elections in Mexico. When I went there, I found that elections in Mexico were being organised by the Electoral Commission of Mexico. But there was a parallel organisation called Aliansa Civica. Aliansa Civica was more or less a replica of the Electoral Commission. It also had its own headquarters, returning officers in each and every polling station and released results of elections, as a counter-check to what was being done by the official Electoral Commission.

So, Mr. Temporary Deputy Speaker, Sir, in the Constitutional Review Process, let us give people the freedom. Let the Ufungamano Initiative Group have their Commissioners going round and collecting the views of the people as a counter-check, but finally, once they have finished doing all that, they will make it available to the officially recognised Constitution Review Commission of Kenya, which will be appointed when we are through with this Act.

(Applause)

Dr. Oburu talked about the hon. Members who walked out on this Motion. He described them as people who fear debate and want to introduce dictatorship of the minority, because they fear that if they stay in the Chamber and participate in the debate, they would be defeated during voting time. That is undemocratic. I want to say this about the walk-out: Before the group walked out of the Chamber, a placard was carried out there which described Mr. Raila Odinga as the new homeguard. I dismissed it with the contempt it deserved. That is why I did not even refer to it. But some section of the media considered it to be very important and said that it was the final nail; the last straw. I dismissed it particularly because of its individual who was carrying it. Three years ago, when we were organising demonstrations for reforms here, the same hon. Mwenje was the one who was organising KANU youths to come and stone us in the streets.

(Applause)

After having failed to get nomination on a KANU ticket, he defected to DP and he is now the new Paul who was converted to this Opposition side.

Mr. Temporary Deputy Speaker, Sir, I have said that there are contradictions and inconsistencies. But we have stood firm because what we are doing is out of conviction and no amount of name-calling will deter us from standing up to defend the truth.

There are some people who suffer from what I would call the "hyena syndrome." You know the legendary story of the hyena at the junction; that the hyena did not know whether to go left or right because of his greed. We have seen few leaders who today would say: "We want co-operation and are together." Tomorrow, they will say: "No, it is mass action or we will do something else which is worse than mass action." I think those are leaders who live in contradictions. They do not act out of conviction.

There are a number of people who have undergone the Saul-Paul-Conversion. But we know that when Saul was on his way to Damascus, he saw the light, fell down and finally repented his sins before he became Paul. But there are those people who suffer from the selective memory syndrome and their history is known and it is on record. I want to state a few facts here today. In 1982, we wanted to register a political party; that is the late Jaramogi Oginga Odinga,

hon. George Anyona, Mr. Salim Lone, Prof. Otieno Odhiambo and myself, just to mention, a few of us. We had drafted a Manifesto and a Constitution which we were going to present. But in order to stop us from presenting our papers to the then Attorney-General (AG), a Bill was introduced in this House. It was moved by the then Attorney-General who had this to say:-

"We in this House enacted this Constitution and this House can amend this Constitution. That is what we are doing this afternoon and if one wants to see an example of democracy, then, this is it."

Mr. Temporary Deputy Speaker, Sir, I will not go on quoting the then Attorney-General, but I would want to quote the current Leader of the Official Opposition, who led the group which walked out of this House, because he is one of those individuals who has undergone the Saul-Paul-Conversion without repenting.

(Applause)

This is what he said in seconding the Motion:-

"We are not rejecting criticism; we accept criticism. But criticism is in the nature of renovation, amendment to be in a better place and to improve. However, it cannot be criticism if somebody says that he does not like this Parliament Buildings and wants it knocked down. That is not criticism. That must be destruction and that is what we reject."

Mr. Temporary Deputy Speaker, Sir, the criticism then was that we wanted to form a political party and he said that was destruction. Then, he went on to say:-

"The constitution itself, as the Minister for Constitutional Affairs has said, was drafted, improved and adopted by Kenyans, Now somebody who questions the legitimacy of this Government--"

We are saying that, that Constitution was written and approved by Kenyans, but we know that it was written in Lancaster House. Only a few Kenyans went to negotiate with the British Government in Lancaster House.

That Constitution was never written by Kenyans. But more importantly, in 1964, at the Lancaster House the Constitution underwent a very comprehensive review without involving the people of Kenya. It was the then Minister for Justice and Constitutional Affairs, the late Tom Mboya, who spearheaded the move to revise the Lancaster House Constitution which provided for a Head of State, who was the Queen and then a Prime Minister who was the Head of the Executive.

That review created an Executive President and a person who had been elected as a Prime Minister from the majority party became an Executive President without any mandate from the people of Kenya. So Prime Minister, Mzee Jomo Kenyatta, was converted and became the Executive President of this country and had all those immense powers without the approval or endorsement by the people. That review also removed the Regional Assemblies, because the Lancaster House Conference had created Regional assemblies and finally paved way for the Senate to be amalgamated with the Lower House. That was done at that time, and yet here was the current Leader of the Official Opposition saying that, that Constitution had been re-written and approved by the people of Kenya. Then he continued to say:-

"If somebody questions the legitimacy of this Government, how in all seriousness can he expect sympathy or even the freedom to go on questioning the legitimacy of this Government? Is this really to be expected even from Angels? This is because even an Angel cannot allow you to say that he is not an Angel. This is because he was made by God and you were not asked - nobody was asked - to approve. So, you either accept that he is an Angel or you do not." He was saying, that if you ask a question on the legitimacy of this Parliament, you would not be allowed.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. We had no Opposition in 1982, but we are being told what someone said. Could hon. Raila repeat to this House, who was saying all that he is reading to us?

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I said that I was going to quote the current Leader of the Official Opposition, hon. Mwai Kibaki.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I am saying this to clear the point, that some of us have been consistent right from the beginning. When I was moving this Motion, I said, those people are only consistent in their inconsistency. Those are the people who would today, stand up here and say they are reformers. That Bill was moved and seconded, and there was no debate. When Mr. Speaker called for a Division in the House, there were 158 hon. Members in the House. Among these hon. Members then, who are still in this House today are: Hon. Biwott, hon.

Kalweo, hon. Kamotho, hon. Karume, hon. Kibaki, hon. Kikuyu, hon. Orengo, hon. Oloo-Aringo, hon. Omamo and hon. Wamalwa. The tellers for the ayes were hon. Kalweo and hon. Orengo. The tellers for the noes were Messrs Salat and Midika. There were no noes. Everybody including hon. Orengo and hon. Oloo-Aringo voted for adoption of Section 2(A).

Mr. Temporary Deputy Speaker, Sir, I am saying this because at that time, hon. Anyona was in detention and our hopes were shattered when we wanted to form a political party at that time. We stood firm and said that time will come when we will be able to bring about the changes that we want. Then a time came when the circumstances had changed, when Section 2(A) was repealed and political parties emerged. Just before that, in 1991, three months before the repeal of Section 2(A), the same Leader of the Opposition stood up and said, that those who are crusading for multiparty democracy were day-dreamers. They were somebody who was trying to cut a Mugumo tree with a razor blade. But when a few months later Section 2(A) was repealed, he was the first one to resign when he was in Mombasa and declared he was forming the Democratic Party, and that he had always stood for multiparty democracy.

Mr. Temporary Deputy Speaker, Sir, I would like us to be consistent in this country. This country cannot be led through falsehoods. We have stood firm for changes that would be beneficial to this country.

Mr. Anyona: On a point of information, Mr. Temporary Deputy Speaker, Sir. Hon. Raila may like to know, that when in 1992 the question of the registration of the party arose, the following day before we were arrested, hon. Kibaki was interviewed, and he said, that the files of the late Jaramogi Odinga and mine were already closed, and so we could be forgotten. Then, in 1977 when I was arrested from the Members' Room, hon. Kibaki was having a drink there, and then I invited journalists to have the last drink, with me because I knew I was going. Then he protested and said that I could not bring journalists into the Members' Room. The journalists asked him what type of Parliament this was, where an hon. Member is arrested and nothing happens. Then I decided to take them outside. The hon. Kibaki quietly sneaked out and I was taken away. That is the kind of man we are talking about.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, that is why we are saying that change will only come to this country when Kenyans agree to work together as a people. I know for a fact that there are people who are paying lip service to the change. There are those who have already made a decision that they do not want to see any constitutional review before the next elections. Their first argument is that, the current Constitution is the one that ensures that President Moi leaves when his term expires in the year 2002.

Secondly, they do not want a watered down Presidency. That they would want to have a Presidency with teeth, so that when they take it, they can use it to bite. And that once they have taken it, they will change it as they like. But they know that the issue of the review of the Constitution is very popular with the donor community, and because they do not want to be seen to be on the wrong side by the donor community, they have decided to pay lip-service to it. They are calling for a "people driven" process, but their strategy is to make impossible demands that will make the review impossible before the next general elections. That is why they are talking about a "people driven" Constitution review process. But when you ask them what they mean by that, they do not say. We all know, and they have told me for a fact, that the recommendations we have made here are more progressive than what we are trying to change. They know that this is more "people driven" than what is there, but they are not interested in that. Right now, they want a parallel process, have a stalemate and do everything after they have taken power. We are saying that Kenya is larger than a few of them.

Mr. Temporary Deputy Speaker, Sir, we are also stakeholders in the Republic of Kenya. All the communities that live in this country, live here not by permission of anybody. All communities are here as Kenyans by right. I would like to disabuse one notion here: That if you criticise a political party, then you are anti a particular community. We who stand here, stand here as Kenyan nationalists. There is not a dot in our hearts here for tribalism. We are nationalists and our history will show it.

Mr. Temporary Deputy Speaker, Sir, the late Jaramogi Odinga stood in this House and said, that in the hearts of the African people, Jomo Kenyatta and those who were detained with him were the leaders of the African people. He went on even to say that Jomo Kenyatta was a second god. When he was saying that he knew that Jomo Kenyatta was a Kikuyu. But he was saying it as a nationalist. I am saying this because I am a very faithful student of Jaramogi Odinga Odinga. If I were to learn tribalism, I would have learnt it from Jaramogi, but he was never a tribalist. So, if Kenyans who were elected to this House come here and we disagree with them, we do so on issues of principles on matters of ideology, and not because they come from this or that community. Let them not go and try to rally tribal support, by claiming that so-and-so is anti our tribe. That does not sell. We are Kenyans and we want all these leaders to rise up and join the rest of Kenyans. We have said that we want to co-operate on the basis of principle. Hon. Martha Karua said that the National Development Party (NDP) was married to KANU, but she does not know when the marriage was consummated. These are very insulting words, indeed. This is because they know that if they use an insulting language that will cheapen the policy of co-operation. But I have said that we will not be deterred by detractors who use abusive and insulting language. Jesus said: "Father, forgive them because they do not know what

they are doing".

(Applause)

We are saying that we have reached a stage in this country where our strength and wisdom shall be demonstrated by our ability to negotiate and not by our ability to engage others in the so-called mass action. When it comes to mass action, we know something about mass action. We know what mass action is all about. We have been to the streets more than the people who are now talking about mass action. We know where the people live and where they come from. They are saying that they are talking on behalf Kenyans, I am a representative of one of the few largest Constituencies in the country in terms of population. If I go down with them to the slums of Kibera, they will hear what the people will say. Those are also Kenyans. Last week, we attended a big gathering in Laini Nane and I put the question: "Are you for mass action"? They said no. Those are also Kenyans. So, you ask yourself who are these Kenyans that the other people are talking about?

Mr. Temporary Deputy Speaker, Sir, politics of blackmail and brinkmanship will not take us anywhere. We should not negotiate with a dagger around the throat of your opponents, telling them: "If you do not do this, I will call for mass action". There were times for mass action when KANU was intransigent and refused to negotiate. That was the time when we came out and went to the streets. But the time has now come when we abandoned the streets because everybody wants to negotiate. I am sure if those hon. Members who have walked out on this process were here in this House and were making contributions, they would have convinced us somehow, to even propose further amendments to this document.

You will see that there are some people outside who are saying that they are not for mass action. Some are genuine, but some are not. I know for a fact that some are saying so because the donors who are funding them outside have said that they will cut funding if they support mass action. I know that for a fact because an official of my party just came from Europe yesterday and was talking to some of the donors who told him that they have told some of these people that they will cut their funding. That is why you can see these about-turns. Somebody will go to Chester House today and say that he supports mass action and next week he will say that he is not for mass action, yet, the media does not see the contradiction. That is why Prof. Kivutha Kibwana went to Chester House a day after we tabled this Report here, and said that Kenyans were going to go for mass action. A week later, the same Prof. Kivutha Kibwana addressed the same Press in Chester House and said that the National Convention Executive Council (NCEC) will not support mass action. Not a single journalist asked him why the contradiction. If the Press asked him, probably, it would have found out the reason for the contradiction. I am saying that we should not condemn anybody because there are some people who are acting out of anger. We should, therefore be much more larger-hearted. We want to move from here and facilitate the formation of a Commission and when that time comes, we want to look for the best that is available in this country.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we want to ashame all the people who are saying that this process is going to be KANU-driven, President-driven and so on. We want to ashame them by coming up with the names of the best brains that we have in this country who are going to spearhead the process of constitutional review. They are known. Kenyans by of integrity are known. When it comes to constitutional lawyers, they are known. The other people are engaged in an act of trying to stigmatise names of some of these qualified Kenyans saying these are KANU lawyers. This is because they fear that some of those people probably may be proposed as commissioners, which is not fair. We will go through these names and they will be brought before this House. This House will look at them and if somebody has any strong views against any names which are on that list, he or she will be free to propose his or her exclusion or even a replacement. The process will be done democratically and when he or she leaves here the Commission shall be sworn in and shall begin its work. I do not know what is more democratic than that. This is because some people are thinking that if you have the so-called stakeholders nominating, then you are involving Kenyans. However, we are saying that Members of Parliament are also stakeholders because they represent Kenyans who are really the stakeholders in this review process.

Mr. Temporary Deputy Speaker, Sir, as I said earlier on, it does not matter who is the nominating authority so long as you end up with men and women of integrity. I say this because the Ugandan Act which they have states that: "The President shall appoint the Commission in consultation with the Minister for Constitutional Affairs". However, we were told here by the chairman---

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am withdrawing my point of order mainly because I want my name to appear in the HANSARD that I

also contributed to this very vital matter, though I did not get the chance to do so.

(Laughter)

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, hon. Haji has been heard in silence for half a minute. However, the Chairman of the Ugandan Commission who appeared before us told us that when it came to the time of actually appointing the commissioners, there were very wide consultations. He said that he himself was not the first choice, not even the second choice. He said that he was the third choice. The first two choices had been rejected on the grounds that they were too close to the movement of President Museveni and they were rejected by UPC and DP of Uganda, and that is was, therefore, a compromise. It was a compromise because he was a judge of the High Court and people believed that a judge of the High Court would be neutral. He also told us that the commission, once established, creates its own credibility by the way it conducts its work.

Mr. Temporary Deputy Speaker, Sir, it is not the question of the person who we put in there. We can put the Chairman of the Law Society of Kenya (LSK) or the chairman of NCEC. We can put all of them there, but ultimately they will only win the support of the people of this country by the way they conduct themselves once they are nominated. This is the test and that is why it does not matter whether we have the so-called stakeholders nominating or Parliament nominating so long as we end up with the right people. We think that this House has the credibility to nominate the best Kenyans to spearhead the constitutional review process.

Mr. Temporary Deputy Speaker, Sir, I want to end up by urging the Attorney-General to speed up the preparation and publication of the Bill so that it can be brought back to this House to be debated and be passed so that, thereafter, we can appoint a commission. This is because we have stated here that, we think, that with goodwill and co-operation the process can be completed within 24 months. We looked at other processes.

Mr. Temporary Deputy Speaker, Sir, we have been accused of having introduced a proviso with a hidden agenda. That, we have said that, some minimum amendment will be made. People are saying that this is meant to introduce amendments to extend President Moi's term in office. Nothing could be further from the truth. Our intention in introducing that proviso was that, we could not extend the election date because that would be an alternative that, if the Commission does not complete its work in 24 months, then elections could be postponed for one year until the Commission complete its work. We have said that, that will not be acceptable. That is the reason why we have said that, in the event that it cannot complete its work, then the Commission shall, within one year, from the commencement of the Act, submit to the House minimum amendments which are required to level the playing field for the elections so that elections can be held on time and the review process can then proceed naturally. We said that the review process is too important to be tied to an event like elections. So, Kenyans should have sufficient time to air their views so that we have a Constitution which will serve this country for posterity. We are not reviewing a constitution for elections, but for posterity. That is the reason why we have added that proviso. It is not because we want to extend President Moi's term in office.

With those remarks, I beg to move.

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

Resolved accordingly:

THAT, this House adopts the Report of the Select Committee on the Constitution of Kenya Review Act, 1997, that was laid on the Table of the House on Thursday, 6th April, 2000; and further recommends that the Attorney-General introduces a Bill to the House in accordance with the recommendations contained in this Report proposing amendments to the Constitution of Kenya Review Act, 1997.

The Temporary Deputy Speaker (Mr. Poghisio): Next Order!

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of this momentous debate on the Constitution, would it really be necessary to start introducing matters which might leave a bad taste in our mouths? Maybe, the right thing to do, is for the House to rise and carry this glory home so that we can come tomorrow and do these other things.

Hon. Members: Hiyo! Hiyo, hiyo!

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Minister for Finance, do you have anything to say to House?

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. To be able to comply with our rules, I

would like to move that under Standing Order No.23, the House does now adjourn and the reason is precisely what I have said.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Surely, we only have five minutes left before the House adjourns. We do not even need to move an adjournment when we are due to adjourn the House in the next five minutes. If the Minister for Finance takes the Floor and begins---

An hon. Member: It is okay!

The Temporary Deputy Speaker (Mr. Poghisio): But you have not given him the chance!

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have moved that Motion under Standing Order No.23 and you will have to dispose of that Motion before we can proceed with the next business.

The Assistant Minister for Labour and Human Resource Development (Mr. Maizis): Mr. Temporary Deputy Speaker, Sir, I beg to second that Motion.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Temporary Deputy Speaker, Sir, I support the fact that we should adjourn as proposed by hon. Anyona because there are only five minutes remaining and the Minister has no time to Move the Bill.

Mr. Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Whatever the case, Mr. Anyona knows that under whatever Standing Order, the discretion of the Chair still stands. So, I will say that the Minister for Finance can actually start off by saying something. We will interrupt him and still have the taste in the mouth, that Mr. Anyona was talking about.

BILL

Second Reading

THE CENTRAL DEPOSITORIES BILL

The Minister for Finance (Mr. Okemo): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Central Depositories Bill be read a Second Time.

Mr. Temporary Deputy Speaker, Sir, we have gone through the process of analyzing all proposed amendments with the Finance Committee and I think the Report of the Committee is with Mr. Speaker. I wish to go into the substantive matters tomorrow, if possible, because I have a very long presentation to make. I do not think I will do justice to the Bill if I start today. So, I would like to seek the Chair's indulgence that---I am informed that I should continue speaking until the time is over.

I would like to take this opportunity to thank the hon. Members for this very heroic conclusion to a rather controversial Report. I am actually proud, as a Kenyan, that we are able to get to the stage where we have got. I would really have liked to contribute, but the time was limited. A lot of the ideas that have been expounded here by the hon. Members are ideas which I would like to associate myself with.

Ms. Karua: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to go into irrelevant matters when the business at hand is the Central Depositories Bill?

The Minister for Finance (Mr. Okemo): Mr. Temporary Deputy Speaker, Sir, I think it is very important to understand that the Capital Markets Authority which this Bill falls under can only function efficiently under an enabling political environment.

ADJOURNMENT

Mr. Temporary Deputy Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 27th April, at 2.30 p.m.

The House rose at 6.30 p.m.