

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 9th April, 1998

The House met at 2.30 p.m.

*(Mr. Deputy Speaker in the Chair)*

## PRAYERS

## PAPERS LAID

The following Papers were laid on the Table:-

- Programme Review and Forward Budget, 1998/1999-2000/2001, Recurrent Expenditures Vol. 1-3.  
 Programme Review and Forward Budget, 1998/1999-2000/2001, Development Expenditures, Vol. 1 and  
 2.

The Report of the Controller and Auditor General together with the Appropriation, other public accounts and the accounts of the Funds for the year 1995/96.

*(By the Assistant Minister for Finance  
 (Mr. Keah) on behalf of the Minister  
 for Finance)*

## NOTICES OF MOTIONS

### FINANCING OF POLITICAL PARTIES

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

THAT, while noting that Kenya is by virtue of its Constitution a multi-party democracy, considering that viable political parties are critical for the existence and survival of any multi-party democracy and thanking the Government for accepting the proposal that parliamentary political parties be funded directly by the State from the Consolidated Fund with effect from June 1998, this House resolves:-

- (1) Annual grants be made to parliamentary parties through the Budget in each financial year.
- (2) The amount of such grants be the number of presidential votes secured by the parties in the immediately preceding general elections multiplied by Kshs100 each.
- (3) The Government as a matter of urgency establishes a clear legal framework to ensure transparent, fair and just financing of all political parties.

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

### NULLIFICATION OF PLOT ALLOCATIONS IN LUGARI FOREST

THAT, in the light of massive fraud evident on the allocation of plots in the Lugari Forest, leading to the exclusion of most priority squatters from accessing a livelihood while benefiting many people who could normally not have been a target for the allocation, this House urges the Government to cancel the said allocation and set up a transparent mechanism through which the allocation exercise will be handled.

### REPEAL OF THE HIGHER EDUCATION LOANS BOARD

THAT, in the light of emerging evidence that the Higher Education Loans Board has failed in its original purpose of enabling university students from poor families to complete their studies, considering the need for this country to develop comprehensive legislation for sustainable funding of higher education and aware of the normal crisis posed by students discontinued due to lack of funds for their education, this House resolves that the Higher Education Loans Board Act be repealed and a new approach to higher education funding be developed.

#### FACILITATION OF INTER-PARTY CONSULTATION

THAT, considering the importance the nation attaches to the process of the constitutional reform, aware the legitimacy of constitutions substantially derives from the popular acceptance of the procedures through which they are created, determined to transcend parochial differences and address the fundamental concerns that may affect the momentous task of constitution making and facing that there is substantial scope for improvement in the structure and content of the Constitution of Kenya Review Commission Act, this House urge the Attorney General to facilitate inter-party consultation with a view to collecting views on how best to reform the Constitution of Kenya and to draft those views into an amendment to the said Act for parliamentary debating and enactment into law.

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

#### FORMATION OF WATER RESOURCE HARVESTING MASTER PLAN

THAT, considering that excessive rains caused by the El Nino in the months of December 1997 and January 1998, which will in effect create a dry spell and cause famine which will force the Government to spend billions of shillings in the importation of famine relief supply, knowing that most of our river water resources traverse highly fertile land of the Eastern, North Eastern and Coast Provinces end up to waste in the Indian Ocean, this House urges the Government to urgently formulate a 15 year Water Resource Harvesting Master Plan which would include the sinking of dams, opening up new access roads, providing electricity and other related infrastructure and further introduce a subsidiary legislation which will make irrigation of the opened up land by owners compulsory in order to stop reliance on imported grains and other agricultural commodities.

#### PROVISION OF SECURITY TO MEMBERS OF PARLIAMENT

THAT, this House urges the Government to provide armed security to all Members of Parliament, free housing, Government vehicles and fire arms licences, particularly during this month of high insecurity being experienced in the country.

#### CONSTRUCTION OF DUAL CARRIAGEWAYS

THAT, while appreciating the Government plans to do reconstruction work on the Nairobi-Mombasa Road, and re-carpeting of major roads within Nairobi, and considering that there is an increase in traffic both by heavy and light vehicles on the roads and also the need to reduce accidents, this House urges the Government to selectively construct, and if necessary in stages/phases, fly-overs and dual carriage ways, especially those leading to the city centre within the next 10 years.

#### RECONSTRUCTION OF MARIAKANI-MAZERAS ROAD

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

THAT, in view of the socio-economic importance of the Mariakani-Mazeras-Mombasa Road, which is part of the international highway linking Kenya, Uganda, Rwanda and the Democratic Republic of Congo; considering the major traffic jams and accidents causing havoc to the

economy and also loss of life, this House calls upon the Government, as a matter of priority to urgently reconstruct the Mariakani-Mazeras-Mombasa Road and further tarmac the road connecting Mombasa and Mariakani via Michomoroni, Ngutatu, Mwakirunge, Kaloleni, Giriama and Mambo ya Nyundo to serve as an alternative route linking Mombasa and the international highway.

#### SELECT COMMITTEE TO ERADICATE CORRUPTION

**The Member for Webuye** (Mr. Kombo): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, while appreciating the Government's efforts to stamp out corruption, both in public and private sectors and noting with concern that rampant corruption has become so perpetual that it threatens any further socio-economic development and the future of the country; aware that corruption has become so entrenched that the existing legal framework, under the Prevention of Corruption Act, Cap.65 and the Anti-corruption Authority are not adequate to significantly reduce it or eradicate it and noting further that corruption has kept away potential investors and eroded the good image of Kenya, this House resolves to set up a Select Committee to study and investigate the causes, nature, extent and impact of corruption in Kenya, identify the key perpetrators of corruption, recommend effective immediate measures to be taken against such individuals involved in corruption and recover public property corruptly appropriated by them, recommend an enactment of a Bill to provide for stiff penalties on corruption related offenses and further that the following be Members of the said Committee:-

Achola, G.H.O

Ayoki, W.O.

Galgalo, M.A.

Kamole, S.M.

Kariuki, I.M.

Karua, M.W.

Kihoro, W.

Kombo, M.N.

Leshore, S.P.

Murungi, K.

Anyang'-Nyong'o, Prof. P.A.

Obwocha, H.O.

Osundwa, W.W.

Samoei, W.R.

Sankori, D.M.

#### QUESTION BY PRIVATE NOTICE

##### CAUSE OF BOMBOLULU SECONDARY SCHOOL FIRE

**Mr. Maitha:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education and Human Resource Development the following Question by Private Notice.

(a) Could the Minister inform the House what caused the fire that destroyed the dormitory at Bombolulu Girls Secondary School, on Thursday, 26th March, 1998, killing over 25 students?

(b) What arrangements is the Ministry making to meet the medical expenses that are being incurred by the students admitted in various hospitals in Mombasa?

(c) What urgent assistance is the Ministry providing to ensure that the school resumes normal teaching sessions, particularly for the Forth Formers who are due to sit for the national examinations later this year?

(d) What measures has the Ministry put in place in all schools in the Republic to prevent the recurrence of such tragedies?

**The Assistant Minister for Education and Human Resource Development** ( Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) We have not yet found out the reason why there was a fire at that school. Investigations are going on and when they will be completed, the members of the public will be informed of the cause of the fire.

(b) The Government caused money to be raised to help to defray cost of medical bills for all the girls. To date, more than Kshs4 million has been raised.

(c) All the girls in Form Four, together with their teachers have been transferred to Matuga Girls High School to continue with their curriculum so that they can be ready for examinations at the end of the year.

(d) A directive has gone out to all schools in the country to ensure that dormitories are not locked whenever pupils are asleep. The head of each and every school should live within the school compound and that there should be someone sleeping with the pupils in the dormitory.

*(Laughter)*

**Mr. Maitha:** Mr. Deputy Speaker, Sir, the Assistant Minister has not even gone to the scene [**Mr. Maitha**]

since the fire broke out except during the day when the President was there for the burial. When will this Committee complete its investigations and when will we get the report?

**Mr. Awori:** Mr. Deputy Speaker, Sir, when I completed my previous answer, there was laughter. I am an old man and the words I used should not be construed to be loaded.

The investigations that took place have been overtaken by the Presidential Commission which will go very deeply into the whole affair, and as soon as investigations are completed, they will be published.

**The Member for Lang'ata** (Mr. Raila): Mr. Deputy Speaker, Sir, this was a serious national tragedy; that school girls should be locked up and left to burn alive without aid. Is the Assistant Minister aware that there is a regulation in the Higher Education Act that requires that there has to be a resident teacher at each and every boarding school? If he is aware, what action is he going to take against the school's board which violated that particular regulation and made it possible for those girls to perish in such an inhuman manner?

**Mr. Awori:** Mr. Deputy Speaker, Sir, no action will be taken until all the facts have been known. I accept that in the Higher Education Act, there is a clause that stipulates what the hon. Member has stated. No action can be taken while we are waiting for all the information.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, this was a national tragedy. The Assistant Minister has just said that Kshs4 million was raised. Could he tell this House how much money was set aside for the parents who lost their daughters in that tragedy and how much was set aside to reconstruct the school again?

**Mr. Awori:** Mr. Deputy Speaker, Sir, at the moment, we are concerned with paying the medical bills of these very unfortunate children. Whatever money will remain will be used to construct a new school.

**The Member for Sirisia** (Mr. Munyasia): On a point of order, Mr. Deputy Speaker, Sir. Hon. Obwocha had asked how much of the Kshs4 million will be given to the bereaved parents. That was a supplementary question. The Assistant Minister has not touched on that bit of the question. Why is he evading that question. How much of the Kshs4 million was given to the bereaved?

**Mr. Deputy Speaker:** Hon. Munyasia, you are asking a question. Hon. Obwocha's question was answered by the Assistant Minister, when he said that there was no money left for that purpose.

**Mr. Leakey:** Mr. Deputy Speaker, Sir, I would submit to the Assistant Minister that these inquiries, traditionally, when conducted by the Government, can take a great deal of time. In the meantime, will the Assistant Minister not agree with us that remedial measures should be taken to ensure that all dormitories are provided with fire-fighting equipments, students given escape drills regularly, and escape routes other than the main entrance are provided through a Government direction. If it cannot do that, I would like to submit to the hon. Assistant Minister that they have no business to be in the Government.

*(Applause)*

**Mr. Awori:** Mr. Deputy Speaker, Sir, while waiting for the findings of the Commission, a directive has gone out to all schools to ensure that they do not put bars in the windows. Secondly, that there will always be an escape door. As to the question of training the children in fire drills, provision of fire extinguishers, the hon. Member knows very well that these things cost money and we can only work within the framework of what we have got.

**The Member for Lari** (Mr. Gitonga): Mr. Deputy Speaker, Sir, could the Assistant Minister confirm that the people appointed to the Commission have the knowledge of investigating an incident of this nature.

**Mr. Awori:** Mr. Deputy Speaker, Sir, I do believe that they are. We have got a retired Bishop, Dr. Edda Gachukia and a good number of people who will constitute the Commission. Contributions to that

Commission will be made by people who are within the area. I state that the appointed people are qualified to sit on the Commission.

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, we have read and seen various claims that have come through; that a bottle was thrown into the dormitory. We have read and seen all sorts of claims. But that notwithstanding, my question is from what we have heard from various parents. In the first place, the parents had a choice to take their children to that school. How come that this time, they have no choice to do that? They are being directed as to where they will take their children. Can the Ministry consider allowing the parents to take their children to the schools of their choice?

**Mr. Awori:** Mr. Deputy Speaker, Sir, since it is the last question that requires an answer, my answer is that the choice of the school depends entirely on the parents. No child is going to be taken to any school without the consent of the parent.

**The Member for Ntonyiri (Mr. Maore):** Mr. Deputy Speaker, Sir, the Assistant Minister elaborated on the issue that they are going to conduct investigations and made a cynical remark that a retired Bishop and an educationist have the capability to investigate. Can the Assistant Minister give this House and the nation a preliminary investigation report? This is because within 28 or 48 hours a diligent Government officer or the security apparatus will already have the preliminary investigations before the inquiry.

**Mr. Awori:** Mr. Deputy Speaker, Sir, I would like to assure this august House that this particular Commission is going to work very expeditiously and the results will be made public. There is no need for a preliminary report.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, we have had a culture of management in this country, where regulations which exist are not enforced until there is a national crisis or problem. The Assistant Minister is telling us now that the Government has issued instructions that the safety of dormitories should be checked; that the headteachers should stay in school. I know the Assistant Minister was appointed recently to the Ministry of Education and Human Resource Development. But those who know better understand that for a long time, it has been a standing regulation that all boarding schools must have the headteacher and the deputy headteacher residing in the schools. Similarly, why is the Assistant Minister talking about instructions to check dormitories when according to the Education Act Cap 211, Section 18 (5) it clearly states: "The duties of inspectors of schools include regular inspection of any part of school and any buildings used in connection with the school, including workshops, dormitories, kitchens etc; to ensure security and hygienic environment for the students". Why did the Assistant Minister fail to have an inspector to inspect the dormitories at this school on security considerations, until after this tragedy?

**Mr. Awori:** Mr. Deputy Speaker, Sir, before I answer that question, may I plead with this House not to politicise such a tragedy. There are regulations and I know that inspectors do make inspections to various schools. They send the returns of what they have at the various schools to the Ministry. Sometimes, the inspections fails to get the desired results as in this case.

**The Member for Mathira (Mr. Wamae):** Mr. Deputy Speaker, Sir, we have heard stories that some of the money is with the headmistress of the school. Also, some of the money is not known as to where it is. Could the Assistant Minister tell us exactly where the money is so that it does not disappear as in many other cases?

**Mr. Awori:** Mr. Deputy Speaker, Sir, this money will not disappear. The money is in a bank account.

**Mr. Obwocha:** On a point of order, Mr. Deputy Speaker, Sir. The question that hon. Wamae has raised is the same question that I asked the Assistant Minister. Where is the money, and how are they going to divide the money between the bereaved parents and reconstructing the school? The Assistant Minister is just vague!

**Mr. Awori:** Mr. Deputy Speaker, Sir, I have stated that over Kshs4 million has been raised. I also stated that the first consideration is to pay the medical bills. If there will be money left, the matter will be decided by the Parents Teachers Association and the Government as to how much will be paid, if any at all, to individual parents and for the construction of a new school.

**The Member for Mathira (Mr. Wamae):** On a point of order, Mr. Deputy Speaker, Sir. Could the Assistant Minister answer this question? We know that some of the money is in the account of the school. But the headmistress does not know where some of the money is. Could he tell us where the money is?

**Mr. Awori:** Mr. Deputy Speaker, Sir, the money is within the Ministry.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, can the Assistant Minister assure this House whether the Ministry will take the tragedy of Bombolulu girls seriously instead of politicising it the way he is doing at the moment? Girls died in this tragedy and the Assistant Minister is trying to politicise the issue by giving answers which are unsatisfactory. I would like to tell the Assistant Minister, since he has said that some girls have already

been taken to Matuga, that most parents have not been allowed to take their children to different schools? The Ministry is insisting that these girls are to be taken to Matuga. Is that right?

**The Assistant Minister for Education** (Mr. Awori): Mr. Deputy Speaker, Sir, it is in the interest of the Form Fours to go together with their teachers to one school. That is the truth. The girls must be taken to one school with their teachers. As for the girls in Form One, Form Two and Form Three, they will go to schools of their own choices.

### MOTION

#### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 31st March, 1998.

*(The Minister for Lands and Settlement on 7.4.98)*

*(Resumption of debate interrupted on 8.4.98)*

**The Member for Gatanga** (Mr. Murathe): Thank you, Mr. Deputy Speaker, Sir. I was on the Floor yesterday contributing to the Motion on the exposition of public policy by his Excellency the President.

Mr. Deputy Speaker, Sir, I was saying that we are here on a reform agenda. As regards the form that the reform process, and Constitutional review process will take, I hope that will not be another Inter-Parties Parliament Group. I hope that there will be good faith on both sides of the House so that Kenyans will get the desired reforms. We are of the view that the process should be all-inclusive; collecting the views of the majority of the Kenya because I believe we have a responsibility to the people who elected us to come into this Parliament; to either have the legacy of having this country as one united country or dismembering this country into small balkanised states.

We have heard several people talk about majimbo, I believe and, this is the view from my people of Gatanga that if it should come to that, we should not talk about a federal system of government where our people's resources will then be handed over to some central government. They will stop at nothing without having their own republic. In the course of this process, we must have goodwill from both sides of the House. We do not want people to hijack that process.

Mr. Deputy Speaker, Sir, we have spoken about corruption and what needs to be done to alleviate poverty in this country. How do you alleviate poverty when people in positions of responsibility are corrupt? We have had instances where members of this society have engaged in the looting of State corporations which are supposed to remit revenue to the Government to be used to implement Government programmes and objectives. We have had instances where people have sold pieces of land belonging to State corporations for values of 100 which per cent is paid as commissions for the value of the land equivalent to the value of the land. We know that there are rates of commission which are allowed by law in this country. In the process, the Treasury losses a whopping Kshs275 million. We are not going to alleviate poverty in this manner.

Mr. Deputy Speaker, Sir, I spoke about Gatanga and I said that, just like the people who harvest sand in Ukambani get money deducted and which goes to develop their local authorities, we shall bring a Motion into this House which will require the City Council of Nairobi to pay a substantial amount of money to the people of Gatanga because the water coming from Ndakaine is a natural resource for the Gatanga people. Revenue from that water can be used for bursary funds and electrification. The people of Gatanga do not drink that water; it is drunk in Gatundu and Nairobi. We are going to insist that the proceeds from the sale of that natural resource--- Just in the same way Narok County Council gets money from the tourists coming here to view wildlife, the people of Gatanga should have a share of the natural resources.

Mr. Deputy Speaker, Sir, before I sit down, I believe you had indicated that I was to make a personal statement today. The statement I am about to make is as follows---

**Mr. Deputy Speaker:** We are debating this Motion!

**The Member for Gatanga** (Mr. Murathe): Mr. Deputy Speaker, Sir, I beg to sit down, but I hope and I am sure you are going to give me time so that I can allay the fears of my constituents. Thank you.

**The Assistant Minister for Finance** (Mr. Keah): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion on the Presidential Speech.

Mr. Deputy Speaker, Sir, since this is my first time to contribute in the Eighth Parliament, may I take this opportunity to, first of all, thank my constituents from Kaloleni who found it fit to vote me back into this Parliament for the third time. Also I want to thank His Excellency the President for appointing me to the post of Assistant Minister for Finance. I also want to congratulate all my colleagues, both new and old, for having been elected by their constituencies to come and share our views on development concerns of this nation in this House.

Mr. Deputy Speaker, Sir, indeed, I do congratulate you and the Speaker for having been elected to guide the proceedings of this House. Having said that, I will go straight to the Presidential Speech. Many people can say that it did not cover everything. To me, the Presidential Speech did what it was supposed to do because it did highlight the main challenges that this country is facing. His Excellency the President touched on several issues, but I want to concentrate on perhaps, four of those many items that he touched on. One, is the co-operation amongst us as Members of Parliament. I consider this to be absolutely important because if we do not have that understanding of one another, if we do not co-operate here as hon. Members on both sides of the political divide, I am afraid, we will reduce this House to a place of shouting matches and will not really achieve anything. Therefore, I want to emphasize that the call that we should work together as Members of this august House is a very important call, indeed. I would want to urge all of us to speak to each other as His Excellency the President himself did welcome the leaders from the Opposition parties to go directly and talk to him in order to exchange views. If the Opposition leaders could do so, we could break this barrier that seemed to exist in the Seventh Parliament. His Excellency the President also touched on three other issues; economic, political and social aspects of this country. Let me talk about the challenges that were enumerated in this very short Speech.

Talking on economic issues, poverty and unemployment are rampant in our country. This country has a feeling of hopelessness. All over the place, poverty seems to be pervading the air and, indeed, unemployment is a major problem. It is our responsibility, as hon. Members, to map out ways and means of solving these problems. This will come through Motions, like the ones that have been tabled here this afternoon, through Policy Statements, Budget Statements and Sessional Papers. The President challenged us to debate important issues that affect our country through the institution of this House. I want to encourage all of us to do that.

On poverty, I would like us to eradicate poverty in this country. The whole country expects us to map out ways and means in this august House of helping the Government of the day and the whole country to eradicate poverty.

Mr. Deputy Speaker, Sir, during the swearing-in ceremony, on 3rd February, all of us took the same oath and in so doing made a contract with the electorate. There was no different oath for KANU, NDP or SDP. Since we all took the same oath, it is upon us to explore ways and means, as a House, of eradicating poverty and unemployment.

The other aspect was the political issue. Waiting ahead of us is the constitutional review which we all agreed would take off.

**Mr. Kajwang:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister for Finance to tell us about ways and means of eradicating poverty without giving specifics of how the Ministry of Finance has dealt with it?

**The Assistant Minister for Finance (Mr. Keah):** Mr. Deputy Speaker, Sir, I did say that ways and means of eradicating poverty will come through Motions, policy statements, sessional papers and budget statements to this House. What else does he want? I cannot give a litany of ways and means of eradicating poverty in ten minutes.

Mr. Deputy Speaker, Sir, still talking on the constitutional review, we all have the mandate to ensure that we carry out a constitutional review after all the views have been sought and collected. We cannot abrogate our responsibilities under the current Constitution. Institutions like constituent assemblies will not do, but the mandate to change the Constitution lies with this House. Personally, I will not abrogate my responsibilities.

Mr. Deputy Speaker, Sir, on social issues, we need peace and security in this country in order to perform our duties properly. That peace must first of all be fostered by hon. Members by setting an example.

Mr. Deputy Speaker, Sir, now I want to tackle specific items that are of great concern to me. One of the things that really undermines the economy of this country is inefficiency. I would like to urge hon. Members to strive to be efficient in whatever we do, particularly the Civil Service. A lot has been said about the KANU side which forms the Government. The people implementing Government policies are civil servants. Admittedly, the Civil Service which is appointed by the KANU Government is composed of individuals. Today, I want to call upon the civil servants to be professional in the execution of their duties. When a road is being constructed, it is not an hon. Member who supervises it, but an engineer. When there is a corrupt act, a professional like an engineer, a lawyer, an accountant or a quantity surveyor is always involved. I challenge those professionals to live to their professional ethics because these are the ones who have let us down. We keep on shouting at this and that

politician, but the people to blame are these professionals. Unless those professionals stand firm, we will always suffer.

Mr. Deputy Speaker, Sir, I also want to comment on environmental degradation. This is the biggest insecurity we are likely to experience in this country and the whole world. One has to watch this aspect of environmental degradation and the business community.

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, I arise to speak on this particular Motion which exalts us to thank the President for the exposition of public policy contained in his Speech. The first obvious fact to everybody, who is willing to think, is that there is no explicit policy in this Statement. There is no stated explicit policy. Anybody else saying the contrary will be imagining what he would have liked the President to say. But truly, if we are going by what has been said, there is no explicit policy in this document.

Mr. Deputy Speaker, Sir, all we are saying is that on the major issues facing us as a nation, we expected a statement of specific actions that are to be taken to remedy this situation. That is the whole purpose of having this Government. I was thoroughly offended by the Assistant Minister for Finance who stood here and pretended that he was giving instructions to civil servants. Policies are set by Ministers and these people are responsible to this Parliament. We are not going to be diverted to any quarrel with civil servants. We are asking the Ministers to stand, speak on issues before us because we are the policy makers. You will not be able to hide behind the skirts of civil servants. It is not possible. So what I am saying is that we required a policy statement.

Mr. Deputy Speaker, Sir, everyone is in agreement that we have three major areas which require to be addressed, but are not. First and foremost, it is true we want to deal with the Constitution. We want to continue on that. But the efforts and initiatives on this issue should be unanimous, as a way forward. Let us make every effort to meet through dialogue and invite everybody else who should participate. We need to arrive at an agreement. Let this Commission, which should go round talking to Kenyans, be set up. Then eventually we can have a Conference at which we shall debate the structure of the Constitution, after collecting the opinions and agenda of the people. We will view this as the way forward.

Mr. Deputy Speaker, Sir, the second main problematic area is security. As we know, our tourist industry is destroyed by lack of security. This lack of security was initially caused by gangsters who attacked people in certain areas in Mombasa and other places. Up to this moment, the Government has refused to tell Kenyans who these strange people were, who financed them, who trained them, and where have they gone to after causing the destruction. We have people in the government, who still pretend, despite all the evidence, that these were gangsters, who were hired by other people and the government does not know who they were. We know them, and the Government knows them. The Government has refused to take any action or do anything about the insecurity engulfing the country.

Mr. Deputy Speaker, Sir, we have people who pretend to be cattle rustlers, but they are armed with AK 47. They roam freely around the country. Some communities in this nation are armed with the best weapons, but the Government would not disarm them, yet it pretends that it is keeping peace. This Government knows them very well. These rustlers steal other peoples' livestock, shoot people, rape other people's wives, because they are armed and then disappear. The Government does not take any action and instead, goes on with its normal operations as if nothing is happening. But the rest of the world reads about these issues very clearly in the foreign Press. Either the Government is incapable, which in this case, it should not be in the office or it is useless or unwillingly to stem such insecurity. In this case, it has lost moral authority to rule. Therefore, it has no right to rule over us by force. Any Government unwillingly to defend its citizens has already lost the moral authority to rule. Your duty as the Government is first and foremost, to protect the lives and property of the citizens of Kenya. If not, then you are not performing any duty. What else would you be doing if you cannot protect the lives and property of the people?.

Mr. Deputy Speaker, Sir, that is the challenge before all governments. This Government must stop pretending that this is the job for all of us to participate in. The Government should stop making inflammatory statements. Insecurity is caused by armed people who go robbing and looting without being challenged by the Government. That is where the insecurity is coming from. I am sure if the Government wants to be taken seriously, it must stop the killings, which are now going on freely everywhere. The Government seems very much excited when a foreigner is killed because this is commented on in the foreign press and there is fear that it would affect tourism. It is important for the Government to appreciate that every life is equal to any other life. It is not to be ignored, just because the person who has been killed is a Kenyan. This double-standard must stop. We have to value the citizens as we value those foreigners. We are not saying that foreigners should not be protected.

They should be, but the government should stop showing excitement and worry, just because it is being visited by a foreign ambassador. Why is the Government not bothered when citizens who elected them are killed? We expect action from the Government on these issues as they are part of insecurity. But these issues have not been



stated in the Presidential Address to the House.

Mr. Deputy Speaker, Sir, the third problem facing this nation is the effort to revive the economy. I want to speak at great length, and I am glad I have been given 20 minutes. But first as we speak, as regards the revival of the economy, we must ask and analyze some questions logically. The economy was once upon a time prosperous; it could not have destroyed itself within its own system, but it was destroyed and looted, but by who? We must start from this question. If we do not begin there, you cannot look for answers elsewhere as to what to do. Mr. Deputy Speaker, Sir, the historical fact of the economy of Kenya is that it has collapsed due to three reasons: mismanagement by those in-charge, deliberate looting by people in-charge of the economy and direct official corruption sponsored and approved by the Government.

*(Applause)*

Mr. Deputy Speaker, Sir, if we do not accept these issues simply because we are part of the ruling party KANU, then we are not genuine. We are not sincere to ourselves. Even if you are KANU *damu*, and you hear, as you seat here, that a member of this House has been allocated Kenyatta Beach, in Mombasa, which was a donation to the public by President Kenyatta, you should not keep quiet. The same applies to a case where Uhuru Gardens in Mombasa is allocated to somebody. Even when somebody is allocated an estate that is resided by civil servants, we should condemn that. These civil servants are people who we should be bothering about because they lack of houses. Properties are condemned, so that they can be allocated to other persons and then you keep quiet in the wake of this plunder because you must support KANU. What about the people who elected you?

Mr. Deputy Speaker, Sir, we are members of Parliament who should possess some qualities to stand up for truth, whatever it may mean to our own individual fortunes in politics. That is why we are saying that the economy did not just collapse. It was systematically looted. If you look at Kilimani, it tells you all. Every property of the Government was condemned in every town. Go to Nakuru, Kisumu, Eldoret, Mombasa and wherever you go, the story is the same. All these properties have been sold to those who are favoured. Then we say we have no way of housing civil servants. We say we are surprised at the turn of events. Why should we sell the houses where these people have been living? Again, you sell them very cheaply to friends.

Mr. Deputy Speaker, Sir, look at statutory co-operations of this nation. The economy has been ruined by the Government itself. So it is the Government which must decide to turn round the economy. But has it decided to turn round the economy? Not yet, because actions speak louder than words. It should be understood that what you do is what is very important. The Government's action is what speaks louder than the words of the President or any Minister. These allocations that are going on now will be judged by the people. Therefore, we know the Government has not decided to deal with corruption. As we are speaking now, corruption is going on officially. There is no decision on this matter.

Mr. Deputy Speaker, Sir, equally this economy is right now impossible to turn round because the Government itself is borrowing enormously from the private sources. In otherwords, the Government is collecting all the savings of the economy from the banks, insurance companies and financial institutions. The Government is borrowing 70 per cent of the savings of this nation while the private sector is left with 30 per cent of the savings. Because of this, the government is paying 27 per cent to 28 per cent interest on its borrowing. The banks, therefore, lend to government. If you are a private investor and go to a bank, you will be asked to pay 30 per cent to 34 per cent. Who in this world can set up any industry and pay 34 per cent interest on borrowed money? Nobody! Therefore, for the last 12 years, we have had no new investments in this nation. That is the reality.

Therefore, for the last 12 years the population segment has been growing but there is no new investment and employment opportunities. And it will not change until the Government stops borrowing. So, the first step which should have been mentioned in this Speech with a categorical statement by the President is that the Government would stop borrowing excessively the way they are borrowing and would also make sure that the Kshs140 billion they have already borrowed up to the end of last year, that this money will be repaid, so that money can be available for local investors to borrow and utilise but there is no statement of that nature.

We heard it from the Ministry of Finance but we want to see action. We do not know when that action is going to begin. But until this step is taken we will not find it possible to revive the economy because reviving the economy is to revive investment and we will not do it until the money is available. Kenyans are saving heavily but when money goes to financial institutions, it is borrowed by the Government. Therefore, Government must take action.

Equally, the Government talks about privatisation; privatisation is where this nation has been looted, be it flour mills etcetera. And as we are talking now and when this Speech is being made; that we want to stop

corruption, there is a move to declare African Tours and Hotels (AT&H) the hotel chain, bankrupt and already the buyers are lined up. It should be declared bankrupt so that all the properties of AT&H may be sold to friends. But because you are KANU *damu* you keep quiet, you do not say anything; and those who oppose are from the opposition, only to be ignored. We do not need to go through that process. Can we stop AT&H from being put under receivership and dissolved and, for instance, stop the selling of shares in Mumias Sugar Company to some rich tycoons?

Mr. Deputy Speaker, Sir, when Mumias Sugar Company was established, because I was there and can speak with authority, the intention was that the growers of cane shall make money. Now that they have succeeded in growing cane and money is being made in the factory, why do we want to give the factory to tycoons and rich people when growers of cane in Mumias and other places want to buy the factory? In which way do we represent Kenyans if we are going to look for a foreign tycoon to buy Mumias Sugar Company and we cannot sell it to African growers who want to buy it and have collected money, to buy it? Do we have the moral authority or have we lost character? We have become people to be used by international capital to their own benefits. It is a shame because this is a successful project and is not even a failing one. But if you want to sell this to foreigners in which way will you speak to those growers when you come to speak to them? I do not know, but you will say you are for the people. We shall wonder and even the growers will wonder. Other corporations are to be marketed, they should be sold. There is a very good institution that has been set up called Nairobi Stock Exchange. They want to increase the number of companies quoted in the Stock Exchange but it is not the only channel particularly when you want to transfer the genuine wealth to the local people. That is only one channel but there are so many other channels dealing direct with the producer and grower in Kenya. In the Mombasa Port we know that corruption has been going and it has been proven. We keep changing managers but the true mover of what is happening and why we are being looted does not change. Only those employed change and, because KANU is KANU they keep quiet about it but they will pursue people who have been sold them. They know the people who are selling petrol without paying duty and who last year took more than Kshs2.5 billion from revenue because petrol was taken and no duty was paid. Petrol was sold within Kenya, for a whole year. We have a Government standing up in front of everything pretending they did not know for a whole year that petrol was being sold without payment of duty. Is it conceivable? It is not possible, it is not conceivable and there is nobody except as the Bible says "It is only the fellow who wants to keep blind so he can never see so he goes closing his eyes and saying I do not see or here what you are saying". So, he goes on closing his eyes. How can you not see and hear when these tankers take the route only to reach Kisumu or Eldoret or Thika or near Nairobi and go and sell the petrol? And we have all the machinery in the Government.

So, the truth is that when Kshs2.5 billion was being stolen through that channel, the Government knew and Kenyans know those participating are themselves at the centre of the Government of Kenya. Therefore, if no action is taken on that score and nobody will go to court and then you, say here we are tackling corruption and you are expected to be believed; by who? Nobody can believe you. Who? How? I am not silly. How can anybody who is not foolish and refusing to think see that there is a tanker distributing petrol to petrol stations? Petrol stations belong to people we know and some of them are the Government. Then we are told we must believe the Government is fighting corruption. Are we going to believe? Nobody will believe that you need to be believed, because if you are not believed there will be no flow of foreign assistance either through IMF and World Bank or anybody. Private investors will not come and believe you and nobody will believe. So, as a nation that is why we speak with this bitterness. We have a Government unwilling to face the reality the petrol case is one of the obvious cases. The other one is in Mombasa where people have been importing sugar and the Government has promised, over the last two years, to do something. They will make them pay Kshs1.3 billion which they refused to pay in terms of tax but who does not know who imported the sugar and who continues to import sugar? Instead of collecting the revenue, despite promising the World Bank and IMF the Government thinks everybody else is foolish, and then they are waiting for them to come in June to start negotiations again and they will ask, "Did you collect the money you promised to collect from the sugar seller? "No" why? Because those are KANU *damu na hautaki kuwaguzi*" Instead of collecting that money you go and allocate public property. For goodness sake by giving away public property somebody will be killed. Taking Mombasa Beach and Uhuru gardens people will suffer. Kenyans cannot possibly accept to lose any more. Therefore, I do not agree to support but we are demanding action which shall speak louder than words.

#### MOTION FOR ADJOURNMENT UNDER SO 45

ADJOURNMENT OF DEBATE ON THE  
PRESIDENTIAL ADDRESS

**Mr. Orenge:** On a point of Order, Mr. Deputy Speaker, Sir. I rise on a matter I think is fairly serious and particularly when the hon. Members of this House, when this Parliament was sworn in, took the Oath of Allegiance in terms of Section 49 of the Constitution. It is in this regard I am moving a Motion of Adjournment under Standing Order 45 which allows me to move a Motion without Notice:

That any further debate on the Presidential Address be postponed under Standing Order 45(b).

My reasons are as follows. If you will bear with me and if you allow me to move it, I will ask hon. Murungi to second the Motion. There are three important factors as we speak here in this House. We must be speaking to a Government which is already in place.

Mr. Deputy Speaker Sir, looking at the Constitution, the process of the formation of this Government is not complete. Under Section 17(1) of the Constitution the Cabinet consists of the President, the Vice-President and other Ministers. The fact of the matter is that the Constitution can have a situation where there is the President, the Vice-President and no Ministers. But we cannot have a situation under the Constitution where there is a President and no Vice-President, just as you cannot have a Vice-President without a President. The office of the Vice-President performs an important role in Government. The fact that the Vice-President has not been appointed means that, *de jure*, there is no Cabinet. The Ministers can be present, but for the purpose of this House, they mean very little. The important institution in this House is the President and the Vice-President. By definition the term "Minister" also refers to the President and the Vice-President.

The country should not be treated as a backyard of an individual or anybody in the Government. If the Constitution requires that a Vice-President should be appointed, then he must be appointed. The more serious fact is that under the Constitution, every one of us can be appointed as a Vice-President as long as he is an elected MP. The fact that a Vice-President has not been appointed means that the appointing authority has no confidence in any of you. None of you meets the requirements for appointment, including the Leader of Government Business. He can be the Leader of Government Business, but not a Vice-President. This is serious because last time when I raised this issue I said that hon. Saitoti was merely an heir presumptive. He was not an heir apparent. Now he has realised that what I was saying was true. His days are gone as far as that office is concerned.

The third and most important point is that under Section 30 of the Constitution, Parliament consists of the President and the National Assembly. This Parliament is not properly Constituted without a president. I remember that at one time hon. Kibaki made a long argument on the institution of the Presidency, which is part and parcel of this National Assembly. Under Section 15 of the Constitution, the principal assistant of the President in the discharge of his functions is the Vice-President. These Ministers are not the President's assistants. They are merely part of a group which can advise. The Vice-President is the President's assistant. It is, therefore, demeaning for this Parliament that there is nobody representing the President who is part of this House. hon. Ngala, as the Leader of Government Business, is not representing the President. He is merely the Leader of Government Business.

Mr. Deputy Speaker, therefore, it will be of no use to debate on this very important Presidential Address when the process of the formation of Government is not complete. Some people assume that if hon. Biwott is in the Cabinet the Government is complete. That is not a constitutional fact. Formation of the Government must be done according to the letter and the spirit of the Constitution. On the day of swearing in of hon. Members, I agreed to take oath, and said that I was not going to run away from my responsibilities. As long as every one of us, including the President, took the Oath of Allegiance, he should comply with the Constitution. The Constitution is being violated every day that we do not have a Vice-President. It serves an important constitutional purpose to have a Vice-President, so that when the President dies there will be no vacuum. In England when the King dies they say: "The King is dead, long live the King". But here, one of these days when there will be no President, all of you will claim to be the President. This is because there is no constitutional basis of having somebody to assume office of the President.

With those words I beg to move.

**The Member for South Imenti** (Mr. Murungi): Mr. Deputy Speaker, Sir, I beg to second this very important Motion. The basis on which---

**Mr. Deputy Speaker:** Order! Order! hon. Orenge has sought to move a Motion for the adjournment of this debate, which has been going on since Tuesday. He is seeking the adjournment of this debate under Section 17 of the Constitution which, in fact, does require that there be appointed a Vice-President. The Section States:

"There shall be a Cabinet consisting of the President, the Vice-President and the other Ministers".

So, to the extent that there is no Vice-President appointed so far, that Cabinet is not complete. But we are talking about the interpretation of the Constitution which, in my view, is not the responsibility of this House. This matter

will require further consideration, but for the time being my position is simply that this debate will continue. This House has no mandate to interpret the Constitution. If there is need for it to be interpreted in any manner that is not consistent with our Standing Orders, that must be a matter for the Courts. So, the debate will continue.

**The Member for South Imenti** (Mr. Murungi): On a point of Order, Mr. Deputy Speaker, Sir. hon. Orengo's Motion was for the adjournment of this debate. It was not a Motion for interpretation of the Constitution.

**Mr. Deputy Speaker:** hon. Murungi, I have declined to allow Mr. Orengo's Motion because the ground given for it is the provision of the Constitution. We are not talking about different things. Can we continue?

**The Assistant Minister for Agriculture** (Dr. Wamukoya): Thank you, Mr. Deputy Speaker, Sir. My name is Dr. Joseph Wamukoya from Matungu Constituency.

*(Loud Consultations)*

**The Assistant Minister for Agriculture** (Dr. Wamukoya): Mr. Deputy Speaker, Sir, Can I continue?

**The Member for South Imenti** (Mr. Murungi): On a point of order, Mr. Deputy Speaker, Sir. The clarification we are seeking is that hon. Orengo's Motion was for adjournment of this debate on the ground that we are not competent, as presently constituted, to continue with this debate. It is incumbent upon you, Mr. Deputy Speaker, to make a ruling from the Chair on whether the Motion for adjournment should go on or not. You have said that the Motion should not go on, on the basis that it is a Motion for interpretation of the Constitution. Mr. Orengo merely brought in the issue of the Constitution to argue his Motion for adjournment. I would like to second it even without referring to any interpretation of the Constitution.

The basis of the Motion is that the priority that is being given to the Motion on the Presidential Address is itself not there because there is a more urgent matter. I was with President Moi yesterday at the late hon. Kairu's funeral. He appeared to be in good health but he said that no person in this world knows when he will die.

If President Moi was to die tonight without a Vice-President, the Constitution says that the Cabinet will meet. Who is going to convene the Cabinet? Is it hon. Biwott, hon. Nyachae or hon. Mudavadi? We can not allow the President to run away from his constitutional duties and gamble with the future of this country. However difficult it is, the President has to appoint a Vice-President. We are moving that this House do adjourn to give the President a day or two - if he never knew the seriousness of this matter - to go and bring us a Vice-President tomorrow. Thank Mr. Speaker, Sir.

**Mr. Deputy Speaker:** I will put the question straightaway.

**Hon. Members:** The "Ayes" have it!

**Mr. Deputy Speaker:** I will put the question again.

*(Question put and negatived)*

*[Loud consultations]*

**Hon. Members:** Division! Division!

DIVISION

**Mr. Deputy Speaker:** Order! Ring the Division Bell.

*(The Division Bell was rung)*

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! Hon. Members, there was a Motion for the adjournment of the debate moved by hon. Orengo and seconded by hon. Murungi. I must confess that instead of proposing the question, I put the question. It has been brought to my attention that I should have allowed the debate on those amendments, and that is what I intend to do now. Therefore, Members may now debate that Motion.

*(Applause)*

*(Question proposed)*

**Dr. Kituyi:** On a point of order Mr. Speaker, Sir.

**Mr. Deputy Speaker:** Dr. Kituyi, I have recognized hon. Ngala.

**The Minister for Lands and Settlement (Mr. Ngala):** Mr. Deputy Speaker, Sir, I do stand here to oppose the Motion. I think it is very unfair for the Mover of this Motion--- Because the reason that is being advanced by the Mover of this Motion is---

**Dr. Kituyi:** On a point of order Mr. Deputy Speaker, Sir. Thank you for giving me a chance to raise a point of order. There has been a Precedent in this House---

**Mr. Deputy Speaker:** Order! hon. Sambu!

**Dr. Kituyi:** On a point of order Mr. Deputy Speaker, Sir. The act of Mr. Speaker putting a question is a statement, either there has not been any other person who is interested in continuing the debate, or in the view of Mr. Speaker, it is a matter about which Members can assist him decide to proceed with business. At a point the Chair has made a ruling, that we now go into a division, any effort to revert to other things is gerrymandering.

**Mr. Deputy Speaker:** Order! Hon. Dr. Kituyi, I have done the best I can by apologising to the House for having made that error. There is nothing I can do about it. Well, my apology was meant to assuage the anger you may have because of that error that I made. Shall we continue?

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, we went through the normal process of Parliamentary procedures. In fact, there was no debate arising after the Motion was made. It was suggested that the question be put, and it was put and the Speaker made a ruling by saying that the "noes" had it. We challenged the ruling and asked for a division. What I am saying is that we went through four different stages of normal Parliamentary debate. At the end of the process, when we had finished ringing the bell and we were about to vote--- It is not in the tradition of our procedures, for a ruling to be made after we have gone through four stages of Parliamentary debate; from the moment Mr. Speaker puts the question. Therefore, I am saying that it is not orderly according to our own procedures to be forced to go back four stages for the purpose of satisfying somebody's new whims. Can we please respect our tradition and ask for the tellers to be named and we go into the division lobby.

*(Applause)*

**The Minister for Health (Mr. Kalweo):** On a point of order Mr. Deputy Speaker, Sir. I would like to seek clarification. I think the whole Parliament is taking advantage of you being new in the seat because, after the Motion was seconded, you were supposed to propose the question. However, you jumped that stage erroneously and you have already apologised to the House. So, would I not be in order to say that we revert to your present ruling?

**Mr. Deputy Speaker:** Order! Order!

**Mr. Orendo:** On a point of order, Mr. Deputy Speaker, Sir. I fully agree with you that the other side should have been heard, if they wanted to be heard. Unfortunately, when you rose to put the Question, nobody rose. The second stage, when you said "as many as are of that opinion say Ayes", they voted. And I saw the Leader of Government Business shout the loudest. Since he is new in the job, he wanted to shout the loudest.

*(Laughter)*

Now, I think it will be tantamount to turning the National Assembly into a *baraza*. Let us keep the dignity of the House. Once the Chair has made a ruling, the House should go by that. It is just like in the courts. Once a judge has made a ruling, he cannot go back on his ruling. That is how the rule of law applies. But if Mr. Deputy Speaker, Sir, you have made a ruling and I come and persuade you, however right I may be, I think that will be the wrong way to conduct business in this House. We have voted, and now we are demanding a division. The Division Bell was rung and even the bar closed. I would not, as the person who moved this Motion, and who has sworn according to Section 49 of the Constitution of Kenya, that we shall abide by the rules of this House and that I shall not be party to a process where we run away from our decisions, be happy with what is taking place. So, the only reason why the debate is being called for is because they now realise that there are only 40 Members on that side while there are more than 70 Members on the Opposition side. That is the only reason they want this debate to continue.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! Order, hon. Members!

**Mr. Orenge:** And, even last week, despite the fact that we took certain positions, when we lost on those Procedural Motions, we did not come back to you and cry that we were not given sufficient time. We took it honourably. Now, if this is going to be the manner of debating in this House, then I think we are far worse than some of these democracies that are emerging in Angola, Mozambique and so on. We are now categorised with Mozambique, Somalia and many other young nations because we are not practising democracy the way we should.

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

*(Several Members stood up in their places)*

**Mr. Deputy Speaker:** Order! Order, everybody! Please, be seated. Order! Hon. Oburu.

**The Member for Bondo** (Dr. Oburu): Mr. Deputy Speaker, Sir, while it is true that we went through four different stages before a decision was made to go into a division, one very important aspect was omitted by the Chair, and nobody complained. And that was proposing the Question before it was put. Other hon. Members are saying that nobody stood up to speak; how could anybody have stood up to speak when the Question was not proposed?

*(Applause)*

Mr. Deputy Speaker, Sir, these hon. Members know the procedures very well. I, therefore, feel that we must not skip a very important stage in our debate and then claim that we are being strict and following tradition, especially when there is enough time. Why are we not allowing debate before we vote?

*(Loud consultations)*

**An hon. Member:** Let your boss apologise.

**The Member for Bondo** (Dr. Oburu): Mr. Deputy Speaker has apologised!

**The Assistant Minister, Office of the President** (Mr. Agwenyi): On a point of order, Mr. Deputy Speaker, Sir. I would like to suggest that you adjourn the House and seek advice from the Speaker on whether we should proceed with this debate or not. It is clear that the Question was not proposed and at the time you put the Question, I was on my feet ready to contribute, but you did not give me a chance to do so. Also, you did not give a chance to the Members on the Government side to contribute on this Motion. We only heard the contribution of the proposer and the seconder of the Motion. I think that was unfair and I do not think the rules of this House allow us to get opinion from one side of the House. We want to nurture our democracy and I would assume that hon. Members from the Opposition side would like us to follow rules in this House. Therefore, I would have expected them to give us time to contribute to this Motion before the Question was put.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! Order! Hon. Members, Standing Order No. 46 states as follows:

"When a Motion has been moved and if necessary seconded, Mr. Speaker shall propose the question thereon in the same terms as the Motion, and debate may then take place upon that question."

Well, the discretion is with Mr. Speaker. As I said earlier on, I made a mistake of judgement and I sought your pardon to correct that mistake. So, I would plead with the House to proceed with the Motion as amended.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, ---

**Mr. Deputy Speaker:** Are you on the debate or on a point of order?

**Mr. Ndicho:** I am on the Motion.

**Mr. Kibaki:** On a point of clarification, Mr. Deputy Speaker, Sir. This is a matter that may become very important for this House in future. We do not have a Motion before the House because according to our procedure, the Question was put, the hon. Members voted and the Speaker made a declaration as to who had won and who had lost. In fact, we called for the Division Bell to be rung which rung for the whole period. What I am pleading, because this can become a very fundamental challenge to procedure, is for the Chair to explain which Standing Order authorises a procedure to be reversed after passing through five stages. How can a debate be re-opened on a question we have already voted and have rung the Bell to go into division? There is no Standing Order which has been quoted which authorises a reversal of all those stages of debate and go back to the debate as

if nothing had happened! Which Motion are we debating? Definitely, it is not the Motion moved by hon. Orengo and seconded by hon. Murungi. It cannot be the one, because that particular Motion has been disposed of according to the Standing Orders.

**Mr. Deputy Speaker, Sir,** I would like to, personally, plead with you not to force us into a situation which is clearly untenable according to the Standing Orders. The Standing Orders are our true guide, and if we want to spoil them now, on the basis that someone did not notice whatever was going on, it is not proper. It is disturbing our conscience. Where is the Standing Order that authorises what is being proposed to happen? There is no such a Standing Order, Mr. Deputy Speaker, Sir.

**The Minister for Finance (Mr. Nyachae):** On a point of order, Mr. Deputy Speaker, Sir. I think we have found ourselves in a dilemma in this House today. Firstly, hon. Mwai Kibaki says that we followed all procedures, but the truth of the matter is that there was an omission and the Deputy Speaker also admitted that.

**Hon. Members:** No! No!

**The Minister for Finance (Mr. Nyachae):** Mr. Deputy Speaker, Sir, I am on a point of order. The point that I am making is this. Hon. Kibaki may say that we have followed all procedures. What are we doing now? What we are trying to say then is that even in future if the Deputy Speaker makes an omission, we should also ignore it. Now, are we going to say that one mistake corrects another mistake? There was an omission which was made and, therefore, the point that hon. Kibaki is talking about cannot be valid if at all there was an omission.

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir!

**Mr. Deputy Speaker:** Order!

**Mr. Michuki:** On a point of order, Mr. Deputy Speaker, Sir. My very close friend, the Minister for Finance is lost. Is it in order for a Minister who is sincere, after everything has been concluded to be allowed to adduce evidence in this House on what is basically hearsay?

**Mr. Deputy Speaker:** Order! Order, hon. Members! Hon. Members, it seems that we are not making any progress whatsoever. I have made a ruling which I now have no intention of changing. However, I will want to consult with the Speaker so that this matter can be clarified and handled properly. For the time being, shall we---

**Hon. Members:** Adjourn!

**Mr. Deputy Speaker:** Hon. Members, if you stop putting words in my mouth, we will slightly make more progress. So, would you leave me to use my own words? As I was saying, we have two alternatives; either proceed with the debate as I have ruled or to adjourn.

**Hon. Members:** To adjourn!

**Mr. Deputy Speaker:** Order! Order!

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir!

**Mr. Deputy Speaker:** You cannot rise on a point of order when Mr. Deputy Speaker is on his feet. Let me hear a few views on this matter and then I will make a ruling on which direction we shall go.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. We are dealing with very weighty matters. Other than to continue trading positions that we hold which is just continuing entrenching our positions, may I propose that for the interest of having a written considered ruling from the Chair, the House do adjourn for half an hour and then we resume when the Chair is ready to present a considered view on how to proceed on the matter. I have no rigidity on the amount of time. If the Chair considers it better to adjourn until Tuesday, that is well and fine for me. But there is need for an adjournment for you to make a considered ruling on this matter.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I am totally bewildered because when this matter came up, I was not in the House. So, in a way I am quite lost. I do not quite know where we are, but I want to say---

**Mr. Orengo:** If you are lost then sit down!

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I have a right like everybody else in this House to make my point, and in my own good time, and I shall not be harassed by the hon. Orengo for any reason.

**Mr. Orengo:** Well, you said that you are lost and that is why we are asking---

**Mr. Anyona:** Well, yes. I have just come back and found that there is chaos and confusion in the House. I have a duty to assist and contribute towards a sense of sanity in this House.

**Mr. Orengo:** You are still lost!

**Mr. Anyona:** Well, you are lost more often hon. Orengo than I am. I am not going to have arguments with hon. Orengo. I have a right to stand up here and speak.

Mr. Deputy Speaker, Sir, there are two issues. So, when I came to the House it appeared that a Motion for Adjournment had been moved and seconded and apparently debated.

**Hon. Members:** But you were not there!

**Mr. Anyona:** Well, that is why I am saying that I was not there. A Motion was moved and seconded and apparently the Question was put and voting took place. From that point of view---

**An Hon. Member:** And then the Division Bell was rung!

**Mr. Anyona:** I do not want to be educated since I am educated enough and so please listen to me!

Mr. Deputy Speaker, Sir, from that point of view, the correct position as I understand it is as indicated under Standing Order No.66 which says:-

"No Member shall speak to any question after the same has been put by Mr. Speaker".

So, if the Question was put, there cannot be further debate in this House on that particular matter. So, whatever it is worth, that is the correct thing.

**Hon. Members:** Yes, that is correct!

**Mr. Anyona:** Yes, I am glad you are getting some sense now.

Mr. Deputy Speaker, Sir, coming to the second point, I will ask: How did we come to this mess?

**Hon. Members:** It is not a mess!

**Mr. Anyona:** Okay, it is not a mess. So, how did we get into this impasse or stalemate?

**Hon. Members:** It is not a stalemate but a quagmire!

**Mr. Anyona:** I can improve on my English if you suggest more words.

Mr. Deputy Speaker, Sir, how did we in the first place get into this? I was not here, but my understanding is that yesterday, we resolved the procedural problem surrounding the Presidential Speech. So, the debate on the Speech took off yesterday and among our acts of limitation was that the Motion should be debated for seven days. Today is the fourth day. We have another three days to go. Now, therefore, we limited the Ministers, the Mover and the others. My understanding and I think I have been in this House long enough to know, and my knowledge of the traditions of this House is that there are two Motions on which the debate is never interrupted. One is the Presidential Address. The other one is the Budget Speech. Those Motions are never interrupted. Those are the rules of this House. Those are the traditions of this House.

**An Hon. Member:** But it was allowed!

**Mr. Anyona:** Mr. Deputy Speaker, Sir, whether it was allowed, in law if you do something that is contrary to law, then it is unlawful and in accordance with the rules of this House, if a procedure was indulged in on whatever basis that was contrary to the Standing Orders of this House, that is neither here nor there. The position is that the debate on the Presidential Address is on for seven days; without interruption. That is the correct position.

Mr. Deputy Speaker, Sir, therefore, to save this House from inconveniences, it is very nice to appear on the front page of the newspapers. Some of us have appeared for so long and I do not care, but we cannot ruin the country.

Mr. Deputy Speaker, Sir, we cannot ruin Parliament because of little inconvenience. It behoves the Chair to maintain and uphold the traditions of this Parliament. Some are not very good, we are trying to weed them out. Some like this one, we have borrowed from the mother of Parliaments. That is what goes on. It will be indulging in a breach of the Standing Orders if you allowed any debate that interrupts the Presidential Speech. That is the correct position.

**The Minister for Lands and Settlement (Mr. Ngala):** Mr. Deputy Speaker, Sir, I stand to object to the Motion that has been proposed. The Motion which we have before us is the Presidential Address to this House. As to the question of the interpretation of the Constitution, it has been said that it is not the business of this House to do so. Therefore, the best we can do, as a House, since we are discussing and debating the Presidential speech-- This country has a President. The point that was brought as an argument was the appointment of the Vice-President. We are not discussing the Speech of the Vice-President. This country has a legally elected and instituted President. He came to this House and gave his Speech. For all these four days, we have been debating the Presidential Speech because we know that this country has a President. It is wrong for this House to give an interpretation that we are adjourning the Motion because the President has not appointed a Vice-President.

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, hon. Members! It serves no purpose to stand up and claim to be on a point of order. Shall we hear hon. Munyao?

**Nominated Member (Mr. Munyao):** On a point of order, Mr. Speaker, Sir. The leader of Government Business has now moved on to another unprocedural issue. The issue we are trying to decide on is what should be done next after your ruling on the Motion of Adjournment. I feel that this House will have made history by moving on to another issue from what we are discussing. It is inscribed there: "For the Welfare of the Society and



just Government of Men". According to our Standing Orders, it is treasonous to move on to another issue when you had made a ruling on this matter. I feel we should continue and there is nobody who should impute that you are not competent enough. I feel hurt when hon. Members say that you are a new Speaker and you do not know the procedures. We have given the KANU side enough time to call in other hon. Members. Could we proceed as per the Standing Orders of this House and call for a division? Can we name the Clerk because he is the villain at the moment?

*(Applause)*

**The Minister for Planning and National Development** (Prof. Saitoti): Thank you very much, Mr. Deputy Speaker, Sir. The position as we understand it is that, there was a Motion of Adjournment moved and seconded, but unfortunately, the question was not proposed. Therefore, the point of debate was not there.

*(Loud consultations)*

**The Member for Embakasi** (Mr. Mwenje): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, hon. Members! Let us hear hon. Mwenje. What is your point of order.

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, the former Vice-President is simply contributing. Is he in order to say that the question was not proposed? The question was proposed and hon. Kibaki has explained that we went through all the stages and we were at the point of division. Two wrongs do not make a right. There is no way we can revert to the Motion. You can apologise and say it was a mistake, but there is no way you can swallow your words.

**Mr. Deputy Speaker:** Hon. Mwenje, you stood on a point of order on what hon. Saitoti was saying, but now you have diverted to an entirely different matter. Proceed, Prof. Saitoti.

**The Minister for Planning and National Development** (Prof. Saitoti): Mr. Deputy Speaker, Sir, the first thing we have to do is to recognise the fact that you are the one in the Chair and we have to be guided by you. Secondly, you have yourself admitted in an honourable manner; namely, by virtue of the fact---

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order!

**The Minister for Planning and National Development** (Prof. Saitoti): Mr. Deputy Speaker, Sir, by your own admission---

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! Yes, Mr. Michuki.

**Mr. Michuki:** On a point of order, Mr. Deputy Speaker, Sir. After we had gone through the whole Motion, if the Opposition side had not stood up to demand a division, the matter would have ended with the "nos" having won the day. Now, the issue which we are debating here has arisen because we demanded for division and not because we had not voted by voice. Having gone to that extent, you really have to look at this matter and see whether we are going to breach our own rules.

**Mr. Deputy Speaker:** Order, hon. Michuki. That point has already been made. Proceed, hon. Saitoti.

**The Minister for Planning and National Development** (Prof. Saitoti): Mr. Deputy Speaker, Sir, it is clear that once a Motion has been moved and seconded, there is normally an allowance for debate. Clearly, the Motion was not debated. Therefore, there was one stage we jumped. So, there is no Motion. I would urge that the ruling be effected that, we go back to the original Motion. If hon. Orenge wants to move the Motion, he can move the amendment later. Right now, we proceed with the debate of the Presidential Speech.

*(Loud consultations)*

**The Minister for Foreign Affairs** (Dr. Godana): Mr. Deputy Speaker, Sir, it is important that at the beginning of the life of the Eighth Parliament, Members of this House in their new spirit, and in particular old Members who have been here for years like hon. Orenge and hon. Murungi, who in addition, are lawyers and

therefore, must be presumed to know the law - in this case the Standing Orders of this House and in practice - must understand that they bear a special responsibility to the House. But not to try to use their experience to bring to the Floor of the House, procedures which are clearly in breach of the Standing Orders.

*(Loud consultations)*

Mr. Deputy Speaker, Sir, I know they are afraid to hear my opinion because they know I will make minced meat of their argument. They know they are wrong, so they will not allow me to argue; they are afraid of my argument. I challenge them to listen to me.

**Mr. Deputy Speaker:** Order! Order! Hon. Members, I cannot repeat what I have already said. But, I gave you two options: Either we adjourn or we continue with the debate before the House. I gave you a few minutes to help advance those two issues. So, if you could restrict yourselves to them, you would help me crystallize in my mind what Members want. So, do not repeat what other hon. Members have said; give your views on how we can move forward. Proceed, hon. Godana!

**The Minister for Foreign Affairs** (Dr. Godana): Mr. Deputy Speaker, Sir, I would like to state that, for two good reasons, we should continue with the debate on the Presidential Address.

*(Hon. Orenge interjected  
and banged the Table)*

**The Minister for Foreign Affairs** (Dr. Godana): I am on a point of order, hon. Orenge!

**Mr. Orenge:** No, you are not!

**The Minister for Foreign Affairs** (Dr. Godana): I am! Mr. Deputy Speaker, Sir, for two good reasons we should---

**An hon. Member:** You are not on a point of order!

**The Minister for Foreign Affairs** (Dr. Godana): I am on a point of order and that is why the Deputy Speaker gave me the Floor! And, I will not concede to you!

**Mr. Deputy Speaker:** Order! Order! Hon. Members if you want to show your might physically, you can do it elsewhere! Here you show your might by advancing reasonable, prudent arguments to convince the other parties to agree with you. You cannot do that, unless you listen to one another. We are here to debate and I will give you your time. Proceed!

**Mr. Orenge:** On a point of order, Mr. Deputy Speaker, Sir. I really want us to make progress. You made a good ruling and as far as I am concerned, nobody is on a point of order. You have given us two options: Either to adjourn or to give the Chair sufficient time to come back with a considered ruling. These are the two options. So, if we stick to those two issues, I am prepared to sit here and listen. But, if we are again going against your ruling, that you want to hear our position as regards whether to adjourn or to give you time to make a considered ruling, then, we are compounding the original mistake that has occurred. So, hon. Godana should stick to those two options. Not to pontificate.

**The Minister for Foreign Affairs** (Dr. Godana): Mr. Deputy Speaker, Sir, when a Motion has been moved in this House and seconded, it goes through the stage of proposition. If by any mistake, a question is purported to be put before it is proposed, every stage thereafter is a nullity. It does not matter. In fact, you purport to have voted.

**Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir. Can he tell us which Standing Order he is referring to?

**The Minister for Foreign Affairs** (Dr. Godana): It is ordinary common sense!

*(Loud consultations)*

**The Minister for Foreign Affairs** (Dr. Godana): Mr. Deputy Speaker, Sir, the Standing Orders of the House say: A question once moved and seconded, shall be proposed and only then will it be open for debate or for a direct voting. If therefore, by some mistake the question was purported to be put and in fact, the question had not been proposed, the purported putting and voting is all a nullity. Which means, we go back to the original position to debate the matter which is valid before the House.

Mr. Deputy Speaker, Sir, the second reason why we should go back to the old debate is because you have already said---

*(Hon. Murungi interjected)*

**Mr. Deputy Speaker:** Order! Order! Proceed!

**The Minister for Foreign Affairs** (Dr. Godana): Mr. Deputy Speaker, Sir, you have said -and I heard you very clearly - that you will definitely need time to consider the matter and come up with a considered ruling. In the circumstances therefore, there is no room for argument. We go back to the original position, pending the resolution of that matter through a considered ruling. Therefore, we go back to the original position.

**Mr. Kibaki:** On a point of order, Mr. Deputy Speaker, Sir. As you can see, hon. Members in all their integrity want to help. But, if one was not present and did not witness what happened, it surely is not proper to pontificate on what happened. What happened was factual. It is real and is recorded in the HANSARD. It is not going to be changed by anything you may say here.

Mr. Deputy Speaker, Sir, in answer to the question you have put to the House, there is only one way forward, which is---

**An hon. Member:** Okay!

*(The Clerk consulted with the Deputy Speaker)*

**Mr. Kibaki:** Now, the Clerk is not allowing Mr. Deputy Speaker to hear and yet we are giving this opinion to the Deputy Speaker. The Clerk is not allowing the Deputy Speaker, to hear!

Hon. Members, will the Clerk allow the Deputy Speaker to hear?

**Hon. Members:** Allow the Deputy Speaker to hear!

*(Hon. Biwott consulted with the Deputy Speaker)*

**Mr. Kibaki:** Will hon. Biwott allow the Deputy Speaker to hear? He was not here and he does not know what happened. So, there is no advice he can give on a matter which he knows nothing about.

Mr. Deputy Speaker, Sir, in answer to the two options which were put to us by you, I think the only honourable way for the House, is to abide by Standing Order No.66 which says:

"No Member shall speak to any question after the same has been put by Mr. Speaker".

The question was put, and whether it was a mistake or no mistake, the Deputy Speaker, put the question. In fact, we voted. It does not matter whether he apologises a thousand times. The reality happened. The only honourable way is to adjourn the House now.

**An hon. Member:** We go back to the Motion!

**Mr. Kibaki:** The Motion has been resolved and we were about to go to Division. The House can be adjourned for a proper written ruling to be brought to the House.

The Question was put by Mr. Speaker in accordance with Standing Order No.66, which says

"No Member shall speak to any question after the same has been put by Mr. Speaker."

The question was put by Mr. Speaker and whether there was a mistake or no mistake, the Speaker did put the question and in fact, we did vote. It does not matter whether he apologises one thousand times. The reality happened and therefore, the only honourable way is to adjourn the House now---

**An hon. Member:** The Motion!

**Mr. Kibaki:** The Motion has been resolved and we were about to go to division. So there is no question of the House to be adjourned for a proper ruling to be brought.

**The Minister for Local Authorities** (Prof. Ongeru): On a point of order Mr. Deputy Speaker, Sir. Is the hon. Mwai Kibaki in order, when he fully knows the procedure of this House, that you cannot unprocedurally move a Motion within another Motion where we have not moved a procedural Motion that you cannot debate the business of this House until the Presidential Speech is made? Therefore, I submit that my point of order here is that the House is being hijacked to debate irrelevancies because there is already a Motion being discussed by this House and the hon. Orenge knows that ignorance on his part is no defence.

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

**Mr. Deputy Speaker:** Order! Order, all of you!

**The Member for Imenti North** (Mr. Mwiraria): Mr. Deputy Speaker, Sir, I stand to suggest that we

follow the Standing Orders of this House. Unless we do that, we shall be creating a precedent that will live after us. Looking at the House and the deliberations now, I think Standing Order No.93 (2) should be applied. This particular Standing Order says:-

"In the event of grave disorder arising in the House, Mr. Speaker may, if he deems it necessary so to do, adjourn the House forthwith or suspend any sitting for a period to be determined by him."

I am suggesting an adjournment because we went through the Motion. I agree and accept your apology that a mistake was made. But once a mistake has been made, we cannot do anything but get a considered ruling from the Speaker and I am really appealing to you to adjourn the House, go and consider what has gone wrong today and give a ruling from the Chair, so that we do not compound mistakes by continuing debating against Standing Orders.

**The Minister for Health** (Mr. Kalweo): Mr. Deputy Speaker, Sir, Standing Order No.46(1) is very clear to everyone of us. It says:-

"When a Motion has been moved and if necessary seconded, Mr. Speaker shall propose the question thereon in the same terms as the Motion, debate may then take place upon that question."

**An hon. Member:** It says "may."

**The Minister for Health** (Mr. Kalweo): This is why I think these procedures were not followed. You should have proposed the question to enable us to continue with the debate. But they have now hijacked the Motion and took advantage of you being new in the Chair. My proposal is that we adjourn this Motion, the one moved by hon. Orengo and seconded by hon. Murungi, and continue debating the Presidential Speech, so that next time we come and rule---

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, whereas I would tend to agree with the hon. Mwiraria, I have the following to say. One, we do not know whom we are apportioning blame to. Hon. Orengo moved this Motion under Standing Order No.45 which was accepted by the Clerk of the National Assembly and by the House and he went on to debate. What we do not need is to be lectured as to which Motion can be interrupted. The Standing Orders were made by very competent Members of this House and they, therefore, understand and know the Standing Orders. Under Standing Order No.46, the Chair may not have proposed the question, but on two occasions, the Chair put the question. On one occasion, the Chair was not able to determine which side had won. On the second count, the Chair put the question and it was at that stage that the Chair decided that the government side had won. We then on our part, demanded a division and after that demand, five minutes lapsed, but what worries me is that the KANU Chief Whip and I, as a Chief Whip of the entire Opposition had the numbers as 64 to 46. He then went out to get help from the Office of the President to get these Members, hon. Saitoti, hon. Godana and the rest, who are now coming in. They have been humbled, they have eaten a humble pie. The reason why they are not with His Excellency the President is because a lot is going to happen today. The only thing that the Chair can now do, without any more debate, the point has been made, under Standing Order No.93(2), is to kindly put this matter to rest and let us adjourn and come back on Tuesday.

Thank you.

**The Assistant Minister for Information and Broadcasting** (Mr. Ekirapa): Mr. Deputy Speaker, Sir, may I seek clarification on a series of rulings which you made. When the Motion was first moved by hon. Orengo, hon. Murungi was going to second him. At that point, you made a ruling that this House was not competent to interpret constitutional issues. At that point, hon. Murungi stood up on a point of order and then proceeded to second the Motion. I want some clarification from you first of all, whether that decision you made was reversed and secondly, whether hon. Murungi was in order to second the Motion when in fact he had risen on a point of order.

**The Minister for Planning and National Development** (Prof. Saitoti): Mr. Deputy Speaker, Sir, all these points of order we are raising appear to be in the form of a debate because one side says there was a Motion and the other says there was no Motion. Basing this from past experience, where there has been this kind of a problem, normally it has been for Mr. Speaker to rule that he will deliver a considered opinion some other time but that should not disrupt the business before the House. My request to you is to make a ruling because we are going to accept it all.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, two very fundamental issues have been raised in this House and they are both essential in determining the conduct of this House. Mr. Anyona talked of two speeches which cannot be interrupted, the Presidential Speech and the Budget Speech. On the other hand, Mr. Orengo brought in the issue of the Constitution which has been breached by the President in failing to name the Vice-President. Now, we

have two things in the balance; the Standing Orders of the House and the Constitution. Which one is heavier than the other? Is it the Standing Orders or the Constitution? It is the issue that we have no Vice-President which has brought this matter into discussion now. The Constitution which has established this same Parliament, the Parliament which has set its own rules through the Standing Orders, has been breached. So, are we going to follow the Standing Orders or the Constitution? So, I submit that the Constitution is a fundamental document, the most important document which has made this House to be established to make its own rules. So, going by the quagmire that we are in, I also wish to invoke Standing Order No.93 (2) that Mr. Speaker makes a ruling, so that we adjourn and cool our heads for 30 minutes and then we come and continue with hon. Orengo's Motion.

Thank you.

**The Member for Alego-Usonga** (Mr. Oloo-Aringo): Mr. Deputy Speaker, Sir, I have been a Member of this House for over 20 years. I have also read the Standing Orders. We are in an impasse and two wrongs do not make a right. I would not support the violation of the Standing Orders. That would be the end of this Parliament because that is the rule of law. Once we pass the Standing Orders, we must adhere to them to allow orderly conduct of business in this House. The Chair has made a ruling and I request that in the interest of adhering to our rule of law which is the Standing Orders, we allow the Chair to make the ruling. I agree with hon. Mwiraria that we adjourn the House for the Chair to go and consider the position and the House resumes, so that we can carry on with the orderly business of the House. Under no circumstances shall we allow the violation of the Standing Orders of this House.

**The Assistant Minister for Finance** (Mr. Keah): On a point of order, Mr. Deputy Speaker, Sir. I have been here all along and I have been following these proceedings and therefore, I am not guessing.

Mr. Deputy Speaker, Sir, when the Motion was moved, the Chair declared the Motion inappropriate because we are not in this House to interpret the Constitution. Hon. Murungi rose to express his views but he "ambushed" the Chair with a point of order and at the end, he seconded a Motion that he could not legally second because you had ruled that matter out of debate. That was the issue. So, at that point in time, your ruling had been made; that the Motion could not continue because it was not appropriate.

**The Member for Embakasi** (Mr. Mwenje): On a point of order, Mr. Deputy Speaker, Sir. Is that a point of order or a speech?

**The Assistant Minister for Finance** (Mr. Keah): Hon. Mwenje, let us have some order!

**Mr. Deputy Speaker:** Hon. Mwenje, let me decide on that.

**The Member for Embakasi** (Mr. Mwenje): On a point of order, Mr. Deputy Speaker, Sir. He is lecturing us!

**Mr. Deputy Speaker:** Order, hon. Members! Let us have some order. It is for your own good. You know the rules and you should follow them.

**The Assistant Minister for Finance** (Mr. Keah): Mr. Deputy Speaker, Sir, at that point, when you made your ruling, the matter was put to rest. However, you proposed it instead of putting a Question. Since the Question was not put---

**The Member for Embakasi** (Mr. Mwenje): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Mr. Keah, could you make your point of order, please?

**The Assistant Minister for Finance** (Mr. Keah): Mr. Deputy Speaker, Sir, your first ruling was appropriate. Once you made your ruling, you should not have gone back on it. You should not have allowed hon. Murungi to go against your ruling.

**The Member for Embakasi** (Mr. Mwenje): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, both of you! Hon. Keah, I think you have made your point. Let me give the opportunity to hon. Obwocha.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I sympathise with your position. My colleagues on the Government side are not assisting this House to move forward. This House has gone through certain Motions which are even wrong. We do not conform to our Standing Orders. Standing Order No.66 categorically states: "Once a Question has been put, no Member shall contribute to that Question again." We have reached there although there were errors in reaching there. I am appealing to the Chair that the only way out of this question is what hon. Mwiraria suggested; that the House does adjourn as stated under Standing Order No.93(2). That will give the Chair a time to consider his ruling. We do not want to violate our Standing Orders.

**The Minister for East African and Regional Co-operation** (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the House to accept a nullity? The Motion as it stands now was never proposed. Therefore---

**The Member for Embakasi** (Mr. Mwenje): On a point of information, Mr. Deputy Speaker, Sir.

*(Hon. Angwenyi and hon. Sambu  
consulted too loudly)*

**Mr. Deputy Speaker:** Order, hon. Angwenyi and hon. Sambu you are grossly out of order!

**The Minister for East African and Regional Co-operation** (Mr. Biwott): It was never proposed and therefore, it never became a Motion.

**The Member for Embakasi** (Mr. Mwenje): On a point of information. The Motion was actually proposed.

**Mr. Deputy Speaker:** Order, hon. Mwenje. I know that you have a loud voice but we have 222 hon. Members in this House whom I would also like to hear. So, give them a chance.

**The Minister for East African and Regional-Co-operation** (Mr. Biwott): So, It never became a Motion. So, for hon. Members to say the Question was put, that is of no consequence because there was nothing to put the Question on. It was a nullity. Since it was a nullity, the rule of Standing Order No.66 does not arise.

**The Member for Muhoroni** (Dr. Omamo): On a point of order, Mr. Deputy Speaker, Sir. I have been sitting in the House right from 2.30 p.m. I have observed that this matter, has now become very hot, because of ourselves and our own Standing Orders. What we now want is a way forward. I would like to suggest that the way forward is for Mr. Deputy Speaker to adopt the practice of the medical surgeon; that when he finds a patient still talking and coughing, he examines the patient and writes a prescription. There comes another stage where the patient cannot talk, but he is still breathing. The doctor does not run away! He examines the patient, puts his stethoscope here and there and writes a prescription. But, Mr. Deputy Speaker, Sir, a third stage comes when the patient is dead. The doctor does not run away. He goes to the mortuary to conduct a postmortem to determine the cause of the death. I am appealing to you, to please make your ruling so that whether the patient is still talking, unconscious or is dead, we have your ruling on this matter.

*(Laughter)*

**The Member for Kitutu Chache** (Mr. Angwenyi): On a point of order, Mr. Deputy Speaker, Sir. I would like to propose a Motion that we have a Division! I want to support the other side of the House, in the spirit of co-operation, to go on Division.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Angwenyi! It is not done like that!

**The Member for Kitutu Masaba** (Mr. Anyona): Mr. Deputy Speaker, Sir, I think the business of this Government is going through a crisis, and we will come out of it with honour. This is because if we do not do that, we shall all go home this evening very dishonourable people. Our people will wonder whether they have leaders who can salvage the country in times of crisis, not in a small storm in a small tea cup. I did refer to the fact that by tradition, two speeches are never interrupted. One is the Presidential Address and the other one is the Budget Speech. I would like to support myself a little bit, and then with a bit of common sense, we can make progress. I have a Parliamentary Bible here Erskine May, and it does talk about the Queen's Address. That is where we borrow these systems from. Erskine May is a Parliamentary Bible in the Library. I have borrowed it from the Library. The rules that apply to the House of Commons that are specifically provided for in our Parliament *ipsto facto*.

Mr. Deputy Speaker, Sir, my eyes are not good. A lot of damage having been done in Kamiti and elsewhere, but let me summarise what Erskine May says on page 234 and 235.

**An hon. Member:** Which edition is that?

**Mr. Anyona:** It is the 21st edition. The provision in Erskine May is this: That Her Majesty's Address or the Presidential Address (which are exactly the same)--- We went through it at the last Parliament. When we had a Presidential Address here, we tried to amend it because we thought there were some parts of it which were objectionable. We thought that some poison had been injected in the Presidential Speech inadvertently by people who may either have known better, or who had other motives. The ruling of the Chair was very firm; that we cannot do it. I am one of those Members who disagreed with it. I wrote an opinion, which you can find in the Library. I did disagree with the Chair then; that the Presidential Address cannot be amended, because Erskine May says so. I lost out on that occasion.

When it comes to interruption, the provision in Erskine May says that although the debate is structured, general policy is discussed for the first day. The second day, we discuss other policies which may be suggested particularly by the Opposition; because there may be parts which the Government might have evaded. So, they propose matters of policy that they would like to be included for debate. The third day, and the rest of the period, is given to Motions, particularly by the Opposition, with the rest of the time being set aside for the reply. That is on page 234.

On page 235, the provision is: That the Presidential Speech or the Address from the Throne or from the Chair; the Chair being our throne in our Republic (but in Britain, it is the Throne) is given preference, but maybe interrupted only in two respects. One of them is by a Motion of Censor. I hope you know what a motion of Censor is. You can interrupt the Presidential Speech on a motion of Censor. I will come back to it later.

*(Loud consultations)*

Alright, let me deal with the first one!

**The Member for Ugenya** (Mr. Orengo): On a point of order---

**Mr. Anyona:** Hon. Orengo, I am on a point of order! You came to this Parliament after me!

**Mr. Orengo:** No! No! No! That does not matter! That is not a point of order!

**Mr. Anyona:** Mr. Deputy Speaker, Sir, they want me to deal with the first one. I will deal with the first one! May I---

**The Member for Imenti South** (Mr. Murungi): On a point of order---

**Mr. Anyona:** This is a national Parliament!

**Mr. Murungi:** We can read that book in the library!

**Mr. Anyona:** But you have not read it!

**Mr. Murungi:** We are going to read it.

**Mr. Deputy Speaker:** Order! Order! Hon. Orengo and hon. Kiraitu, you also referred us to the Constitution and nobody complained. If hon. Anyona is referring to a document, let him do that. I will stop him when I feel that he has gone too far! Proceed, hon. Anyona.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I am not reading it but summarising it. I think some of us do require some lectures! Let me go back to the Constitution. The first one is that you can interrupt the Presidential Speech on a Motion of Censor in the Constitution. That is, Section 59 subsection 2, is equal to a Motion of no confidence in the Government.

Yes, precisely. Why do you do mischief?

**An hon. Member:** I moved one and I had to be---

**Mr. Anyona:** Mr. Deputy Speaker, Sir, the position is this---

**Hon. Members:** No! You cannot give lectures here! Sit down! Those are not Standing Orders!

**Mr. Anyona:** I would have thought that Members would listen and defeat my reasons, not heckle me! You cannot heckle me! I have been everywhere! Where can you heckle me? You will not succeed!

Mr. Deputy Speaker, Sir, the position is this; if anybody wants to interrupt the Presidential Speech in terms of Erskine May, on the first count, then you can bring a Motion of Censure under Section 59 Subsection 2 of the Constitution. That is not the case right now. That is the first one.

**Hon. Members:** That is your interpretation!

**Mr. Anyona:** Mr. Deputy Speaker, Sir, that is the first one. On the second one, you can interrupt the Motion on the Presidential Address if you want to move a Government Bill. That is on page 235 of Erskine May. If the Government wants to move an urgent business, it is either through a Motion of Censure or of an urgent Government Bill; maybe when there is a disaster--- On those two occasions, Parliament is allowed to interrupt the Presidential Speech. You can only do it on those two counts and no more. So, anything beyond that is a violation of Standing Orders, and I think I have vindicated myself.

Thank you.

*(Mr. Orengo stood and moved to the Dispatch Box)*

**Mr. Deputy Speaker:** Order! Order, everybody!

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

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

**Mr. Orengo:** It is an important point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** I will give the Floor to Hon. Kiptoon.

**The Minister for Research and Technology** (Eng. Kiptoon): Mr. Deputy Speaker, Sir, mine is to get back to where we were. We started very well in discussing the Presidential Speech and the purported Motion by my friend hon. Orengo--- I am saying purported because I know that it was not seconded.

**Hon. Members:** Sit down! You did not even listen to what was going on!

**The Minister for Research and Technology** (Mr. Kiptoon): Whoever stood up to purport to second it, was raising a point of order and through that point of order, he purported to second the Motion. Therefore, I wanted to support hon. Anyona for having quoted that particular authority.

Mr. Deputy Speaker, Sir, if I may get back, the appointment of the Vice-President, as I expressed then, is a prerogative of the President. That appointment is not conditional and what my colleague here was purporting to do, was to introduce conditionalities towards the appointment of the Vice-President which would be in itself---

*(Hon. Members stood up in their places)*

**Mr. Deputy Speaker:** Order! Order, hon. Members!

**The Minister for Research and Technology** (Mr. Kiptoon): Mr. Deputy Speaker, Sir, it would be in itself contrary to our Constitution. You do not give the President conditions on how to appoint his Vice-President. Therefore, I would like to say that hon. Orengo's purported Motion was malicious in itself and does not have substance.

**Mr. Orengo:** Mr. Deputy Speaker, Sir, I am very grateful for the submission which has been made by hon. Anyona, which I think, should be taken seriously, particularly when he was quoting authorities. But, unfortunately, he failed to quote or read excerpts from Erskine May, so that we may know the distinction between interruption of the Presidential Speech and an interruption of a debate on the Presidential Speech.

Mr. Deputy Speaker, Sir, for example, it would have been wrong for me to stand and interrupt the debate while the President was occupying the Chair of State. I would be interrupting---

**Hon. Members:** Ah! It is tantamount to that!

**Mr. Deputy Speaker:** Order! Order, hon. Orengo! Hon. Members, I do not know whether you want to allow hon. Members to stand up and answer other Members when they are making contribution because that is not the essence of debate. You stand up and make your own points irrespective of what the other Member has said. So, hon. Orengo, if you have a different point, which is not answering hon. Anyona, I will allow you to make it.

**Mr. Orengo:** Mr. Deputy Speaker, Sir, it is just that, those points he was raising were weighty and I thought that the House would have benefited. But even when it came to the question of the Constitution, on a Motion of no confidence--- You remember in the last Session, I tried to bring such Motion and you must give notice. Under Section 59 of the Constitution, I cannot move a Motion of no confidence in the Government of Kenya without giving notice. All that is spelt out in the Constitution.

Mr. Deputy Speaker, Sir, but right now I plead with you, because we are all going back to the events that took place while you were presiding over the proceedings of this House. We have various versions and if I were to give a version, I cannot claim that my version is the correct one. Even some Members of Parliament who came here later, attempted to give a version of what took place.

Mr. Deputy Speaker, Sir, if you go back to the First Parliament, hon. Slade would never allow somebody to say something in the House when he was present in the House and get away with, even when Mzee Kenyatta was sitting there as a Prime Minister, he would never be allowed to say something contrary to what took place while the Speaker was in the Chair. But what we are saying is that since these events can only be portrayed accurately by going back to the HANSARD, and that the Chair makes a considered ruling to the House, either way, we will respect the ruling of the Chair.

Mr. Deputy Speaker, Sir, to continue with this debate in the version in which we are undertaking this debate, we are not making a way forward. I think, hon. Omamo was quite right when he said that it is time now that the Chair took a position and brought this debate to an end.

Mr. Deputy Speaker, Sir, just as a matter of clarification, there are hon. Members who have risen here and argued on whether the Motion was seconded or not second. In fact, in such a Motion, basically the Parliamentary language for it is a dilatory Motion. And on such a Motion, actually, you do not need even a seconder. You can stand up and say: "I am putting the question" because you do not think it is a question on which Parliamentary time should be taken away. So, seconding was not necessary. It was not. I beg to be told under which Standing Order that a Motion brought under Standing Order Nos.21 up to 22 or under Standing Order No.45 requires a seconder. It does not require a seconder.



So, we should not put this trial on the Chair because everybody who is standing up is saying that the Chair made a mistake. We are putting the Chair on trial and this is not correct. You better bring this debate to an end. Let people like hon. Biwott who has just walked in take time and he does not know what is going.

**Hon. Members:** He does not! He has just come in!

**Mr. Orengo:** All that he can report back is that: "Oh! Mr. President, so-and-so supported us, he is a very good man--- That is all that---

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

**Mr. Deputy Speaker:** Order! Hon. Orengo, that is enough! Order!

**Mr. Orengo:** Just one last point, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Make just that one point and sit down.

**Mr. Orengo:** Mr. Deputy Speaker, Sir, I was saying that even if he told the President that hon. Orengo spoke well, the President would not believe him because he knows---

**The Minister for East African and Regional Co-operation** (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Orengo:** I am on a point of order. But, Mr. Deputy Speaker, Sir, it is right that we start debates in this House in this fashion and that is why I was taking the contribution by hon. Anyona, and particularly hon. Kibaki, that whenever you stand up in this House, in whatever debate, let us have a basis or a foundation on what we are saying and we have given that foundation, and once that foundation is given and the argument has been presented, any further debate on a Motion of this nature, reflects on the Chair and not on the House.

So, Mr. Deputy Speaker, Sir, I beg you. Every moment I hear an hon. Member standing up to say that the Chair is wrong--- The Chair is never wrong!

**Hon. Members:** Never!

**Mr. Orengo:** Mr. Deputy Speaker, Sir, the Speaker never makes mistakes.

But, Mr. Speaker, Sir, under the Standing Orders of this House, if there is a mistake even in [**Mr. Orengo**] the Presidential Assent, the Constitution and the laws of this country have a mechanism for correcting that mistake. If after we have voted a Motion it is discovered that a mistake was made, there is a mechanism to go about it. But we cannot have somebody standing up in this House like the son of Nyandusi---

*(Laughter)*

**Mr. Deputy Speaker:** Order! Order, hon. Members!

**The Minister for East African Co-operation** (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. It is imperative for hon. Members not to insinuate, create innuendos or cast aspersions on hon. Members. Was the hon. Member for Ugenya in order to say that whatever I tell the President, he will take it? He is completely out of order and he has no authority whatsoever, to even imagine that. I think he should withdraw that remark.

**Mr. Deputy Speaker:** Order! Order, hon. Biwott! We must know when an hon. Members says something with a light touch. I do not think hon. Orengo has any way of knowing what the President accepts or what he does not accept or when he accepts them or when he does not.

**The Minister for Finance** (Mr. Nyachae): Yes, I am the son of Nyandusi.

Mr. Deputy Speaker, Sir, all the debate that has been going on is meant to request the Chair to make a ruling. So many things having been said on this particular issue, I leave it to your judgement. I feel that to expect the Chair to make a ruling right now may be a problem. The Chair is the authority. I would request that the House gives you time to make a ruling on this matter, but we cannot adjourn the House when there is time and we are earning taxpayers money.

**Hon. Members:** Where were you?

**The Minister for Finance** (Mr. Nyachae): Mr. Deputy Speaker, Sir, I appeal to you to make a ruling at your convenience, but allow us to continue with the debate which was going on.

**Mr. Deputy Speaker:** Order! Order! Hon. Members, I think I have given you enough time to air your views on this matter. I have given you time to agree and disagree and what seems to have emerged is that, hon. Members feel we should adjourn so that Mr. Speaker has time to make a considered ruling. That is what I intend to do. In the meantime, I would like to tell you that although Mr. Speaker is not supposed to be wrong, he is

human and there is no criticism that has been levelled against Mr. Deputy Speaker which he could not take. I do hope that more criticisms will be levelled at me, so that I may also learn. In fact, we are all in a learning process. I am blessed with a broad back and wide shoulders, so that I can take most of these criticisms.

*(Applause)*

*(Question that adjourn the House  
do now put and negatived)*

*(Several Members left the House  
amid loud consultations)*

*(Debate on Presidential Address Resumed)*

**Mr. Deputy Speaker:** Order! Order! Those hon. Members who are leaving the Chambers, please, do so quietly because the House is still in business.

**The Assistant Minister for Agriculture** (Dr. Wamukoya): Mr. Deputy Speaker, Sir, I thank the people of Matungu for electing me into this august House. I also wish to thank the President for appointing me an Assistant Minister in his Government. Further, I would like to congratulate you and the Deputy Speaker for being elected to those positions. I am going to make some remarks on the Presidential Speech. The President made a wide range of issues affecting this country, but I would like to comment on poverty and unemployment. Many things have been said here about the causes of poverty and I agree with those sentiments. But having been in the Ministry of Agriculture for a long time, I have seen how this sector has undergone drastic changes. We have talked about the high cost of input and very few people owning farms, which is not true. I think the farms that we have now are shrinking.

The acreage that is held by an individual is very small due to high population growth. Therefore, even if you till that piece of land or reduce the price of inputs, it is not possible to get enough produce from these farms. What we should be going into is improve the low potential areas where mixed farming is being done. I believe, may be, we are ten years behind what we should have done as far as alleviating the problems of the country or developing our country as the population grows.

Mr. Deputy Speaker, Sir, I believe we should have started industrialisation long time ago. We should have started with industries that are agricultural-based. These industries will use the raw materials from agriculture. Right now we have got sugar factories. We have got tea and coffee factories but the by-products are not used to help us develop industries. But where I come from, in Matungu, we have a factory to produce sugar, but we do not have a factory to make its by-products like gashol, whisky, ceiling boards, sweets and biscuits. I am pretty sure that if we went into these agriculture-based industries, we would provide employment for our people and alleviate the situation of poverty in the country.

Mr. Deputy Speaker, Sir, we have got *Jua Kali* industry in this country which requires a lot of support and protection. With agriculture-based industries and *Jua Kali* in this country, I am sure we would be able to employ many people who are now on the streets. There are some places in this country which should be having many *Jua Kali* industries, but these are hampered due to lack of electricity. I would like to request that my constituency be provided with electricity, so that the residents can start *Jua Kali* industries. Mr. Deputy Speaker, Sir, right now there are few industries in the industrial area but those ones are only serving the interests of a few individuals. We want these industries to spread out in other parts of this country. It should be done with a lot of commitment.

Mr. Deputy Speaker, Sir, finally, I want us to be patriotic because when we have these industries, taxes have to be paid at the right time, so that this economy of ours can thrive. I am one of those speakers who was interrupted by the Motion on adjournment moved by Ugenya MP, Mr. James Orengo, and therefore, I must thank you again, for giving me the chance to speak. We, the new members, have been told that when a member is on the floor, there should be no interruption. But unfortunately, the old honourable members are the ones who interrupted me, but I will forgive them. I also thank you, Mr. Deputy Speaker, Sir, for the action you took to bring the House to order. I was fearing that we would end up in disarray and that the House would adjourn without me finishing my speech. May God bless you and this House for a very long time.

Thank you, Mr. Deputy Speaker, Sir.

**The Member for Sirisia** (Mr. Munyasia): Thank You very much, Mr. Deputy Speaker, Sir, for the opportunity to contribute to the Presidential Address. As usual, in four pages, I do not know what we can get by

way of guidance as to what the legal reform programme might be. But all the same, there is quite a bit to laud in the Presidential Address. There are statements that we might describe as "conventional wisdom" wisdom and one of this that I would like to comment upon is on page ten, when the President says this National assembly is the key institution responsible for the conduct of our national affairs. It behoves all of us, therefore, to uphold the supremacy of this Parliament as a beacon of hope and source of trust and security for our people. It should not appear at any stage that this House is being belittled in its role as the supreme law-making organ".

Mr. Deputy Speaker, Sir, I am happy that the Attorney-General is around. Last November we did pass here Bills called *The Statute laws Miscellaneous Amendments No 10 of 1997*. These laws received Presidential assent on the 7th November 1997. These laws should be enforced but they are being violated and the guilty party is the Provincial Administration in the first place. In those amendments we had for instance, removed the power of the administrative officers from visiting citizens homes to search for traditional liquor. However, this has been completely forgotten and completely set aside. The administrative officers still go round searching for the traditional liquor. It had been agreed and it is now law that there will be no cells operated at the chiefs centres. As I speak, those chiefs centres especially in Bungoma, are full of suspects and they stay at the centres for some two or three days before they are taken to police station. I thought the Attorney-General would be looking into this to ensure that the laws are enforced.

Mr. Deputy Speaker, Sir, the Attorney-General did promised that he would organise for the police officers to be retrained because we were removing from them the traditional methods of investigation. They have been used to torture in order to get confessions from people. That was removed in the laws we made in November. But the police have not been trained in any other methods or neither have any programmes been announced that the police are going to start training from such and such a date. I will take that information, if it is brief.

**The Attorney-General** (Mr. Wako): On a point of information, Deputy Speaker, Sir, It is true that I did inform this House, that the police force will be trained on the human rights aspects of their work. And you will agree with me that between November and now is not a very long time, but I am pleased to inform you that the manual for the training is almost complete and, hopefully very soon, we shall embark on a crash programme.

**The Member for Sirisia** (Mr. Munyasia): Mr. Deputy Speaker, Sir, the law does bar any investigative officer from using torture as a method of getting information, but that is still happening. In fact, the Provincial Administration is still applying this method.

Mr. Deputy Speaker, Sir, the second point I found encouraging in the President's Address can be found on page nine. It says: "My Government will continue to implement programmes aimed at alleviating the suffering of vulnerable members of our society. Among these measures are the provision of bursaries to needy children, supply of drugs and medicine and waiver of cost sharing charges for the poor." I hope it was not just a populist statement.

Mr. Deputy Speaker, Sir, there are many people who are suffering especially after the *El Nino rains*. There is a serious outbreak of cholera especially in Bungoma District, which has spilled over from Uganda. As I am speaking here, we are burying an average of 10 people per day, all victims of cholera. The few dispensaries or health centres that we have are inadequate to deal with the problems of those people who would require hospitalisation.

Mr. Deputy Speaker, Sir, I am appealing to this Government to set up camps immediately, where these people attacked by cholera can be treated, because the roads in this area are in a bad state. I hope that we will get more information about how the Government intends to give bursaries to those who are unable to pay fees for themselves since the problem has persisted, and yet no solution has been found.

Thirdly, Mr. Deputy Speaker, Sir, the statement I found impressive is on page eight, where the President is talking about corruption. He says that his Government is going to "catch-up" with those people who are guilty of corruption. He adds that indeed the fight against corruption must be intensified at every level of our society. If the Government is serious on that particular promise, then we would like to see them co-operating with all those who want to fight corruption.

Mr. Deputy, Speaker, Sir, as I speak here now in Chemilil Sugar Company, 1,500 workers are on strike. I am concerned as the Secretary of Labour Relations in FORD(K) because the Government has done nothing to-date to make sure that that problem is solved. The workers in this Company are up in arms against the "corrupt" Managing Director. The Managing Director has "taken" the company vehicles and used the company's funds to repair them and taken them as his own possession.

For instance, Sir, the Company Director by the name Tukong (?) has taken the Mercedes Benz registration number KSW 400, serviced it at the cost of Ksh.500,000 from the company and taken it as his own. He has also taken a few other vehicles, like Mercedes Benz KUU 234 and he has "given" it or "sold" it to a person known as Ezekiel Barng'etuny. There are many other vehicles that he has "taken" away from the company, while

the company is not able to meet some financial responsibilities the workers expect it to meet. For instance, the workers expect that when members of their families are sick, they will be treated at the Company's clinic, and the Company will pay the bill. This Director says that there is no money for the payment of these bills, and yet that is in the memorandum of agreement on terms and conditions of employment, signed by the trade union representing these workers in July last year. Here is a Managing Director who is using the company's property as if it is his own, and he does not want to pay little medical bills for second wives and children of the company's employees. This Government must investigate this man. The simplest way to get the workers back to work should have been to suspend the man.

**The Minister for Foreign Affairs** (Dr. Godana): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to make some contribution before the House. First of all, allow me to congratulate you as the Deputy Speaker of--

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order, hon. Members!

**The Minister for Foreign Affairs** (Dr. Godana): Mr. Deputy Speaker Sir, I wish to take the first opportunity to give my congratulations to the Speaker of this House, the hon. Francis ole Kaparo, on winning the election to the coveted position of Mr. Speaker significantly by an overwhelming bi-partisan support across the political divide within the House. I also wish to convey the same message of congratulations to you, Mr. Deputy Speaker. The very fact that in both cases the House, composed almost equally of Members from the Government side and the Opposition, elected both of you by a bi-partisan majority, is an expression of the confidence that Members of this House have in you; as representatives of the Kenyan people, having professional and moral competence to carry out the wondrous responsibilities of the Chair. I wish you well.

I also wish to take this opportunity, given that this is my first substantive intervention in debate on the Floor of this House, to extend my sincere thanks to His Excellency the President for appointing me to the portfolio of Minister for Foreign Affairs. I intend to carry out my responsibilities as required and I hope that I can count on the goodwill of colleagues on either side of this House when it will be necessary. I want to make one more appeal in this respect, because as Kenyans, it is important to put behind our partisan political differences when it comes to important national issues. In particular, when Members of Parliament leave the country on their various missions abroad, it is important to bear in mind that they are out there, first and foremost, as Kenyans. I am saying this because we know that if an American Negro is outside America, he is first and foremost an American. I do recall that eight out of ten times I have accompanied this Parliament's delegation to the IPU Conferences where delegations are always divided between the Opposition and the Government side. What is significant is that Members of Parliament, whether from the Government side or Opposition, invariably fight passionately in support of their countries, national interest and foreign policy positions. It would be difficult for an outsider to note which party an individual belongs to, whether the Government or Opposition side.

Mr. Deputy Speaker, Sir, concerning the substance of the Presidential Address, without doubt it was indeed a very special Speech. For one, it was an Address which went to the core of the problem before the nation without wasting words. The general agreement between the Members of this House was clear from the exchanges that took place immediately we left the Chamber. There is no doubt that the economy of this country is in serious problems. This calls for utmost co-operation between us. The spirit with which we elected the Speaker, and the Deputy Speaker from either side of this House, by a clear overwhelming majority, should be the guide with which we will approach serious national issues such as the problems of the economy. Unfortunately, the events of this afternoon seem to be quite discouraging.

Mr. Deputy Speaker, Sir, it is unfortunate that this happened, and I would have wanted to make some of these comments in the presence of my colleagues; old Members of this House who definitely know the procedures of the House. I think, if we want to filibuster debate or ambush each other and use Parliamentary time for the purpose of derailing the House from its main business, it is possible for either side to do so. But who will be the sufferer? It is the Kenyan people who elected us. It is our dignity, as Parliament which will suffer.

I would like to make an appeal in this respect, that what we saw this afternoon will be the first and the last in the life of the Eighth Parliament. I further hope that when we get disappointing decisions from the Speaker, we will not resort to walking out.

Mr. Deputy Speaker, Sir, your position is a very serious one. You have the unique privilege of being a judge who will make decisions very often without having time to go back like a Judge in an ordinary court of law, and consider the pros and cons of these arguments. More often than not, you will be called upon to make a decision on your feet on the spur of the moment, especially where Members have decided to ambush you. You will

need all the nerve, all the courage and above all, the conviction. So long as you are morally correct, it does not matter what others think of your decisions. I want to give you all the encouragement and congratulate you for the very able manner in which you conducted the affairs of this afternoon.

Mr. Deputy Speaker, Sir, apart from the question of the situation of the economy in the Presidential Speech, the President touched on the challenges that face us; the need for restoration, maintenance of law and order which is the necessity of peace for meaningful development. He also talked of what we have to do to eradicate poverty, to deal with the monster of unemployment, to deal with the colossal damage to our infrastructure which has been caused by the *El Nino* rains, the challenge of increasing our agricultural output especially in the context of the damage which the last rains have caused and above all, the challenge which is before this House, of conducting necessary constitutional cum legal reforms before the next general elections.

I think, in the latter respect again, I find it very welcome that the President has brought the issue before the House by saying that it is up to the House to decide whether it needs to rewrite, amend or otherwise improve - in any way it prefers - the provisions of the Constitution of Kenya Review Commission Act passed last year, which I think is a very welcome development.

Mr. Deputy Speaker, Sir, in this respect, I would like to emphasise a point which has been made repeatedly here and outside. It is important that after 35 years of existence as a functioning constitutional order, we guard the benefits of that historical tradition. It is important that however passionate the political, constitutional and legal issues which are before us; however divisive and acrimonious they may appear to be, we do not lose our heads and depart from strict legality.

Mr. Deputy Speaker, Sir, I believe Parliament is the only competent constitutional body which was empowered by Kenyans to enact constitutional changes. It is crucial that as Members of Parliament, collectively in the House or as individuals outside, we do not do anything to suggest our readiness to surrender that responsibility to groups who have no legal mandate. I am glad in this respect, that of late, we are hearing more and more voices from some of my colleagues on the opposite side who in the past have flirted with the so-called, NCEC. They have realised that in fact, this is a body which cannot have a stake in the whole constitutional process. Parliament is composed of 222 elected and nominated Members from every ethnic group, religious background, administrative district and division in this country. They also come from every professional background. There are lawyers, doctors, engineers, businessmen, teachers and all the rest. Surely, it is the most comprehensive civil society grouping you could possibly have. You do not therefore, need to make concessions to groups which are trying to manufacture for themselves a *locus standi* under the pretext of civil society lobby groups and all the rest. Civil societies in the strict sense of the term are there for the purpose of lobbying Members of Parliament like hon. Muite and myself to come and present their opinions here. But they cannot claim to have a position equivalent to that of elected representatives. I hope hon. Muite will for once agree with me on this.

**Mr. Muite:** Watakuwa Bomas of Kenya!

**The Minister for Foreign Affairs and International Co-operation** (Dr. Godana): Well, in a free society such as this one, where you are free to associate and air your views, there is nothing we can do to prevent them from going to air their views like those tired Englishmen who over the weekend walk to one corner of Hyde Park to sing out their own opinions about how society should be governed. I remember one time as a student, I passed near them and heard one of them saying: "Now that machines can work, Britain should have a law which states that nobody should work. Machines should work and people be paid." So, I take it that if they go to the Bomas of Kenya, they will be airing views which will not be of better quality than that.

With those few remarks, I beg to support.

**The Member for Nyakach** (Mr. Odoyo): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I am happy to be here after my father who was here in the Third Parliament that is, 1974 to 1979; the late Samson Odoyo, and who at one time was also the Mayor of Kisumu.

Mr. Deputy Speaker, Sir, I am very grateful to the people of Nyakach for having elected me partly on the goodwill of my father and partly on the hope that I will be able to represent them in Parliament effectively.

Mr. Deputy Speaker, Sir, as you are aware, when my father was here in the Third Parliament, donors were knocking doors. The economy was thriving. But now five Parliaments later, the economy is not growing and there are no donors. This is so because, we have let ourselves be ruled partly by donors. We let all our development projects be funded by donors. All our recurrent revenue was used for paying salaries. So, when the donors withdrew we had no money to do any development projects. Now, that is why the little money we get cannot even repair the roads, because it has all been used to pay salaries. We have a very large Civil Service. I would like to warn the present Government that the threat will not come from NCEC or Opposition politics, it is the inability of the Government to pay salaries to its workers.

Mr. Deputy Speaker, Sir, I would like to comment on three or four areas in the Presidential Address. One of the areas is corruption. Corruption is everywhere. It is only the question of the degree of corruption that differs. Even when I am in the Western countries it is easier for me to pay service of my vehicle in the suburbs of the UK without paying VAT compared to buying spare parts in River Road without VAT. It is only the degree of corruption that differs. You cannot get the simplest Government service unless you are able to bribe that simple clerk right at the bottom. That is the degree that we are against. Neither are we saying that we in the Opposition are not corrupt, but we are saying that the Government has to do something to reduce the degree of corruption.

Mr. Deputy Speaker, Sir, there is so much that has been said on tribalism, though it is everywhere, like in America and the United Kingdom. By whatever name you call it, whether tribalism, regionalism or clanism, it is there. The question is, why have we failed to get unity in the midst of our diversity? The answer in my humble opinion is that our leaders, especially in Government, have misguided us by making us believe that tribalism is above unity. Therefore, the question must fall on the Government. What are you going to do about this tribalism rather than preaching that tribalism is the biggest ill in our society?

Mr. Deputy Speaker, Sir, we have to start from the premise that those in Government must make decisions not based on the culture of tribalism, but on merit and professionalism. If we can demonstrate that, those who come from the poorest family or the most remote part of this world are able to rise to the top of the society not based on marriage or tribe, then as a nation, we shall make some progress.

Mr. Deputy Speaker, Sir, let me comment very briefly on revenue. I wish to compliment the Minister for Finance for owning up. For the very first time, we have a Cabinet Minister saying we are in trouble. This has not happened in the past. We have always been told things are well, but they are getting from bad to worst. We are happy that Mr. Nyachae has told us we are in trouble. This should have been stated long time ago because we need to raise the consciousness of our people about the state of the economy. That is why if we are in trouble, and everybody knows that we are in trouble, then we tell the people the truth. So, the culture of truth, in terms of financial management in this country, should continue. I would like to move that Mr. Nyachae should be commended for owning up on the financial position prevailing in this country. He should also own up on other issues that have been mentioned in the report of the Controller and Auditor-General so that we can move forward.

I take the opportunity also to talk about Nyakach Constituency. I wish to thank the Government for taking the initiatives of implementing the Sondu Miriu Hydro-electric Project. As we know, we have a shortage of electricity in this country, therefore, the mobilisation period should be speeded up. The Sondu Miriu has been discussed for the last ten years, but with little success. My predecessors, including my humble adviser, Mr. Denis Akumu, did raise this issue in this House. I urge the Government to do something about it. The development of Nyakach Constituency appears to have been totally ignored by this Government over the last 15 years. Why do I say so? Are we being ostracised for some attempts we have made to rectify the ails of this country? Are we being victimised for the situation that Nyakach people experience because a few of our soldiers were involved in some issues in the past? Why is it that Nyakach has been unable to develop? For example, the Ministry of Education is not doing much in Nyakach constituency. All our schools were submerged in the floods, and yet there is no help from the Government or the Ministry of Education. In Nyakach Water Project, a water pump was removed and taken to Jaramogi Oginga Odinga's Bondo Water Project when the President went there. And since then, it has not been returned. We have had no water for the last two years.

On security, cattle rustling is rampant. We are losing our cattle to the Kericho District and there seems to be some clashes between our people and Kipsigis, and yet the Administration is quiet.

On health, there is no Government doctor in the whole of Nyakach Constituency---

**Mr. Muite:** Is it not co-operation between KANU and NDP?

**The Member for Nyakach (Mr. Odoyo):** This is not as a result of co-operation, hon. Muite. I believe that I am entitled to air my views, especially when they are national issues concerning the Vice-President!

Equally, I have to present issues concerning my constituency, especially on the water hyacinth. This is where the Minister for Environment has refused categorically to tell us what is happening with the water hyacinth.

We, as hon. Members of Parliament, have not been briefed at all on what is happening with the water hyacinth. I have people knocking my door every day whenever I go home, wanting to know what the Government is doing in order to remove the hyacinth, but the Minister has not told us what is happening. We are hearing of tenders being awarded, but there is no action taken. Why can we not get water hyacinth out of the lake? It is choking our people. We can hardly eat anything because there is no fish! Why can we not get the tender sorted out? Is it because there are particular individual who must be awarded the tender?

The Minister for Local Authorities, Prof. Onger, there are no murrum within market places. In case of *El Nino* rains, all our market places are swept away. Roads are impassable and we cannot get to the market.

On planning, the DDC is not listening to the people of Nyakach. There is no single co-operative in the

whole of Nyakach. There is not a single electricity point in the whole of Nyakach Constituency. Why is it that we have been neglected?

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

**The Member for Mumias** (Mr. Osundwa): Mr. Deputy Speaker, Sir, my name is Mr. Wycliffe Osundwa, hon. Member for Mumias in Kakamega District.

Thank you very much for giving me this opportunity to contribute to the Presidential Speech. Before, I discuss the Presidential Speech, I would like to congratulate you on your election as the Deputy Speaker of the House. Those of us who have worked closely with you know how best you deserved it. It was on account of your seriousness and central perception in whatever you are set to do. I want to commend the Leader of Government Business, hon. Katana Ngala. I assure him of my total support. Hon. Ngala is one of the Ministers in this country who commands a lot of respect from wananchi.

Having said that, I would like to commend the entire Kenyan electorate for giving President Moi another term to rule this country. We had about 15 Presidential candidates and none of them measured up to the standards of President Moi. I would also like to thank the electorate for voting out more than half of the Members of the Seventh Parliament. In fact, wananchi were wondering whether they had elected clowns, acrobats, kick-boxers or serious Members of Parliament! I do not regret being called a new Member in this House because wananchi made the right choice. Yesterday, an hon. Member said that hon. Shikuku was a nuisance in this House. I believe that Dr. Elon Wameyo was also a nuisance in this House because he used to give very short answers to Members' Questions, which meant that he did not take the problems of Members seriously.

Having said, I want to move on to the Presidential Speech. I commend President Moi for being open on the state of economy in this country. He admitted that all was not well and extended an olive branch to Opposition Members. I expect our colleagues on the Opposition side to take up this challenge, without chest-thumping, and meet with Government side in order to effectively address the economic situation currently prevailing in this country.

The first step our colleagues in the Opposition should do is to stop writing highly incriminating letters to the World Bank and other donor institutions.

I believe the problems that are bedeviling this country like the epidemics and the *El Nino* were not caused by the Government. So, the co-operation that was started by the President is a genuine one and I want Members of all the Opposition parties to come and discuss.

Mr. Deputy Speaker, Sir, I represent a constituency where sugar is the mainstay of the economy of the people. It pains me to see sugar-cane rotting in farms. Sugar-cane matures at 18 months and I regret to say that cane in my constituency is harvested after 40 months. Somebody should be sued for professional negligence the way a doctor would be sued for giving a wrong prescription to a patient. A company called Mumias Sugar Company in my constituency deals with farmers in a casual way and I believe there is a conspiracy to impoverish the people in Mumias so that they will not have any say in this country.

On the question of sugar, I would like to plead with the Minister for Finance, I do not see him here, to abolish presumptive Income Tax which is levied on cane proceeds. A farmer who makes a gross income of say Kshs18,000 after 48 months--- If you calculate, you will find that this farmer earns a mere Kshs375, and who on earth would tax such a farmer? This tax is acting as a dis-incentive to the farmers and I want to suggest that if the hon. Minister for Finance is so keen to tax sugar-cane farmers, he should tax only those owning more than 100 acres.

Mr. Deputy Speaker, Sir, the other issue is privatisation of Mumias Sugar Company. This issue is now awash in the daily Press and there is a lot of speculation on this. I want to commend the Government for accepting to sell 20 per cent of its shares to the local farmers. However, the Mumias farmers have sent me to ask the Government to consider giving them the remaining 50 per cent so that they can feel a sense of belonging. There is speculation also that certain tycoons want to grab the rest of the Government shares. I want to assure them that if they do that they will have to carry away that machine to their homes and look for cane from elsewhere and not from Mumias sugar cane farmers.

Finally, we have this levy called cess. It is my believe that cess levy on sugar cane should go back to the areas where cane is produced to improve infrastructure like electricity. I would like the Minister for Local Authorities to direct local authorities not to use cess money to pay debts or salaries, but to install electricity and good roads in areas where farmers are paying cess.

Mr. Deputy Speaker, Sir, I beg to end since I am mindful of other Members' time and I want at least a colleague from the Opposition side to contribute in the remaining five minutes.

Thank you very much.

**The Member for Voi** (Mr. Mwakiringo): Mr. Deputy Speaker, Sir, I would like to congratulate all hon.

Members who were elected to this august House. Secondly, I would like to thank the people of Voi for electing me to represent them in this House.

Mr. Deputy Speaker, Sir, what beats me is that all hon. Members, irrespective of their party affiliations, love one another. We talk differently here, but when we go out, we take tea together. I think it is in this context that we should preach peace to our constituents. Without peace, there will be chaos and I think we should preach peace wherever we go. This House is supposed to be for the "Welfare of Society and Just Government of Men and Women." It being so, I think men have got to "absorb" what is good and what is not good. My humble submission is that we should not be rigid because of the political parties we belong to. Anything which is good for the betterment of this country should be accepted by all parties.

Mr. Deputy Speaker, Sir, civil servants in this country are policy implementers but some of them have become commanders of the Ministers. Whenever they are out of the country, they deviate the funds which were allocated for a certain project for that area to their own area and the Minister has no authority over that. When he is busy, he cannot monitor what has been happening. Some civil servants have become masters of their own. I think it is not right for these people to be associated with politicians because most of them seem to have political patronage. There is one officer from the Minister of Water Resources in Voi who was transferred to Mombasa but since he is married to a Taita woman in Voi, he is frustrating the new officer who was posted there. He even hires some people at night to block water so that people can suffer. He is doing this because he does not want to leave that station. He never stays in a new station. He is perpetually in Voi causing problems. The Ministry should take appropriate action.

Mr. Deputy Speaker, Sir, the Presidential Speech touched on self-sufficiency in food. If the feasibility studies of the Lake Chala were implemented, as recommended by the Israelites, Taita/Taveta would be producing enough food for the whole of Coast Province and even other provinces in this country. But since we were marginalised in terms of low potential and higher potential, that was not implemented and the file is still there in the Ministry of Water Resources. I am pleading with the Ministry to implement that report.

Mr. Deputy Speaker, Sir, the Ministry of Finance should reduce taxation in order to collect more revenue. High taxation will discourage people from paying taxes. This should be taken seriously [**The Member for Voi**] because everybody in this House wants to see the economic activity going on in this country. We should not behave as if we are living in a stone-age period when we are enlightened on what is happening.

Mr. Deputy Speaker, Sir, if the rampant land-grabbing we are experiencing is what had been carried out 16 years ago, what would we have found to grab now? I think we should move systematically. The Minister for Lands is here. I would like to raise a very serious issue. The land in the South Coast near the Likoni Ferry has been grabbed and fenced off. This is land where there is a pillar to show the light of the ships coming in at night. If something is constructed on the land, it will obstruct the vision of that pillar and no ship can come at night. Most of the vessels will be diverted either---

### PERSONAL STATEMENTS

**Mr. Deputy Speaker:** Order! Hon. Members, Standing Order No.20A(1) says as follows:  
Under this Standing Order, and not withstanding the provisions of Standing Order No. 17, Mr. Speaker shall interrupt the business of the House every Thursday at 6.30 p.m. (or 7.00 p.m. if it is an allotted day) to facilitate Members' Half-Hour-Statements.

(2) A Member who wishes to seek leave to make a statement under this Standing Order shall, before One O'clock on the day the statement is to be made, through his Party Whip, hand to Mr. Speaker a written notification of the matter he wishes to discuss, and Mr. Speaker shall refuse to allow the claim unless he is satisfied that the matter may properly be discussed in the House.

(3) If Mr. Speaker is so satisfied, Mr. Speaker shall inform the Party Whip accordingly, and the Party Whip shall notify the relevant Minister(s) of the matter to be raised before Four O'clock of the same day.

(4) No Member making such a statement shall speak for more than one hundred and twenty seconds without leave of the House.

Now, today, before One O'clock, Mr. Deputy Speaker received two notifications for matters to be raised under this Standing Order. Accordingly, I will give the Floor to hon. Anyona and hon. Norman Nyagah. The two issues relate to the Ministry of Health and I think for the sake of good order, the Minister should listen to the two issues and reply later. If, on the other hand, the Minister does not wish to respond today, he can do so next Thursday.



## THE NURSES' STRIKE

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I would like to confirm that I have complied with the requirements of Standing Order No.20A (1) (2) and (3). Therefore, I rise to make a statement as requested.

Hon. Members will remember that almost in the middle of the General Elections, this country was plunged into complete chaos through a strike by the nurses. I think it was difficult at that time for leaders to find time to address the issue of the strike. After the elections, the new Minister and Permanent Secretary did open dialogue between the nurses and the Ministry, to try and resolve the problem. The end-result of that dialogue was a return-to-work formula based on negotiations that would lead to a solution by the end of this month. I am very apprehensive about a recurrent of a new crisis if we do not attend to this matter.

It is for that reason that I thought I would raise that matter here. Can the Minister inform the House, the country and the nurses that the matter is in good hands; and that we are not going to be faced with another crisis? We lost a lot of people. I saw a lot of suffering. We do not like to have a repeat of that.

I have taken sometime to prepare a memorandum raising all the issues that are connected with that strike. I do not have the time to go through those issues, but I will give the Minister and his Permanent Secretary a copy of that memorandum. I would like to lay this memorandum on the Table to be an official document of this House.

I would like to plead with the Minister and the Government, that in this era of multi-partism and new democracy, we must learn to listen to each other. Even when there is not a good enough case, let us listen to each other. Let us find out the merits or demerits of those cases. I sometimes think that out of these crisis, like the one that we have gone through this afternoon, this Parliament and country emerge much stronger and firmer in our faith and confidence in managing the affairs of this nation. I would like to plead with the Minister to give us a comprehensive statement on this issue.

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

## NEGLIGENCE BY MATER MISERICORDIAE HOSPITAL

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, under Standing Order No.20 A(1) I would like to raise an issue that is very grave. A young lady called Jacklyn Wanjiru Kimolu was admitted to the Mater Misericordiae Hospital on 23rd, March, 1998 and was there for three days when she went into labour. In the process, she lost her beautiful, bouncing, dark baby girl because of negligence. The that hospital was unable to provide a doctor on time. What surprises the entire world is that this young lady had gone through an ultra-sound process to determine the position of the baby - to detect whether the pelvic bones were able to open up for vaginal delivery and all this was done. This is not a laughing matter hon. Kalweo!

**The Minister for Health** (Mr. Kalweo): Shut up! Say what you want to say!

**Mr. Deputy Speaker:** Order! Order, hon. Kalweo!

**Mr. N. Nyagah:** By the way, you are not in order to ask me to shut up. If you only listened to something that concerns---

**The Minister for Health** (Mr. Kalweo): I am listening!

**Mr. Deputy Speaker:** Order! Order! Carry on, hon. Nyagah.

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, I speak about this with a heavy heart, it is a recorded death. This is the first child of this young couple. They were burying this child this afternoon. All this is because of the negligence by this Hospital. I have written to the Director of Medical Services because I want to follow this issue and if I do not get a satisfactory answer here, we will go to court to prove this case. This is because many more women have died during delivery at the Mater Misericordiae Hospital.

Lastly, Mr. Deputy Speaker, Sir, the onus I know, is on us to prove the death of this child. I want to mention three things. The proof of duty is owed by the hospital to the patient. Secondly, the breach of that duty was abused by that hospital and lastly, the injury to that patient between the breach of that duty and that patient must come to rest. I, therefore, ask the Minister for Health to come up with a comprehensive report on this.

Thank you.

**The Minister for Health** (Mr. Kalweo): Mr. Deputy Speaker, Sir, as for the issue raised by hon. Anyona and hon. Nyagah, I will give the answers on Tuesday.

For the nurses, I think they are working but they have gone---

**Mr. Deputy Speaker:** Hon. Kalweo, if you want time to give a considered reply, you have the time until

Thursday, next week at the same time. So, do not rush yourself, if you are not ready, just tell the House that you are not ready. You will give it to the House next week, on Thursday.

**The Minister for Health** (Mr. Kalweo): Mr. Deputy Speaker, Sir, this is what I was saying. For Example, Mater Misericordiae is not a Government hospital but I promise the House that I will investigate and report back on Thursday.

**Mr. Deputy Speaker:** Order! Hon. Members, under this Standing Order, when we raise these matters, there can be no extended debate.

#### ADJOURNMENT

**Mr. Deputy Speaker:** Hon. Members it is now time to interrupt the business of the House. Therefore, the House stands adjourned until Tuesday, 14th April, 1998, at 2.30 p.m.

The House rose at 6.35 p.m.