

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 15th October, 1998

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Sessional Paper No.3 of 1998 on Transfer of Ownership of Government Assets to Kenya Ferry Services Limited

(By the Minister for Transport and Telecommunications)

(i) Annual Report and Accounts of National Water Conservation and Pipeline Corporation for the year ended 30th June, 1994, and the Certificate thereon by the Auditor-General (Corporations).

(ii) Annual Report and Accounts of the National Water Conservation and Pipeline Corporation for the year ended 30th June, 1995, and the Certificate thereon by the Auditor-General (Corporations).

(iii) Annual Report and Accounts of the National Water Conservation and Pipeline Corporation for the year ended 30th June, 1996, and the Certificate thereon by the Auditor-General (Corporations).

(iv) Annual Report and Accounts of the National Water Conservation and Pipeline Corporation for the year ended 30th June, 1997, and the Certificate thereon by the Auditor-General (Corporations).

(By the Assistant Minister for Water Resources (Mr. Mokku) on behalf of the Minister for Water Resources)

(v) Annual Report and Accounts of the National Oil Corporation of Kenya for the year ended 30th June, 1994, and the Certificate thereon by the Auditor-General (Corporations).

(vi) Annual Report and Accounts of the National Oil Corporation of Kenya for the year ended 30th June, 1995, and the Certificate thereon by the Auditor-General (Corporations).

(By the Assistant Minister for Water Resources (Mr. Mokku) on behalf of the Minister for Energy)

(vii) Annual Report and Accounts of Nyayo Bus Corporation for the year ended 30th June, 1994, and the Certificate thereon by the Auditor-General (Corporations).

(By the Assistant Minister for Water Resources (Mr. Mokku) on behalf of the Minister of State, Office of the President)

NOTICE OF MOTION

A BILL TO ESTABLISH NATIONAL DISASTER CENTRE

Mr. Oloo-Aringo: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
THAT, this House do grant leave to introduce a Bill for an Act of Parliament to establish a National Disaster Centre to manage contributions made to the National Disaster Fund and for matters connected therewith and incidental thereof.

PROCEDURAL MOTION

LIMITATION OF DEBATE

The Minister for Agriculture (Mr. Mudavadi): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, this House orders that the debate on the Business appearing in today's Order Paper be limited in the following manner:-

A maximum of twenty minutes for the Mover; twenty minutes for the Government Official Responder; ten minutes for each of the other Members; that five minutes before the time expires, the Mover be called upon to reply; and that the sitting of the House shall continue until 7.00 p.m.

Mr. Speaker, Sir, the basis for this Motion is that, as hon. Members will have noticed, there are no Questions on our Order Paper today, and we have a substantive Motion on the Order Paper for discussion. We would like to avail as much opportunity as possible for as many hon. Members as possible to be able to contribute and express their views on this particular Motion.

Mr. Speaker, Sir, this is a straightforward Motion. Indeed, even under normal circumstances, Private Members' Motion allows each Member to contribute for 10 minutes, for example, on Wednesday mornings. Therefore, I would just like to urge this House that, rather than belabour this procedural Motion, we move ahead and accept it. We will then be able to start on the substantive Motion that everybody here is eagerly waiting to contribute to.

Mr. Speaker, Sir, I beg to move.

The Minister for Planning and National Development (Prof. Saitoti) seconded.

(Question proposed)

Mr. Kibaki: Mr. Speaker, Sir, whereas I agree that we should limit the time for each speaker, in order to allow a maximum number of Members who are all very anxious to contribute, I think we should be generous and allocate them five minutes each instead of 10. That way, we shall be able to accommodate very many Members. I have given notice of an amendment that I want to move and it reads:-

That, in the fourth line the word "ten" be deleted and substituted therefore with the word "five".

Mr. Speaker, Sir, it is not a matter I want to take time on. I just think it is very fair that we have most Members or a majority of Members contributing on this Motion.

(Applause)

(Mr. Nyagah was on his feet)

Mr. Speaker: Why do you not just bow and then I will put the question straightaway?

Mr. Nyagah seconded.

*(Question of the first part of the amendment,
that the word to be left out
be left out, proposed)*

Mr. Raila: Mr. Speaker, Sir, while I appreciate the point made by the hon. Member; he is a member of the House Business Committee and this matter was extensively discussed there, the original proposal was that we

should give as many Members as possible time to contribute, and we had talked about five minutes. But we had said that, even with the five minutes, not every Member is going to have an opportunity to speak. So, we suggested that the Members who are speaking on behalf of political parties be given 10 minutes and that everybody else speaking thereafter be given five minutes, so that those who speak on behalf of political parties have enough time to put across the views of their political parties.

With those few remarks, I beg to oppose the amendment.

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Speaker, Sir, I wish to concur with what the hon. Member for Lang'ata has just said. In fact, it amounts to introducing yet another amendment on top of another amendment because he is bringing in the element of political parties. But as the original Motion seems to point out, I think we settled for 10 minutes for everybody without giving regard to whether or not one is speaking on behalf of any political party. So, I think that we want to come against this late amendment because the hon. Member for Othaya is also a member of the House Business Committee, and we had agreed that we settle for the 10 minutes and five minutes, but what is now appearing on the Order Paper seems to be the result of further consultations. So, why do we not stick to the Motion as presented by the Leader of the Government Business?

Mr. Speaker: Order! Order, hon. Members! May I just point out to the House that once a Motion is in the House and the Question has been proposed from the Chair, it becomes the property of the House. Every Member here has a right to put an amendment in the way that the Member feels it fit, so long as he is within the rules of the House. It is the business of the Members either to agree with the proposed amendment or to refuse it. I will hear one more Member and then I will put the Question.

Mr. Anyona: I think, Mr. Speaker, Sir, one practice this House has to adopt is that when we make decisions either in the House itself or in the Committees, we should begin to learn to stick to those decisions unless there are very compelling reasons why we should change those decisions. Here is a matter where the House Business Committee, in its wisdom, decided this way---

Mr. Speaker: Order! May I make a little correction here because I think Mr. Kibaki is being accused unfairly. What happened is that the House Business Committee decided in its wisdom, that during this debate, half of the time would go to the Government side; they actually calculated the minutes, and the other half would go to the Opposition. In minutes, they went into the details of knowing how many minutes would go to the Government side, I believe it was 110, and 110 minutes would go to the Opposition side. That was one resolution of the House Business Committee.

The second one was that out of the Members of the House, those leading political parties would take 10 minutes. Naturally, it means that from the Opposition side, if we have 10 members leading political parties, they will take 100 minutes and the other 100 minutes will be left to the Government side. The problem is: How is the Chair going to allot that time to the Government side, unless, of course, after, for example, Mr. Kibaki has talked for 10 minutes, for the Government side to catch up with the Opposition side timewise, the Chair calls two members from KANU and gives them five minutes each? The Chair found that this was not a practical way of dealing with business. I did advise that you look for a more practical way of resolving this matter. As a result of the Chair's advise, the Motion now before the House was prepared. It is positively legitimate for Mr. Kibaki now, or any other Member for that matter, to say, instead of giving 10 minutes to a Member, let us give five. Let us not quarrel about it. I think it is a very straightforward matter.

(Applause)

Mr. Anyona: Thank you, Mr. Speaker, Sir, for that explanation. I was, therefore, going to say that, in any case, the matter of a vote of no confidence in the Government is a very serious matter. It is a matter that needs some time to articulate. I do not think that five minutes really, we are being serious. This is not just an ordinary debate. I would, therefore---

Hon. Members: No! No!

(Loud consultations)

Mr. Speaker: Order! Order! Order, Members! That is one kind of thing I am not going to entertain this afternoon. I will not entertain it. We are here on serious business and Members must be heard. I will not tolerate any attempt by any Member or group of Members to take away from any Member the freedom to speak his or her mind in the best way they can so long as it is within the Standing Orders of the House. So, can we all now keep

order?

Proceed, Mr. Anyona.

Mr. Anyona: Thank you very much, Mr. Speaker, Sir. All I am saying is that we are dealing with serious business which requires some adequate time for those who will get the chance because the idea is to put the message across to our people. It is not a question of how many of us speak and what we say. I would, therefore, personally think that to vote five minutes is really splitting hairs. I think this Motion as it is, is perfectly okay.

Mr. Speaker, Sir, I beg to oppose.

*(Question of the first part of the amendment,
that the word to be left out be left out,
put and negatived)*

(Question of the original Motion put and agreed to)

COMMUNICATION FROM THE CHAIR

REQUIREMENTS FOR VOTE OF NO CONFIDENCE MOTION TO PASS

Mr. Speaker: Order, Order! Members. Before I call Mr. Orenge to move this Motion, I have the following explanations to give to the House: Hon. Members, the Motion before the House derives from the provision of Section 59 subsection (3) of the Constitution of Kenya which provides as follows:

If the National Assembly passes a resolution which is supported by the votes of the majority of all the Members of the Assembly, excluding the ex-officio Members, and of which not less than seven days' notice has been given in accordance with the Standing Orders of the Assembly, declaring that it has no confidence in the Government of Kenya; and the President does not, within three days of passing of that resolution, either resign from his office or dissolve Parliament, Parliament shall stand dissolved on the fourth day following the day on which that resolution was passed.

The important points to note here is that for the Motion to have a legal effect:

(a) Seven days' notice must have lapsed between giving of notice and the passing of the resolution.

(b) The Motion must be supported by the votes of the majority of all the Members of this House.

It must be clearly understood that it is the majority of all Members of the House as distinct from those present and voting. As of today, there are 221 Members excluding ex-officio Members. One half of that is 110.5. Since there is no half Member, I will round it to the nearest whole number which is 111.

(Laughter)

A majority of votes for the purposes Section 59 (3) of the Constitution is, therefore, 112. The Motion will therefore only be carried if 112 of you vote for it. If it does not attain that number, it will be deemed to have failed. The upshot of the foregoing is that at the end of the debate I will immediately direct a Division rather than calling for Acclamation.

So, I wish you an enjoyable debate.

(Applause)

Mr. Muite: On a point of order, Mr. Speaker, Sir. Section 35 of the Constitution, and, in particular, subsection (f), provides for disqualification for Members of Parliament. It specifically disqualifies anybody who holds--- It reads: "Anybody who holds, or is acting in any office in the Public Service." Section 39 says: "If any circumstances arise which will have disqualified somebody, that person shall vacate his or her seat in the National Assembly". Out of respect for these Constitutional provisions, Dr. Richard Leakey, by the operation of law, vacated his seat, thus, depriving the Opposition side of a vote, which would otherwise have been cast in favour of this Motion.

Mr. Speaker, Sir, I wish to ask you to direct that hon. Mark Too, who is my friend and holds office as the Chairman of the Kenya Sugar Authority, is not a Member of this House and cannot take part in this debate and

cannot vote.

(Applause)

Mr. Speaker: Order, order! Hon. Members, I think you have heard what I said in my communication. As of to date, there has not been any lawful order given to me by any competent authority to determine the question of the validity of a sitting Member. I did say there are 221 Members in this House. The Members in the roll of the National Assembly as of today are 221. Any Member who thinks that any other Member may be aggrieved can proceed, in accordance with the provisions of the Constitution to the relevant court to make that decision. Once the order is served on the Clerk, Mr. Speaker shall make sure that it is complied with.

So, can we now proceed, Mr. Orengo?

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

Mr. Speaker: Sorry, no more points of order. Can we have Mr. Orengo?

Mr. Orengo: Mr. Speaker, Sir---

Hon. Members: Mr. Orengo, come forward! Speak from the front!

Mr. Speaker: Order, order Members! Can you allow Mr. Orengo to proceed? He is obeying the rules of the House; look at your Standing Orders about the sitting arrangement. He is perfectly in order to speak from the back rather than come forward.

MOTION

VOTE OF NO CONFIDENCE IN THE KENYA GOVERNMENT

Mr. Orengo: Thank you, Mr. Speaker, Sir. I beg to move the following Motion:
That pursuant to the Section 59(3) of the Constitution of Kenya, this House resolves and declares that it has no confidence in the Government of Kenya.

(Applause)

Mr. Speaker, Sir, there are political pundits and commentators who have tried to interpret Section 59 generally, and in particular, subsection (3). When I will give my response after the conclusion of the debate, I will address that issue on the basis of what is the way forward, if this Motion goes through. But, suffice it to say that from the beginning, if we look at Section 59 of the Constitution, there is nothing strange about this Motion. I want to point out the following factors: One, under subsection (1), the President of this country can prorogue Parliament at any time. Indeed, every year, the President prorogues this Parliament twice, and nobody complains or contends that he has those powers under the Constitution.

Under Sub-section (2), the President of this country has powers to dissolve Parliament at any time and he has done that before in the history of this country. You remember, in 1983, the life of that Parliament was brought to an abrupt end when the President dissolved Parliament before the expiry of five years, purely on account that the President did not have the confidence of the Members of his own Cabinet, and wanted to go through an election to have a new team. When that happened nobody complained. Under the same section, this Parliament can also extend its life, and that has happened before in the past Parliaments, when it increased the life of Parliament by two years and, indeed, created a situation where the Members of the Senate were allowed to become Members of the House of Representatives and constituencies were created for them without them going back to the people. Because the President has been doing his duty of proroguing and dissolving Parliament, I am now calling upon this Parliament, if it has to show the country that it is not a lame-duck Parliament, to also resolve and declare that it has no confidence in the Government of Kenya.

Mr. Speaker, Sir, today, I am looking for the collective wisdom of the House because this is not a Motion that can go through, as the Speaker has pointed out, by partisan politics. It is only through the collective wisdom of this House that this Motion can go through. Therefore, I am going to seek to persuade you that the time has come when this House should declare and resolve that it has no confidence in the Government of Kenya. I am not asking you to declare or resolve that you have no confidence in this House. This is not what I am asking you to do. When I am going to reply, I am going to try and draw a distinction between those two factors.

Mr. Speaker, Sir, I now want to go to the main body of what I intend to say today in support of this

Motion. This Government has got a specific responsibility under the Constitution and under the laws of this country. During the last General Elections, the people of this country gave it a mandate, rightly or wrongly, on the basis of the promises it made to the country. Today, we must put this Government to account on the basis of the Constitution; on the basis of the objective conditions in this country, and on the basis of what they promised to do to this country.

Right from the outset, using Government figures alone, unemployment and poverty are increasing in this country. Indeed, by Government figures, more than half of our population is living below the poverty line, and the signals are that more and more people will continue to join that bracket of living below the poverty line. In fact, when I was in the university, quite often, students used to say: "I am tarmacking" because the roads then were good. Right now, they cannot say they are tarmacking because there are no roads to tarmac on. What I am saying is that those heights that we were in, in 1963, when we were being compared to Malaysia and Taiwan, are gone. Now, Kenya belongs to the least developed countries. We are a basket case! This has happened, not because we decided to be so, but I shall show this House that it is because of bad governance.

Mr. Speaker, Sir, I said that the principle mandate rests on the people of this country and under the Constitution, this Government must secure and guarantee the lives and properties of all Kenyans. If you look at what has happened in the last few years, we cannot say that this Government has been able to defend the properties and lives of the people of this country. Indeed, in the last six years, more than half a million Kenyans have been displaced because of insecurity, ranging from banditry to clashes; and these clashes -there is no pretence about them - are State sponsored clashes.

(Applause)

An hon. Member: Sajjad!

Mr. Orengo: As evidence emerges, so many of those in the Government are now being called upon to account for their conduct because these acts of violence are State sponsored. This is State terrorism and under International Law, genocide is an offence that is punishable. This is not only under International Law, but even under our own law. We must ensure that the people who died in this country will not go in vain. Those who ensured that people were killed in those clashes--- There are more than 2,000 that have been killed since 1992. If you read about the casualties of the war which is now going on in the Democratic Republic of the Congo, even after a war like the take-over of Kindu by the rebels, to lose 20 to 30 people in a hot war is unusual. But in Kenya, we lose 2,000 people and six years later, we are still talking about commissions instead of taking those who caused these deaths to a court of law to be tried!

(Applause)

Mr. Speaker, Sir, I speak also with a heavy heart that the policy of this Government in the North Eastern Province has been one of extermination. It is as if the North Eastern Province is not part of this State. To emphasise this, when there was a bomb blast, instead of this Government pursuing those who were negligent, they went to de-register NGOs which were providing services to the North Eastern Province, and instead of withdrawing that de-registration, another commission has been formed to look into the de-registration of those NGOs.

Mr. Speaker, Sir, this is genocide! These acts of insecurity are genocide because if you look at the clashes in the Rift Valley and in Likoni, particular communities are being targeted; they are Kisiis, Kikuyus, Luos and Luhyas. It is genocide when you target particular communities to be displaced or to be killed on account of political matters.

The Minister for Education and Human Resource Development (Mr. Musyoka): On a point of order, Mr. Speaker, Sir.

An hon. Member: Sit down! Sit down! You have nothing to say! You have failed the education system of this country!

Mr. Speaker: Order! Order, hon. Members! There is only one Speaker. Each one of you is entitled to rise on a point of order, if you really have a point of order. Certainly, I cannot have too many Members to help me. I think I am capable of discharging this job. What is it Mr. Musyoka?

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Speaker, Sir, I would hate to interrupt the Member on the Floor, but is it in order for him to go against the rules of *sub judice*? He is talking of State sponsored terrorism and policy of extermination when he knows that there is in place a

Judicial Commission of Inquiry? Are we going to flout our own rules?

Mr. Speaker: Order, hon. Musyoka! I think hon. Orengo is talking generally. He has not gone to any particular thing. I think he can be rebutted, but, please, as a lawyer, keep in mind that you may prejudice certain things.

Proceed!

Mr. Orengo: Mr. Speaker, Sir, I will try as much as possible to keep to the facts of the debate instead of recrimination of individuals. But if my learned friend provokes me, that will not be quite in order and I may respond to him in kind. However, I would not want to do that at this particular juncture.

Mr. Speaker, Sir, the agricultural sector was the mainstay of this economy. We had a dynamic and self-sustaining agricultural sector across the board. If you look at the tea, coffee, sugar and milk industries, all these have gone through terrible times because of Government intervention. I think the best example of it is this. We used to have a KFA which was quite autonomous and independent; a KCC which was quite autonomous and independent, doing a good job; and then there was some wisdom which came from the cloud that the name should be changed and it would probably do a better job. It was changed into KGGCU and I am surprised that the person who brought that KGGCU down is now heading yet another Authority.

An hon. Member: Mark Too!

Mr. Orengo: Mr. Speaker, Sir, with regard to the agricultural sector, our farmers are suffering. Instead of going into specific cases, because this has been said many times, let me just point out what this Government said about the sugar industry alone. If I had to read their manifesto on the basis of what they said about tea and coffee, you would be surprised. This is the KANU manifesto of 1997. It says:- "The KANU Government will ensure prompt payment to sugar-cane farmers." As we speak today, that has not been done. Again they said:- "Ensure that the sugar industry is managed by stakeholders. Ensure that where farmers are not currently able to purchase the shares, the Government holds such shares in trust." If you look across the board, for example, KCC, the coffee and tea industries, the agricultural sector is on a downward trend and we are not able even to produce enough to feed ourselves, as a nation.

Mr. Speaker, Sir, leaving the agricultural sector, I come to land grabbing. There is a lot of land grabbing going on in this country. Somebody was telling me yesterday, at the rate at which we are grabbing land and forests, probably, in another one year, when there is no more land to grab, the same people will be fighting over ownership of Lake Victoria, Tana River and so on.

(Laughter)

One may think that, that is a joke, but if today you go to Lake Victoria or along the Coast, you will find that those who are now fishing effectively, are not the people who live around the lake or the beaches. In Lamu and Malindi, a lot of beach plots have already been allocated to individuals. All this, shows that land grabbing has reached phenomenal proportions.

Mr. Speaker, Sir, I would say a lot about the teachers' strike, but I do not want to go into the details. I wanted to tell this Government this: They reached an agreement with teachers to pay them under the Teachers Service Commission Act. Last year, the teachers gave you time - another year - to pay them. The Minister for Finance knows that when the banks can no longer pay and are giving bad cheques, they close them down. Now that this Government has entered into an agreement with the teachers and they cannot pay them, it is time that this Government also folds up the way they have been folding up the banks.

(Applause)

That is the only way out for you because you promised to pay and you have been unable to pay.

Mr. Speaker, Sir, I want to link the teachers' problem with wasteful expenditure in Government. In this year alone, over Kshs107 billion has been lost by this Government through wasteful expenditure. Out of this, Kshs15 billion has been spent on unauthorised or unconstitutional expenditure. When I did my arithmetic today, I found out that if this Government would have avoided that wasteful expenditure of nearly Kshs150 billion, they would be able to pay the teachers four times over, not of their current salaries, but of what you promised to give them.

Mr. Speaker, Sir, the domestic debt is rising and now it stands at Kshs165 billion. Social services, education, health and even sports are deteriorating. Even in sports, where our own countrymen used to do us proud in international sports, presently, they are now not even willing to come and compete for Kenya because they have lost confidence in this Government and, indeed, this particular country. What it means is that the

system of Government is collapsing. Why would a policeman or policemen rob a bank? Why would they go to the airport and steal Kshs116 million? That shows that the Government, as an institution, is dismantled and is a case of bad governance. Policemen are engaging in crimes because they have no confidence in this Government. You are not paying them well, so, they have no confidence in you.

Kenyans have no confidence in this Government, and more so, now the international community--- I want to say this, knowing that the Minister for Finance recently was in Washington. The problem that he had in Washington is that nobody trusts this Government. Whatever you say, they do not trust you. Having lost the confidence of the international community and of the Kenyan people, it is time to go.

An. hon. Member: Go! Go! Go!

Mr. Orengo: Mr. Speaker, Sir, even on a very simple Constitutional requirement of appointing a Vice-President, this Government has failed, showing that the President has no confidence in any one of the Ministers. That is a vote of no confidence against him.

(Applause)

Are we going to wait for another year of bad governance to take this country down the drain? The answer is "no". Are we going to allow this Government another one year so that the domestic debt rises every year? Today, it is Kshs165 billion and by the end of another two months, it will be Kshs170 billion. The answer is "no." Are we going to allow this Government to continue grabbing forests, lands and Government property? The answer is "no."

Hon. Members: Sajjad! Sajjad!

Mr. Orengo: In conclusion, Mr. Speaker, Sir, I would like to say this: Disraeli, who was the Prime Minister of Great Britain in the last century, said this about another great Prime Minister, Gladstone. Disraeli said that if Gladstone dropped in the river Thames and drowned, that would be a disaster, but if he dropped and survived, that would be a calamity. If we give this country another one year of this Government, it will be a disaster. If we take it out now, we are giving the people of this country the promise of the future. Let it not be said that the African people are not ready for democracy. Dictators come in every country, whether they are white, black or yellow. Milosevics is not a black man. There are some people who are trying to say that the African is still not ready for democracy. It is Africans who have produced a Mandela. This Government should aim to emulate Mandela. It should not try to emulate Hitler or Milosevics, by saying that Africa is not ready for democracy. If you are not ready to give this country democracy, the Opposition is ready to give it democracy.

(Applause)

Mr. Speaker, Sir, I want to plead with the Ministers in this Government. There was a time when any Minister who was in charge of a Ministry had responsibilities or, duties and was accountable only to this House and the Cabinet. But right now, I can assure you that a lot of these Ministers do not know what is going on in their own Ministries. In fact, one Minister told me that at one time he was chairing a meeting and he thought he was in control. A phone call came in and the deputy secretary was asked to go and attend it. When the deputy secretary came back, he told the Minister that: "I have been told from "above" that all that you are doing here is good for nothing". So, instead of the President using the political leaders who were chosen by the people--- The Ministers in this Government are lame ducks. They have no power and authority. The good thing about them is when there is a vote of this nature.

So, I ask you, for your own self-respect, take this Government out and you will come back in a new dispensation that will give Kenya the Government it deserves.

With those few remark, Mr. Speaker, Sir, I beg to move.

(Applause)

Mr. Murungi: Thank you, Mr. Speaker, Sir. I rise to second this very important Motion. I am seconding the Motion on behalf of the Democratic Party of Kenya (DP), which lost confidence in this Government a long time ago.

(Applause)

From the beginning, I would like you to allow me to say 'bye bye' to the Cabinet Ministers who sit on the other side of the House, because this might be the last day that you are seeing them sitting in this House. There has been fear in this country with some people saying that if this Motion succeeds, there will be a political vacuum in the country. I would like to assure Kenyans that there is no political vacuum which is going to arise, because, as you know, there is a shadow cabinet in this country, and we are ready to govern the country from tomorrow.

We have not brought this Motion before this House out of malice, but it has been brought before this House so as to save this country from total economic collapse. Kenyans have lost confidence in the KANU Government because it has failed to perform the basic function of any Government in the world. The basic function of any Government is protection of life and property of the people.

The Assistant Minister for Transport and Communications (Mr. Sankori): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! What is your point of order, Mr. Sankori?

Mr. Sankori: Mr. Speaker, Sir, my point of order is that hon. Murungi is saying that this Government cannot protect the property of wananchi, while the same people, including hon. Orengo, went to burn the property of wananchi in Karura Forest!

Mr. Speaker: Order! Order! Mr. Sankori, you must distinguish between a point of order and a point of argument. Take note of that and attempt to catch my eye, and then you will tell him so. Hon. Members, I prefer that when you rise, you should do so on what is a point of order under Standing Order No.69.

Proceed, Mr. Murungi! That was a point of argument.

Mr. Murungi: Thank you, Mr. Speaker, Sir. This is exactly what we are saying about the KANU Government. It is shocking that hon. Members of Parliament who have been here for two or three terms do not know what a point of order is!

(Applause)

The country is facing its worst economic crisis since the colonial days in 1950. This crisis has been brought about by the incompetence and inability of the KANU Government to rule this country. The KANU Government has become like an old castrated bull. We are still trying to prod it and take it to the heifer. Even if we give it 100 heifers, this bull will never "perform."

(Mr. Sankori stood up in his place)

Mr. Speaker: Order! Order! What is it, Mr. Sankori?

The Assistant Minister for Transport and Communications (Mr. Sankori): On a point of order, Mr. Speaker, Sir. Is it in order for hon. Murungi to say that we are castrated bulls?

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! What did you say, Mr. Sankori? I did not hear what you said.

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, is it in order for---

(There were jeers and shouts)

Mr. Speaker: Order! Order, hon. Members! Hon. Members, I am entitled to hear hon. Sankori's point of order. What is it that you are saying, Mr. Sankori?

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, I do not know whether you heard hon. Murungi comparing us with castrated bulls. Is he in order to compare us with castrated bulls?

(Laughter)

Mr. Speaker: Order! Order! As hon. Members could see, I was consulting with an hon. Member here; so I did not hear that. Hon. Murungi, did you actually say that?

Hon. Members: Let him withdraw!

Mr. Murungi: Mr. Speaker, Sir, I beg to proceed. The KANU Government has turned this beautiful country---

Mr. Speaker: Mr. Murungi, did you say that?

Mr. Murungi: No, Mr. Speaker, Sir.

Hon. Members: He is lying!

(Loud consultations)

Mr. Speaker: Order! Order, on a serious note now! May the hon. Members take the Chair seriously. If you are asked a question by Mr. Speaker, reply to it. Secondly, to avoid these unnecessary interruptions, I said from the very beginning that the debate shall be conducted under the Standing Orders. So, all of you should avoid anything that is outside the Standing Orders. Mr. Murungi, did you say that or not?

Mr. Murungi: Mr. Speaker, Sir, what I said was that the KANU Government has become like an old castrated bull. I did not say "they are" but I said "they are like."

(Applause)

So, like an old castrated bull, the KANU Government cannot perform. It has turned a beautiful country into a backward, primitive and miserable society. The people of Kenya have really suffered under this Government. If the people of Kenya were not that good, many of the people you are seeing here would have died through firing squads, revolutions or military coups. But because we are so civilised, we have given the KANU Government all the time. We are giving it a peaceful exit through this Motion.

We want the Government to get out because it has lost all credibility. It has become an embarrassment to Kenyans. Even those of us who travel abroad do not like to say: "We come from Kenya" because of this Government. This is a Government which cannot keep its promise. Last year, it lied to the teachers that it was going to increase their salary, but it has now sent the police to occupy the Kenya National Union of Teachers headquarters (KNUT). According to the law of bankruptcy, if you cannot pay Kshs.20 in the pound, you are declared bankrupt. The KANU Government cannot pay Kshs20 in the pound. So, it should be wound up, and that is why we have brought this Motion before this House. The KANU Government also lied to the World Bank and the International Monetary Fund (IMF) that it was going to reduce the number of civil servants by 66,000 officers, but so far it has reduced it by 22,000 officers. It has cheated that it has reduced the number of civil servants by 66,000. This Government has become highly insensitive and incompetent. Over 50 per cent of all the employable youth in the country cannot find employment. The KANU Government has run out of ideas. The only thing it thinks about is Harambee. How many jobs did the National Youth Harambee, which was presided over by the President last year, create? The youth of this country do not have hope with this tired, incompetent and old "bull". Everything in this country is totally on the verge of collapse. This is so whether you talk about the agricultural sector, the tourism industry, education, roads, security and Police Force. The KANU Government cannot scores per cent out of 100 marks. This Government is at an advanced stage of decay and decomposition. The only thing which is left is for us to bury it. This Motion is one of the steps we have taken to bury this stinking Government.

Mr. Speaker: Mr. Murungi, I warn you to desist from using abusive language in this House.

Mr. Murungi: Mr. Speaker, Sir, I beg to apologise. Before I sit down I would like to lay one fear to rest. There are people who have been moving around Members of Parliament, intimidating there and trying to cheat them. There are rumours which I do not want to get into, about what has happened, but they tend to say that if this Motion succeeds, we must go back for elections. Section 59(3) of the Constitution is very clear. If the Motion succeeds, it requires the President to resign. So, if the President resigns, we are only going to have Presidential elections. We are not going to have Parliamentary elections.

With those few remarks, I beg to support.

Mr. Speaker: Order! Order, hon. Members! I think I did make a communication from the Chair, reproducing it as it were, Section 59(3) of the Constitution, the way it is. I do not want any Member to deliberate on what the Chair has read out of the Constitution. You must abide truthfully to the wording of the law.

(Question proposed)

Mr. Speaker: Order, Mr. Sajjad! I expect absolute order in this House, Mr. Sajjad.

Mr. Murungi: On a point of order, Mr. Speaker, Sir. I stand to make a certain clarification; that as a

matter of fact, under Section 59(3) of the Constitution, if the President resigns after this Motion, Parliament will be not dissolved and there will be no Parliamentary elections; we shall only have Presidential elections. So, all the other two options apply only if the President does not resign.

Mr. Speaker: Mr. Murungi, now you are right. Before, you were misleading us. The explanation is now right.

The Minister for Agriculture (Mr. Mudavadi): Thank you, Mr. Speaker, Sir.

I would just like to state from the very outset that the Motion before this House, indeed, deserves to be treated very seriously irrespective of who may have brought it to the Floor of this House. This Motion is one that is challenging the authority and legitimacy of this Government, and it is in the interests of this Government that it be dispensed with and dealt with at the earliest opportunity possible. Therefore, it is important that we give it the necessary treatment. However, I think it is also important to stress at the very outset that the discussion here is a vote of no confidence in the Government. There is no substantive Motion on any particular Member of this House. It is, therefore, important that in our deliberations, we acknowledge the fact that we want to have substance deliberated on and not to go for personality issues. This is absolutely important; it is not a Motion about me or hon. Orenge as an individual. It is a Motion about the Government. I think it is important that in our discussions, we maintain the civility that this House requires.

I would also want to recognise that this Government respects the rule of law. It has not shied away from ensuring that this Motion is given the necessary importance. The House is going to sit for more than four-and-half hours so that we can deliberate on these issues and thrash them out as Kenyans. It is also important to acknowledge that the Opposition has the right, from time to time, to test the opinion of the House in the Government. This is partly in order. However, let me also say that it is quite clear that this Motion would have had more legitimacy, and would have been strengthened, had it been moved by the Official Leader of the Opposition. What has happened here is that the hon. Orenge, who is a very good friend of mine; a very articulate Member of Parliament, has very cunningly upstaged the Leader of the Opposition. He has very cunningly circumvented his own party. He is neither the leader of his party nor the Leader of the Official Opposition. Nevertheless, the House appreciates that he is a substantive Member and so we have to deliberate on his Motion.

I also want to put it on record here and now that the tempo and anxiety this Motion has caused, and the issues that we now seem to be coming with, to me, amount to an anti-climax. It may be too early to say, but I think this Motion is appearing as an anti-climax. I may be proved wrong. It is important for us to ask ourselves, for instance: What would happen if this Motion were to miraculously go through? We have heard the legal arguments. But those are arguments based on the fact that everybody will be rational and follow the rule of law. Is that really the reality in practice? I am not threatening; I am stating a matter of fact. We must be able to give this Motion deeper thought than we are giving it now. The consequences can be grave. Equally, we must ask ourselves - these are begging questions that I would like to throw on the Floor of this House - what legacy does this Eighth Parliament want to leave for this country?

We are talking of it as if it is a simple matter. But, ladies and gentlemen, this Parliament is one that must help in carrying this country through the transition, from one country to another. It should not be a Parliament that will go on record as having precipitated a national crisis. Ask yourself: Which side do you want to be in?

Equally, we want to ask ourselves: Do we want to say that this Parliament should embark deliberately on an avenue of self-destruction, and yet Kenyans have a lot of expectations in it? If it has got to make a difference, I would strongly support that this Parliament undertakes a number of issues. First of all, let this Parliament deal with the crucial issue of deliberating on the Constitutional Review Bill that is coming forth in this House. We have laboured for so long deliberating, first of all, on the Bomas One, Bomas Two then Safari Park One, Two, Three and Four, trying to get some consensus on the issue of the way forward as far as constitutional review and reform is concerned. But, as we stand here, if this Parliament decides to wind itself up, then the so-called constitutional review process that we have been looking for will be null and void.

Mr. Speaker, Sir, on a lighter note, it is important that I remind the Members here that, not too long ago, this House changed some regulations and it stated that, for a Member of Parliament to qualify for pension, he has to serve for two consecutive terms of five years each. I think it would be important that the House also takes into account and put it on record, that there are, indeed, certain amendments. So, when you go into the Division, reflect on it because politics---

Mr. Maoka: On a point of order, Mr. Speaker, Sir. I think it will be important if you could guide the Members who are contributing to this Debate. There are very important points that the Minister has raised throughout, but the issue of terms and pensions should be, actually, unethical for Members to be considering about.

The Minister for Agriculture (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. I think the hon. Member

heard me, I said "just on a lighter note". I am entitled to make one or two light remarks if it is absolutely necessary to add some spice to this debate. I am sure many of you might do that, or will be doing that.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Minister to insinuate that they will be able to pay our pensions when we know that they cannot pay salaries that are due to the teachers?

Mr. Speaker: Order! Order, I am sorry, but I think in ordinary circumstances, I would have declared your point of order vexations. This being a very momentous Motion, I do not intend to deny any side a likely vote, but watch out; you are out of order!

The Minister for Agriculture (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. The other fundamental issue I wanted to raise is that the issue of investor confidence, both local and foreign, is extremely dependent on the politics of that country. It is extremely dependent on the way that the Parliamentarians and the political leadership, from top to bottom, will be articulating and dealing with particular issues.

Some other important issue which needs to be put on record - I want to repeat this - is that we want to entrench democracy in this country. We want to entrench ideals that will support and propagate a Kenya that we can all be proud of. We can do that if we commit ourselves and stay here for the time that we are elected to be here and, thereafter, seek fresh mandate from the electorate.

We also must remember that we are in a situation where we are dealing with transitional politics. Hon. Members, this is particularly critical. We are dealing with transitional politics, and it is extremely dangerous if we rock the boat or the country in a situation where we would like to have a very legitimate, peaceful and popular transition from one leadership to another.

The kind of activities that we want to engage in by curtailing the life of this Parliament will be a negation of that very principle. We are now putting this country in jeopardy. We are now making it extremely difficult for the jobs that we want for our young people to be created. We are also making it extremely difficult for any local businessman to make an investment decision. This is a fact; whether you are destroying property in one part of the country or scaring off international investors. There are very many prominent businessmen here, the likes of hon. Michuki and hon. Njenga Karume, and they can tell you that the politics that we have conducted for the last eight years, have not been productive for their businesses at all. It is, therefore, imperative that we change our style and start addressing issues in a serious manner. If the Government has to be censured, yes, nobody says it is perfect, let it be censured, but let us make sure that in the process of trying to deal with a headache, you do not cut off the head. That is not the process.

We have to be very clear that we are providing the right systems and mechanisms in place to ensure that there is proper and systematic reforms, but not the kind of things that we want to engage in.

Mr. Speaker, Sir, with these remarks, I beg very clearly to oppose this Motion.

Mr. Kibaki: Mr. Speaker, Sir, in support of this Motion, I have the following few remarks to make. First, it is important that we establish the facts, namely; we did not get into the present crisis, economic and political, by accident. It is, in fact, the Government in power that has reduced this nation to the level of poverty and misery that we are in. There is no way any Member of Parliament, whether from KANU or the Opposition, will go to his village and say, "There is security, there is hope, and you should have hope" He will be lying, and his villagers will laugh at him. Therefore, deep in our hearts, we all know that the whole world has lost faith in the Government of Kenya for the reasons: First and foremost, the nation of Kenya has witnessed a Government in power which embezzles the taxpayers' money. A Government in power which robs the taxpayers' money and shares it among themselves, cannot have the faith of Kenyans, foreigners or any other investors. There are no two ways about it. Let us not pretend; that is the reality, and it is where the source of the problem comes from.

The economic crisis that we are in now originated from where? Every Member here knows, and it was repeated at the Mbagathi Economic Forum, that the whole issue started when the Government of this Republic printed excessive currency in 1991/92. The excessive currency printed by this Government is what destabilised the economy, and the activities of the Government found it impossible to recover the right balance. Even today, we have not.

Secondly, the over-borrowing by this Government, where they have now borrowed Kshs160 billion and other monies from abroad, is what has destabilised the economy of this nation. We know that for us to be asked to trust that these same persons are capable of thinking fresh thoughts, it is stretching the matter too much. We cannot. If somebody has committed a mistake and he persists in that mistake, there is no point hoping that tomorrow, he will behave differently.

The destruction of the roads of this nations; the fact - and we must go by facts - that hospitals in this nation have no medicines--- Money voted by Parliament is being used by the relevant Ministries. Today, the relevant Ministries in charge of roads and medicines are not spending the money on proper repair of roads or buying medicines. Therefore, how can we have hope? There is no hope. In our various companies that we

manage, if the manager has failed; lets down the company, and the company goes bankrupt, the manager is the first person to be sacked. The management of this nation must sack the manager!

Mr. Speaker, Sir, we are being told that we have a legacy. People should not misuse English. How can you have a legacy of destroyed roads, lack of hospitals, deaths and many other negative things? What legacy are you going to leave behind? There is no legacy. You surely have no legacy to leave to this nation. History will be written of a period of a Government which robbed the nation, and raped all the forests of this nation. A Government which allows and authorizes the destruction of Karura Forest, Mt. Elgon, Mt. Kenya, Ngong and Mau Narok Forests, and all other forests. That is not a Government. Truly, it is not a Government and, therefore, what we are saying is that, they should have mercy upon themselves by going home. Maybe, they have no home to go to.

(Loud consultations)

Mr. Speaker, Sir, we are really saying something very obvious; if this nation has to have a new beginning, it must have a new Government. There are no two ways about it. We have talked [Mr. Kibaki] about security. It is written in all constitutions that the first responsibility of any proper Government is to provide security to its citizens. Today, there is no security in any place in Kenya, and yet we have a Government.

The Minister for Health (Mr. Kalweo): The Government has provided security in every region.

Mr. Kibaki: The Government is not doing its duty, and all we are saying is what every hon. Member knows. This hon. Member for Nyambene, I am telling you, his place has no security whatsoever, and he should be ashamed to even talk of security here.

(Laughter)

Mr. Speaker, Sir, I am telling you that anywhere we are; wherever we live---

(Mr. Kalweo stood up in his place)

Mr. Speaker: Order! Order! Mr. Kalweo, what is it?

Mr. Minister for Health (Mr. Kalweo): Mr. Speaker, Sir, is it in order for hon. Kibaki, who is a very old Member here and who collapsed in his political career, to point at me as if there is no security in my place? There is enough security and I have never quarrelled about it in this House.

(Loud consultations)

Mr. Speaker: Order! Order! I find nothing objectionable to what hon. Kibaki has said. He has just said that there is no security in your area. It may be right, or it may be wrong. If you catch my eye, you will tell him he is wrong.

Mr. Kibaki: Mr. Speaker, Sir, I honestly ask you to forgive them because they do not know that denying a fact does not change it. The reality is that in that particular region of the Republic of Kenya, there has been continuous fighting engineered by well known persons; I do not want to name them. In fact, I know that even in that village I was referring to, 6,000 livestock were stolen and no one pursued them in order to find out where they were going. These are facts; they will not change even if they are denied 1,000 times. One of the failures of this Government is that every fact produced must be denied. It does not go away just because you have denied it. A reality is a reality. For this nation to come back to a position where it can be trusted, we must change. The reason why we are saying that people have no faith in this nation, and that this Parliament must reflect the opinions of Kenyans, is because of the experience we have gone through, and that experience originates from the Government. Our present problems, which the Government, Kenyans and the international community acknowledge, did not come by accident. They were engineered by the actions of the present Government and that is why it must take the responsibility; this cannot be denied.

Finally, let me say this; in the field of security the Government has not agreed that the Police Force has been infiltrated by rogues; by people who are using the actual force to rob every bank and every village, every other day, and the Government has failed to take any action to put these matters right. Therefore, a Government which cannot sustain the security of an individual citizen must actually resign and go home.

Now that the Government is trying to cheat this Republic that they will be able to supervise the

examinations of the children of Kenya, it is a disaster. You cannot supervise examinations of the students of this country using the police and beating up the teachers. It is not possible, but, yet, if you listen to KBC, we are being cheated that it will be possible to hold examinations. That is swindling Kenyans and the young children of this Republic. If this Government had any shame, it would actually go willingly because you cannot possibly cheat the little children that they will be---

Mr. Speaker: Mr. Kibaki, I will not allow you to use that word in this House.

Mr. Kibaki: Which word?

Mr. Speaker: You do not use that word here.

Mr. Kibaki: Mr. Speaker, Sir, I withdraw the word "cheat" and replace it with "swindle". You cannot swindle the children of this Republic by telling them that there will be an examination that they will actually be able to do because it is not going to be possible.

Finally, I know that this nation is a strong nation because it has survived so long, despite the stealing of all the resources that it had. But for this nation to grow further into the future, it requires entirely a new team. You cannot have people who have been so soiled in the last 10 years that they can no longer be trusted anywhere in the world.

Mr. Speaker, Sir, I beg to support the Motion.

The Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I want to say at the very outset that there has been no cogent argument which has been presented, either by the Mover or the Seconder of this Motion in support of the intent of this Motion. I want to take this opportunity to commend the Leader of the Official Opposition for not bringing this Motion before this House; and even, for that matter, for not seconding it. This is a very clear message that even the Leader [**The Minister for Planning and National Development**]

of Official Opposition knows very well that this Motion is bankrupt and is bound to fail.

Mr. Speaker, Sir, this Motion is just a gimmick. There is no other reason for this Motion other than to seek cheap publicity. The Mover of this Motion dwelt at great length by saying that we have not been able to fulfil our own---

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

Mr. Speaker: Order! Order, Professor!

Mr. Orendo: Mr. Speaker, Sir. I do not want to interrupt the Minister who has no confidence of being appointed Vice-President, but what I wanted to say is this: Is he in order to insinuate improper motive? This is business already before the House. Is he in order to insinuate improper motive?

Mr. Speaker: Order! Order! I must agree with hon. Orendo. A Member has every right to bring a Motion into this House so long as it passes the test and it is approved by Mr. Speaker. And I wish to confirm that under Standing Order No.40, I did, indeed, approve this Motion and it is properly before the House.

The Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, at no time did I question the legality of this Motion. I made it quite clear that there is no cogent argument which has been presented, in my own mind, to support the intent of this Motion. I want to say here that, clearly, in my mind, the purpose of this Motion is a gimmick and the intention is to seek cheap publicity. I shall proceed to show that. The hon. Member went on to quote at very great length about our own manifesto and I want to say here---

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

Mr. Speaker: Order! Order! Mr. Mwenje, are you really on a point of order?

Mr. Mwenje: Yes, I am on a point of order.

Mr. Speaker: What is it?

Mr. Mwenje: Mr. Speaker, Sir, is it in order for the man who caused the collapse of this country, even after you have ordered him to stop imputing bad motives, to continue doing so, even after your ruling?

Mr. Speaker: Order! Hon. Members, may it not appear like we are censoring some Members. Can you proceed.

The Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, thank you so much and I hope my time will be preserved.

I want to say that in 1992, this Government produced its manifesto. We went to the people on the basis of that. We were returned by the Kenyan people. Kenyans reaffirmed their position. The manifesto, which has been cited as not being fulfilled, I want to state, is only nine months old. But even within that period of nine months, how many Bills have been brought here in support of the fulfilment of our own pledges? For example, the Bill on the Energy Sector is in support of that. The Telecommunications Bill is in fulfilment of that. The setting up of the Commission on Education is in fulfilment of that one. The privatisation going on is all in support of that.

Mr. Speaker, Sir, this Government was voted in by the majority Kenyan people. Today, Kenyans are not in a position to go for election. This is because, Kenyans are busy mourning their loved ones. It is only recently that this country had a national tragedy. A bomb was exploded here by terrorists. Many Kenyans lost their loved ones. We have lost many people, and we are not in a position to go for an election. But even much more important, if, indeed, one cares about the welfare of Kenyans, it has been cited, and we do agree, that we have poverty and unemployment. We have stated on a number of occasions that these are the public enemies of this Republic. How are we going to address these two major problems with another election? Another election is going to cost colossal amounts of money. Where is this money going to come from? Even we, hon. Members, do not have the money. What is that going to be? It will be a diversion of resources to carry out an unnecessary election, instead of using that money to provide service to the people.

Mr. Speaker, Sir, at this time, as far as the economy is concerned, the Government is deep into major restructuring of the economy. Some hon. Members of the Opposition have been working with a number of bilateral donors, telling them not to assist us. At this particular time - I am sure the Minister for Finance will say it - we have gone a long way in our discussion with the IMF regarding the resumption of the ESAF Fund. And when that one is resumed, confidence will be restored, more investment will come here and we will grow. If we were to pass this Motion, immediately, the discussion with the IMF will stop.

Mr. Speaker, Sir, tourism is now beginning to recover. If this Motion is passed, no tourists are going to come here. If this Motion is passed, foreign investment, which is beginning to come back, will dry up. We will be seen as an unstable country. Is that the way we are going to create jobs and eradicate poverty? I would like to say, no.

Mr. Speaker, Sir, let me also dwell on another issue which has not been taken into account. I know that the Mover of this Motion has lobbied or is a proponent of the fact that, there must be a constitutional amendment or a constitutional review. Indeed, he took that same strong position in 1997, that we should not go to the election before the review of the Constitution. We have promised Kenyans that the Constitution will be totally reviewed. We have gone through a series of torturous discussions at the Safari Park Hotel, and we have now finalised this. We are now moving to the stage for the Bill to come here, to set up the Constitutional Review Commission. That is what is politically uppermost in the minds of Kenyans. They want a new Constitution worked out. Kenyans will only go to the elections provided we have a new Constitution. Do we, therefore, want to swindle Kenyans at this time? Kenyans deserve their constitutional right to be able to give their reflection and deliberate on what kind of future we want. That can only be done through the medium of a constitutional review which is under way, and has gone a long way. Therefore, this particular Motion is supposed to deny Kenyans, through the back door, the opportunity to set out their vision for the future as far as the 21st Century is concerned. This cannot be allowed at all.

Mr. Speaker, Sir, may I also say that at this particular time, what is important, and you all know it - it is a fact - that for some time, we have been conducting politics of confrontation. This was the problem in the Seventh Parliament, but in this Eighth Parliament, we have been able to work out some kind of dialogue. We have been able to work properly, because we have realised that politics of confrontation do not help anybody. The question, once again, is this: Do we therefore, want again to be on the path of confrontation? How does that help Kenyans? And this is the intention of this Motion.

Mr. Wafula: On a point of order, Mr. Speaker, Sir. Is it in order for hon. Saitoti to contribute to this Motion without declaring his interest, when he is a major culprit of the Goldenberg scandal and he has been taken to court?

Mr. Speaker: Order! Order! Even from the way you are looking at the Chair, you know you are not serious on that point of order. You know you have no point of order, so, you are totally out of order. Proceed.

The Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, let it not be seen that I am also hiding under your cover. The hon. Member knows that the matter is in court. If he has any evidence against me, he should go there. And I am not worried.

Mr. Speaker, Sir, let me come to the security matter. I would like to say that there has been that need for a long time. The time has come now, to explore the means. On the matter of insecurity, I want to---

Mr. Speaker, Sir, I beg to say that this Motion should be rejected in total.

Mr. Speaker: Mr. Raila.

Hon. Members: *Wooi, wooi*, co-operation!

Mr. Raila: Mr. Speaker, Sir, I am very delighted to make a few remarks about this important Motion. As Kenyans, we are proud to be Kenyans. And being a Kenyan implies a duty. Not to fulfil that duty is a crime. In

fact, it is treason. We are proud of our country and the founding fathers of this nation. Our people are faithful to their memories.

Mr. Speaker, Sir, I speak on behalf of the National Development Party of Kenya (NDPK). I would like to state from the outset here, that we are an independent party in this House, and that we have no contractual obligation or understanding with any other political party. It is a fact that any political party that does not have an ambition of winning in an election and forming a government has no business existing. So we therefore, are going to deal with this Motion, purely on the basis of its merits.

Mr. Speaker, Sir, the role of political parties in a multi-party democracy is very important. Political parties are very important institutions. The relationship between political parties should not be characterised by dualism as has existed in our country. That is, to have on one hand, crude expansionist politics that is exercised by the ruling party, and an obstructionist Opposition on this other side of the House. This is not healthy for institutionalisation of multi-party democracy. What we are going through in this country is not unique. It is happening in other African countries. The relationship is characterised by rancour, acrimony, hate and outright hostility. Politics is practised as a high stakes game, that is, the winner takes all where the incumbent uses crude and brutal tactics to try to destroy the loser, and the loser who is also revenge-minded, also tries to prevent the winner from implementing his programme. So, it is important that a harmonious relationship should exist between political parties, so that any political party that wins an election has an opportunity to implement its programme, so that, at the end of the day, it can be judged on its performance. That, "this is what you promised, and this is what you have delivered. You have fallen far short of your promises and, therefore, we are justified to remove you".

Mr. Speaker, Sir, on the other hand, the Opposition should try to hold the Government of the day to account. The Opposition should try to keep the Government to account and that is why this Motion is very important. This is because it gives the people on this side of the House an opportunity to ventilate certain key issues and to tell the Government where they think the Government is falling short, and we are not going to mince words [**Mr. Raila**]

here. It is true that the Government policy of performance in the last few months is wanting in key areas. Some of these areas are, for example, on the creation of environmental conservation and protection. The Government has not fulfilled its promises to the people of Kenya. On the question of land grabbing, this is still, all the time a big issue. On the question of security, this is also a problem which the Mover of the Motion actually referred to. On the question of rehabilitation of the infrastructure, the Government has fallen far short of its promises. As well as the question of corruption; that is, dealing with the cancer of corruption, the Government has not shown seriousness in tackling this issue of corruption.

Mr. Speaker, Sir, however, on the positive side, the Government has moved and has agreed to move towards the area of constitutional reforms, which we consider to be very key to the institutionalisation of multi-party democracy. I want to emphasise this question of reform, because it is important for our way forward. We have just come from a General Election eight months ago and if you look at the observer teams' reports, both local and international, they have agreed on one thing; that, had the playing field been level, the result of those elections would have been different. So, it is important, and I want to give a few examples of Africa, which I think are relevant to us here.

Mr. Speaker, Sir, in countries where the changes were not preceded by comprehensive reforms, they have never made any progress beyond the elections. In Zambia, for example, where the MMD was a cocktail of various political parties, as we are being told; that the Opposition unites to remove KANU from power, they united, and "the hour has come", was the crying call; that is, Kaunda must go with UNIP; they elected MMD and Chiluba. Five years down the road, they never carried out any reforms to the extent that, they even went ahead to use the same laws to suppress Kaunda and UNIP, and they even went and declared that Kaunda is not a Zambian. So, the struggle has not been about the change of guard at the State House. The struggle has been about fundamental changes in this country. You can remove the President from the State House and replace him with a much more dictatorial President than the existing President.

Mr. Speaker, Sir, in Madagascar, there was the same crying call; so, in the euphoria, Ratsiraka was removed from power. Five years down the road, Ratsiraka was elected by a majority of votes because the opposition that took over was not prepared for those changes. The same thing happened in Benin, where Matthew Kerekou is now back as the President, having won a democratic election because there were no fundamental changes upfront. The only positive example that can be quoted is to be found in the Republic of South Africa. Why? Because in South Africa, they agreed on fundamental changes upfront. They came up with a transitional executive council to assist those changes and thereafter, a Government of national unity then implemented those changes, and they have come out with a democratic transition and now they have a foundation for multi-party

democracy in South Africa. So, it is important that we should address this.

Mr. Speaker, Sir, the powers that are being exercised by the Presidency are too many. No one was born a dictator. Kenyatta was not a dictator. He was a freedom fighter, but when Kenyatta came out and inherited those immense powers, he became a dictator to the extent that, he could challenge Kaggia and tell Kaggia that: "Kaggia, what have you acquired? We were in detention with you. You are a pauper and you have acquired nothing"; to the extent that he could turn to the people who fought for his release and refer to them as "*Vinyangarika na tutawapondaponda kama unga*". So, it was something to do with the powers, and when Moi took over, he inherited and followed the *nyayos* of Kenyatta. That is why I want to plead with some Members of the House that we, here in this country, are today called to a statutory charge because we are now holding the destiny of this country in our hands. The entire world is looking at the Members of this House today, and also, the continent of Africa is also looking at us. This is because we must remember that Kenya is seen as a leading example. Are we going to manage our transition politics in a way that can be emulated by other African countries? Other people are looking forward.

Mr. Speaker, Sir, in places like Cameroon, people have lost hope. People are saying that, maybe, a multi-party system cannot work. Maybe, the single-party system is the answer. I am an optimist. I think that this is going to succeed but we, as Kenyans, must stop looking elsewhere. We must look at ourselves and let us come together. Let us agree to co-operate. My party is co-operating. My party is standing at an equi-distance. My party has co-operation with the DP, FORD-K, SDP and also with KANU, and what we are saying is that if KANU fails to deliver, we will be entitled to remove them from power.

Mr. Gatabaki: On a point of order, Mr. Speaker. Is it not misleading for hon. Raila Odinga to say that his party is co-operating with my party, the SDP, when we are not co-operating with a party that co-operates with this disaster?

Mr. Raila: Mr. Speaker, Sir, it is unfortunate that the hon. Member, two years down the road, has still not understood what multi-party politics means.

Mr. Speaker, Sir, with these words, I oppose.

Hon. Members: Which way now?

Mr. Speaker: Dr. Godana.

The Minister for Foreign Affairs (Dr. Godana): Mr. Speaker, Sir, I stand to oppose and oppose, very strongly, this very important but most unfortunate Motion. I say it is a very important Motion because this is a Motion under the Constitution of the Republic of Kenya, and I think any Motion under the Constitution, or any subject before this House which pertains to the Constitution, must be treated with respect and awe; with the importance that it deserves. It is unfortunate, on the other hand, because throughout the common law world where we have the Westminster mode of parliamentary system such as our own, there is a general conventional practice that the very core of a No Confidence Motion is usually driven by the Official Opposition Party.

Mr. Speaker: Order! Order! There is an extraordinary meeting going on at that corner. Mr. Shidie, can you whip those hon. Members to sit down?

Proceed, hon. Minister!

The Minister for Foreign Affairs (Dr. Godana): Thank you, Mr. Speaker, Sir. I was saying, throughout the common law world, where we have a parliamentary system like ours, there is a general conventional practice that the vehicle of a No confidence Motion in Government is driven by the Official Opposition Party. The Motion before this House has been moved by a private Member of a small parliamentary party against the express instructions of his own party. I think it is definitely a plus for the individual Member who has managed to manoeuvre himself into this somewhat enviousness. But I think it is really telling that the party which has been given the mandate, by virtue of being elected the second most important party in the House, has miserably failed to discharge its constitutional responsibility as the official watchdog in Parliament. We hope the lesson is clear.

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

Mr. Speaker: What is it, Mr. Nderitu?

Mr. Nderitu: Mr. Speaker, Sir, could you give us direction as to whether we are wrong to discuss this Motion or not? Why is the hon. Member on the Floor insinuating that the Leader of the Official Opposition could not deliver this Motion to this House? Every hon. Member has an opportunity. We are not like them who cannot think on their own.

Mr. Speaker: Order! Order! That is what you are failing to get. In my ruling on 10th, June, 1998, I did say that the practice in Commonwealth Parliaments is that a Motion of No Confidence in the Government is normally demanded by the Leader of the Official Opposition. I also said on that day that, that does not preclude any other hon. Member from bringing the same Motion to this House. It is in that vein that, indeed, Mr. Orengo's

Motion was approved by the Chair. So, can we proceed on that understanding?

The Minister for Foreign Affairs (Dr. Godana): Mr. Speaker, Sir, I am very much within my rights to criticise the Official Opposition Party for failing to discharge the responsibility Kenyans expected it to discharge as the Official Opposition Party.

Be that as it may, we have noted that from the contributions of the Mover, the Seconder and one other hon. Member who has spoken--

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

Mr. Speaker: Order! What is it, Mr. Munyasia?

The Minister for Foreign Affairs (Dr. Godana): Mr. Speaker, Sir, my time is running out.

Mr. Speaker: Order! It is also unfair for you to invite points of order. What is it, Mr. Munyasia?

Mr. Munyasia: Mr. Speaker, Sir, as a FORD (K) hon. Member of this Parliament, I rise to object to the use of the word "small" in reference to my party, the party to which hon. James Orengo belongs. Is the hon. Minister in order to belittle a party that has 18 hon. Members in this House as "small and insignificant"? Should he not be asked to withdraw that remark?

(Loud consultations)

Mr. Speaker: Order! Order! Dr. Godana, please, I have no idea how big or small a party can be. So, please, could you enlighten us?

The Minister for Foreign Affairs (Dr. Godana): Mr. Speaker, Sir, I withdraw the word "small" and call it a parliamentary party.

Mr. Speaker, Sir, it is clear that those who have supported this Motion have sought to base their case on their perceived failures of the Government in the economic management of this country, and on the questions of law and order.

An. hon. Member: And corruption!

The Minister for Foreign Affairs (Dr. Godana): Yes, corruption; I will come to that.

Firstly, on the question the economy, it is really ironic that since 1990, they have made it their religious duty to campaign internationally and locally against the flow of aid to this country; to campaign to development partners to cut back aid, and to would-be investors, to frighten them away. These people are, therefore, to a large measure, responsible for the economic situation in which we are. They should not be the ones now turning around to accuse us of having mismanaged the economy. In any case, the Government has responded in a very bold fashion after the last general election through the Budget that was adopted only four months ago by this House in a rare bi-partisan manner. It has put in place severe, or rather austere budgetary measures to re-adjust the economy. There are clear signs that the measures towards those adjustments are beginning to bear fruits. What we are doing is bound to have negative consequences again. The internal debt and rates of interest have begun to come down, however marginally. There are clear indicators that the tourism industry is picking up. Above all, the scores of foreign businessmen looking for investment in this region, who have either arrived, or are already queuing up, by formally informing us of their wish to visit this country in the next few months attest to this.

Mr. Speaker, Sir, I know the bogey of corruption has become a popular placard which has to be waved against the Government. Corruption is a menace to our society as it is to many others. But we cannot, by virtue of just being in the Opposition, claim the moral high ground of pointing accusing fingers. Corruption in this country did not start today. Many of the vocal voices that are criticising the Government for corruption in this House and outside - and I mean many on the opposite Benches are people who have made their colossal wealth through corruption in the 1960s, 1970s and 1980s.

(Applause)

Mr. Speaker, Sir, for once, we need unity of purpose in this House as in the rest of the country to say: "This is a menace, and it does not pay for us to point accusing fingers at each other. Let us deal with it." I do not need to go through the litany of major scandals in those days pre-dating the Goldenberg issue. I do not think we should try to cut back the point of inquiry to the Goldenberg and post-Goldenberg issue, which is the point of return to multipartyism.

Mr. Speaker, Sir, on the question of law and order, I do not wish to repeat sentiments which have been expressed here before, but given that I am a lawyer, I feel that I have to say this. Without doubt, given that we are situated in a region which has sad cases of extreme turmoil, we have turned to be the asylum country in this

region. We have had to cushion up refugees from collapsing governments and civil war-torn countries all around. Naturally, the inflow of refugees, some of whom are criminals, and weapons has complicated the security situation. But without doubt, this country still remains the most peaceful country in terms of law and order in the whole Eastern African region. The evidence of this is reflected in the fact that Nairobi still has the largest concentration of foreign media correspondents. Of any one African country, this city still has the largest concentration of diplomatic missions. Many of the European countries use Nairobi as the base for their activities in many other neighbouring countries, including even some which they have glorified as the champions whom they want us to imitate. They know their people are safer here than in those other countries. So, I am shocked that hon. Murungi had to say that he feels ashamed to identify himself as a Kenyan when he is abroad. He should be proud that he is a Kenyan, and not a citizen of any of those other countries.

(Mr. Murungi stood up in his place)

Mr. Speaker: Mr. Kiraitu, are you standing on a point of order? Order! To the best of my knowledge, there is no breach of order.

The Minister for Foreign Affairs (Dr. Godana): Mr. Speaker, Sir, I want to appeal that, as hon. Members of Parliament, we must never be carried away by emotions in any circumstances. At times like these, it is really disturbing that hon. Members of Parliament, among them lawyers who believe in the sanctity of private property, which is a cardinal principle of this country's constitutional order, should be the ones to claim they are aggrieved and set the example of arson. What examples are you setting for others?

Mr. Speaker, Sir, I would like, therefore, to urge hon. Members to oppose this Motion.

An hon. Member: I hope you are with us!

Mr. Wamalwa: Mr. Speaker, Sir, I do thank you for giving me the opportunity to contribute to this very, very important Motion. As a matter of fact, I believe that since the advent of multipartyism in this country, this is probably the most important Motion or debate that we have had in all that period. A vote of no confidence debate offers the House an opportunity to take a close and hard look at the performance of the Government of the day and what the rest of the country, through their elected representatives, think of that performance. If this Motion had come just before the last general elections, I think everybody in the country would have agreed that the ruling Government today did not deserve to be re-elected. There were so many things going wrong in this country; in fact, all you have to do is take, for example, the plight of the farmer then and today, and you would see that the farmer is, in fact, a slave in this country today. He works so hard to produce food to feed the nation; he has no control over the marketing of that produce that he produces, and he has no control over the pricing of inputs, which puts him at a tremendous loss and most farmers actually work at a loss.

Mr. Speaker, Sir, if you look at a crucial problem like the teachers' problem, in fact, my heart bleeds for the teachers of Kenya. I say so because the teachers and the Government negotiated a legally binding agreement and they expected the Government to honour that agreement. When the Government found that, that contract was frustrated by circumstances beyond their control, the way they went about it was not the right way of trying to come out of a contractual obligation. Statements were made that they would have to renegotiate, apparently before even talking to the teachers themselves, that whatever they had agreed upon could not be fulfilled. I would hate to think that the Government took the teachers for a ride for the sake of the elections. If that were not the case, I would have expected the Government to fire those who negotiated this agreement that the Government found impossible to implement. But that has not happened, and as we speak today, the children of Kenya face the prospects of stagnation for a whole year because the refusal by the teachers to supervise examinations will not only affect those candidates doing national examinations; they will affect every child in this country, because to move from Standard One to Standard Two, you have to do the end of year examinations. Under the current state, the children may not be able to do those examinations and, therefore, may not be promoted.

Mr. Speaker, Sir, on the question of security, I think this is the cardinal responsibility of any Government to protect the lives and property of its citizens. Today, as I speak, in my district of Trans Nzoia, there is constant harassment by cattle rustlers who not only steal cattle, but in the process, also kill Kenya citizens. In Uganda, the World Bank has granted the Uganda Government a loan to buy grade cattle. So, bands of people from across the border invade our country, steal our very good grade cattle to go and sell to the country, and farmers are losing cattle every day on account of this.

There are so many other things that have gone wrong and I think this Government in its heart of heart, knows that there is so much they need to put right. I hope that they welcome this opportunity to see themselves as others see them; that they have or they are guilty of so many sins of omissions and commissions. In my language, we have a saying that, if you are a livestock keeper and the leopard smells your goats and comes and tries to break

the gate through, to grab your goats and fails, you will realise that the leopard has shaken your door. The next day, you go and strengthen that door. I think whatever comments are going to be made here, and whatever the results of this debate, the

Government of the day must take note that the leopard has shaken its door and it must take remedial measures.

Mr. Speaker, Sir, given all those things, I think the re-election of this Government at the last general election was nothing short of a miracle. Those of us in the Opposition will realise that votes of no confidence are a learning process. On behalf of my party, we feel that the preparation for the bringing of this Motion of No Confidence needed a lot more consultation; a lot more discussions, before it was brought to this House. I have just heard from this House today that there is a shadow cabinet in place. If there is one, we are not aware of it in FORD-(K) and I think it would be a mistake to vote out a bad government without preparing thoroughly to bring in a better government. The logical end result of a Vote of No Confidence Motion is to dissolve the House and send every body back to the general elections. If this Government has enough money to spend on a general election to the tune of Kshs5 billion, I would suggest that it had better spend that money paying the teachers instead of sending us back to the elections.

So, Mr. Speaker, Sir, I am agonizing. As a Member of the Opposition, of course, I would love the opportunity to go back to the country, win and form a government. But, at the same time, I think we are ill-prepared for that step right now in the Opposition and because of that, I withhold my support for this Motion.

Thank you.

Mr. Haji: I would like, from the onset, to dismiss this Motion as a baseless Motion because we have more important matters---

Mr. Speaker: Can you use the microphone?

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. On what provisions of the Standing Orders is the hon. Haji purporting to dismiss the Motion?

Mr. Speaker: Order! Proceed.

Mr. Haji: This is because I oppose the Motion, Mr. Speaker, Sir. If there was some genuineness in the Mover of the Motion, he would rather come up with a better Motion which would help all Kenyans. I say this because this Motion is out place---

Mr. Speaker: Why do you not move to the microphone?

Mr. Haji: Maybe, I should come there, Mr. Speaker, Sir.

Mr. Speaker: Order!

Mr. Haji: The Mover of the Motion and those who support it are people who are short-sighted, and no wonder the Mover is wearing glasses because he is also short-sighted.

(Laughter)

Mr. Speaker, Sir, we, the Muslims, do not expect anybody to speak on our behalf. To make matters even worse, we do not expect an infidel to speak on behalf of Muslims in order to benefit from the Motion at hand today.

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. Is it parliamentary language or is it allowed by the Standing Orders of this House to personalise a Member and call him an infidel?

Mr. Speaker: Order! Order! Did you use that word, Mr. Haji?

Mr. Haji: Mr. Speaker, Sir, if I ever said that and there is an infidel here, he should stand up and we see him. As I said---

(Laughter)

Mr. Orengo: On a point of order, Mr. Speaker, Sir. I do not really want to take issue on the use of the word "infidel" because I know where it is coming from. When those pretending to be members of the Muslim community went to see the President, the President told them that I am an infidel. So, I do not want to pursue this issue further.

Mr. Speaker: Order! Order, Mr. Haji! Order, Mr. Orengo! Two things will happen now; first, there will not be a direct interjection between Mr. Haji and Mr. Orengo. Secondly, can we keep religion out of this debate? Now and here, I do not want to hear anything about religion.

Mr. Haji: Mr. Speaker, Sir, I need to be protected so that I can make my point.

Mr. Speaker: Order! Order, Mr. Gitonga! Mr. Haji, did you ever refer to an hon. Member as an "infidel"?

Order, Mr. Haji! Did you mention anything to do with infidels?

Hon. Members: Yes, he did.

Mr. Haji: Mr. Speaker, Sir, I am a Muslim and I have been taught to be truthful. I did say that we do not expect any infidel to speak for us. I did not mention anybody's name. If there is an infidel here, he should stand to be counted and then afterwards, I will apologise.

(Applause)

Mr. Speaker, Sir, the country has better things to discuss than a Motion of such nature. Only the other day we were at Mbagathi where his Excellency the President called all of us to give ideas on how we can improve the economy of this country, including security. People should not over-play with abstract issues for cheap publicity. If there is any Member here who is tired of leading his people, let him be brave enough and go to the Press today and tell them that he is tired and so he will resign.

(Applause)

Mr. Speaker, Sir, the Westminster system, which we have borrowed, has both positive and negative aspects. It has positive aspects in the sense that when it is traced---

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

Hon. Members: Wacha wewe!

Mr. Shidie: Bw. Haji, endelea.

Mr. Haji: Mr. Speaker, Sir, when it is said that the Government of the day should sit on the right hand side of Mr. Speaker---

The Assistant Minister for Water Resources (Mr. Mokku): Mr. Wafula, wait for your time!

Mr. Haji: Mr. Speaker, Sir, in actual fact, it means that sitting on the eastern side of Mr. Speaker, is where the sun rises from. The sun rises from the east, and that is why we are sitting east of Mr. Speaker. We are going to dim the light on the Opposition---

(Applause)

We will dim the light on them. It is because they sit on the west of Mr. Speaker, that they call themselves a "shadow Government". I want to tell them this: They will remain in the shadow forever and ever unless they come out.

(Applause)

Mr. Speaker, Sir, I would have expected that people with wisdom and who claim to be leaders would be in the forefront of leading the way towards how we can come out from the recession being experienced not only in Kenya, but all over the world. This is a global problem affecting even Japan, which is one of the strongest economies in the world.

Hon. Members: Yes, tell them!

Mr. Haji: Mr. Speaker, Sir, in both East and Central Africa, Kenya is an example in leadership, development and many other issues.

(Applause)

We have attained a very high level of development through the wise leadership of the founding father *Mzee* Kenyatta. Then, when President Moi took over, we did redouble our development. You only need to walk in the streets of Nairobi to count the number of highrise buildings and see for yourself. Even some of the hon. Members here know that. While their fathers and forefathers were walking naked, and without shoes, President Moi made them go to the university so that they can come here and argue.

(Applause)

Hon. Member: Toboa!

Mr. Haji: Mr. Speaker, Sir, how can the Mover ever imagine---

(Hon. Members stood up in their places)

Mr. Speaker: Order, Mr. Haji. Mr. Kapten, what is it?

Mr. Kapten: On a point of order Mr. Speaker, Sir. Is it in order for the hon. Member to purposely abuse our parents and say that they used to walk naked?

Mr. Speaker: Order, order! Maybe, I am behind the history of spinning and weaving. I do not think we had a weavery in Kenya until very recently.

Proceed, Mr. Haji.

Mr. Haji: Mr. Speaker, Sir, *Mzee* Moi has provided a solid, sober and pragmatic leadership to this country. It is only somebody who is day-dreaming--- We know of people who dream at night because they have eaten more than they are supposed to eat, but we are now seeing day-dreamers, and they are here. How can the Mover of this Motion day-dream that he can remove KANU from power?

Mr. Speaker, Sir, somebody in this House referred to us as 'castrated bulls'. I want to say this: Sometimes, democracy is wrong because it tends to make all men equal while all men are not equal---

(Laughter)

If there are people who have been castrated, they are these Members on the other side. We did castrate them in 1992 during the General Elections, and again in the last election, and we shall castrate them even today.

(Applause)

Mr. Mwiraria: On a point of order, Mr. Speaker, Sir. Is it really in order for hon. Haji to say that they castrated us in 1992 and again in 1997? Are we castrated?

Mr. Speaker: Order! Order, Haji! Your time is up. I think from the very early beginning, I had asked Mr. Murungi to leave out this idea of bulls. I told him to keep it out of the House. I honestly urge all of you not to equate Members with animals of any description. So, can we keep the bulls out of this place?

Mr. Haji: Mr. Speaker, Sir, let me continue---

Mr. Speaker: No, your time is up.

Mr. Anyona: Mr. Speaker, Sir, we are debating a Motion of No Confidence in the Government of Kenya. In the history of independent Kenya, there has been one such other Motion before. I would like to share with the House, and also send that kind of message across to our people using the words of one of the celebrated founders of this Parliament and this nation. In 1964, there was a Motion of No Confidence in the Government at that time.

In 1964, there was a vote of no confidence on the Government at that time. One of those celebrated architects of Independent Kenya had these words to say, and I quote from the HANSARD. He said:-

"Mr. Speaker, Sir, let me conclude by just actually putting in a few words which, I think, may be a few words of counsel to the hon. gentlemen from the opposite benches. I will repeat that we must all be serious if we are to build the Kenyan nation. We shall, all of us, try not to use these political manoeuvres which will not take us anywhere. We must be able to bring to this House constructive ideas which will help us..."

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to go there and start reading a document instead of contributing?

Mr. Speaker: Order, all of you! Hon. Members are not allowed to read from any documents, but they are allowed to refer to them. So, I hope you are not reading but making references.

Mr. Anyona: Mr. Speaker, Sir, I did explain, given the importance of this Motion, that we would like to share the sentiments of some of the most celebrated founders of this nation. These were words which were said during a Motion of this kind. I did beg the indulgence of the Chair to quote from the HANSARD and there is nothing wrong to quote from the HANSARD. I would like to read the final lines, where he says:

"...we must be able to bring to this House constructive ideas which will help us to go forward and not actually play with the name of the Prime Minister."

Mr. Speaker, Sir, those words were from none other than the late hon. Oginga Odinga. I would like to

say that I am very grateful, and I commend the spirit of both sides of the House when were in a crisis both before the elections and after the elections over the constitutional reform process. It was the unity of purpose of both sides of this House, rising to the occasion demanded by this nation, that we were able to arrest that situation, and we are in a very happy position now of coming to this House soon with a Bill that can put this country on its constitutional path for many years to come.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, I would, therefore, support any Motion that attempts to bring this House closer than to tear it asunder. I would have been very glad this afternoon to support a Motion that seeks to form a Government of national unity in this country. I believe that neither this side nor that side can deal with the issues of this country today. It is a dream like we heard. We can only do it if we are together. Much as we may dislike each other, that is the only way.

I would also like to say that the Motion of no confidence on the Government today is one of the benefits of the struggle for multiparty democracy. I was there before and it was not possible! I came to this House a young man. You could not dare bring a Motion of no confidence in the Government. It would not even reach the office of Mr. Speaker. Therefore, what we are saying is this: This is a constitutional and a democratic device for accountability of the Government to the people of Kenya through Parliament and also for good governance. So, we are asking this Government for accountability and for good governance. All the issues cited by hon. Orengo are absolutely valid! But must we, therefore, take advantage of a democratic device to do mischief? Should we abuse an important democratic tool like this to create further confusion and division in the country? Is that why some of us have lost the better part of our lives in struggling for this process to get here? I would, therefore, say, this Government must expect many more Motions of this kind in future. They should be warned!

Mr. Deputy Speaker, Sir, I would also want to say that we want to lay down correct constitutional and democratic foundations for this nation, and that the correct position as we stand here this afternoon is that this Motion we are debating should have been moved by the Official Opposition. That is why we have an Official Opposition. The Official Opposition cannot abdicate its constitutional responsibility or run away from it and then try to lead from behind!

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. Is it in order, for hon. Anyona to allude to the fact the Democratic Party, which is the Official Opposition party, has abdicated its position in bringing---

Several hon. Members: Yes, he is right!

Mr. Deputy Speaker: Order, hon. Members! You may not like what you hear from another hon. Member, but, please, grant him the right to say it.

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

Mr. N. Nyagah: I have not finished my point of order. Is it in order for hon. Anyona to impute improper motive on the part of our party, that we have given up the responsibility of bringing up this Motion whereas it is the right of every Member of this House to bring a Motion if he so wishes?

Mr. Deputy Speaker: If you have read the Standing Orders correctly, there is nothing to stop him from expressing an opinion. You may not like it, but if you want to bring in a Motion of censure on hon. Anyona, you are quite at liberty to do so.

Mr. Anyona: Mr. Deputy Speaker, Sir, as you very well know, we do not have any provisions in our Constitution or the Standing Orders to do a thing like this. We rely on the conventions of the British Parliament. In this case, this Motion does not even qualify but we are saying we want to be democratic enough to stand this way; that we have a constitutional responsibility!

Mr. Orengo: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Anyona to mislead this House on this very important point? He has talked about a constitutional responsibility without giving that section of the Constitution that vests those powers on the Official Opposition. Is he forgetting, and he has written a paper that there have been previous Motions--- He is misleading the House because I have seen the paper that hon. Anyona wrote, where he gave examples of those who have moved Motions of no confidence and none of them was the Official Leader of the Opposition.

Mr. Deputy Speaker: You will have an opportunity to reply to these Members' contributions. So, if your point of order is that hon. Anyona is out of order, I am ruling that he is in order to make reference to any point because you will have an opportunity to reply.

Mr. Anyona: Mr. Deputy Speaker, Sir, I want to tell him that the vote of no confidence I referred to when I quoted the late hon. Oginga Odinga was moved by the Official Opposition then, which was KADU. They fulfilled their constitutional responsibility. We have a party which is the Official Opposition, which is not even able to galvanize us in the Opposition in the true spirit of the Opposition, so that we can form the next Government. We cannot move a vote of no confidence in the Government and create a constitutional crisis and vacuum because the implications of Section 59 of the Constitution are deeper than I have heard anybody say here this afternoon.

With those remarks, I beg to oppose.

The Minister for Finance (Mr. Nyachae): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute on this Motion. Since the time for an hon. Member to contribute is limited, I will go straight to the points I want to put across. First of all, let us accept that the Motion before us is intended to give us an opportunity to reason together, and we should treat it in that spirit. The first thing we have to accept in this House is that we have to reason together and agree on how to run our country for the benefit of our people.

Mr. Deputy Speaker, Sir, nobody is saying that there are no problems in this country. We have economic, insecurity, and unemployment problems. Nobody denies the existence of these problems, but how can we go about correcting them? We must go back to history and see where we went wrong in the management of public affairs. With regard to the economy, let us not mislead our people that Kenya is among the poorest countries in the world. Internationally, we are not ranked as the poorest country. In fact, we are not ranked among the highly indebted countries (HIC) in the world; Kenya is not in that list. I will refer you to any international document and you will see that Kenya services its debts promptly.

On the domestic debt, Mr. Deputy Speaker, Sir, our colleagues on the other side of the House said that the domestic debt is between Kshs165 billion and Kshs170 billion. We have never accumulated a domestic debt of that magnitude. For example, at the end of June this year, the domestic debt stood at Kshs158.9 billion and that is the highest figure we have ever incurred. However, we have reduced our domestic debt and it is now below Kshs145 billion. We have been able to reduce this debt within three months when we adopted austerity measures in trying to revive our economy. So, this Government has made major progress in reducing the domestic debt.

Mr. Deputy Speaker, Sir, we should not blame each other over these problems in this country. Some hon. Members have stood here to blame this Government. I would like to draw the attention of our colleagues on the other side of the House as to how our economy deteriorated. What happened to the KEN-REN? Which year did KEN-REN collapse? When did the molasses company stall? Was it made to collapse by this Government? Who was the Minister for Finance at that time of the molasses project?

Hon. Members: Kibaki! Kibaki!

The Minister for Finance (Mr. Nyachae): When this Government took over, the Kenya Fibre Company in Nanyuki had already stalled. The Kenya African Synthetic Fibre in Thika collapsed before President Moi took over. The same applies to the Nanyuki Textile Company.

Mr. Deputy Speaker, Sir, there have been a lot of weaknesses in the management of our projects since Independence. So, we must now address ourselves as to the reasons why our projects are collapsing. We should not blame this Government for the economic mess in this country today, as if yesterday, things were not wrong.

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Nyachae to keep on referring to the Governments of Kenyatta and Moi and yet both are KANU Governments?

The Minister for Finance (Mr. Nyachae): Mr. Deputy Speaker, Sir, I am not referring to individual leaderships. All I am saying is that the economic mess in this country did not start with this Government. Some of you were very young when things started going wrong.

I would like to remind hon. Members that even HALAL collapsed before this Government. Who was looking after it? These things have gone wrong all along. So, let us accept and reason together that things have been going wrong in this country since Independence. So, how do we correct them? That is what we need to do.

One hon. Member said that the Civil Service Restructuring Programme has gone haywire. This programme is quite on track. It is being financed by the World Bank. We are moving forward with it. However, we are not going to rush and throw out our civil servants without a proper retirement programme for them. We have to be human.

Mr. Deputy Speaker, Sir, nobody denies that there is an unemployment problem in this country. This problem can only be solved when we have revitalised our economy. This is where we must join hands together. Let us not say that it is this Government whose policies have not attracted investors. Since I deal with investors day in day out, I can say in confidence that the policies of this Government are fully accepted by investors. But

the way we conduct ourselves, as leaders, is what scares them. What causes the insecurity problem in this country? For example, when an hon. Member goes to Uhuru Park and says: "Now that we have finished our meeting, go and loot the shops;" what can investors do when leaders are inciting their supporters to loot shops? These are things that we must avoid under all circumstances.

I respect lawyers because I know that profession. One of my sons is a colleague of this learned gentleman here. I would like to appeal to lawyers in this House to practice the rule of law. Lawyers advocate for the rule of law, but at the same time, they apply the rule of the jungle. Which is which? These are the issues we must sort out.

Mr. Gitonga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to insinuate that when leaders go to Uhuru Park, after the meetings, they incite their supporters to loot shops? Is he in order?

Mr. Deputy Speaker: Order! Hon. Gitonga, you know very well that is not a point of order, but a question.

Proceed, hon. Nyachae.

The Minister for Finance (Mr. Nyachae): Mr. Deputy Speaker, Sir, I have no quarrel with hon. Gitonga, but I would like to refer him to our Library where he will read newspapers and see who has been inciting supporters to loot shops.

Mr. Deputy Speaker, Sir, I would like the hon. Member who said that we have wasted Kshs1.7 billion this year to produce the evidence he has when the Finance Bill is brought before this House. This is because there is no money which has been wasted this year. I would also like to say that the donors are not against Kenya as a country, but they are willing to assist this country.

Mr. Deputy Speaker, Sir, I oppose the Motion.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Anyang'-Nyong'o!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I rise to support the Motion. I would have thought that a Motion like this one should give the Government the opportunity to explain to Kenyans why they should have confidence in it. Indeed, if the other side of this House had done its homework and looked at a Motion that was brought to this House by the late hon. T.J. Mboya, it would have seen that the Front Bench spent more than eight hours justifying to the country why it should be in power. Instead of the other side of the House going Ministry by Ministry, presenting to Kenyans what this Government has done for them, we have seen the Government going on the defensive. It is defending itself against the justified charges of the country not having confidence in this Government. I can only go by facts, as hon. Kibaki said here. The facts are that this Government has published development plans, sessional papers and manifestos. It would have been very good on an occasion like this one for the Government to go through the development plans, and sessional papers and show this country how it has fulfilled these programmes and why the country should have confidence in it.

If I take Sessional Paper No.1 of 1986, which promised accelerated economic growth and, among other things, that Kenya would have enough health facilities, good roads, universal education and piped water in every village by the year 2000, the year 2000 is only two years away, and, yet, if you visited the hospitals today---

The Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, I do hate to interrupt my good friend here, but I am sorry to say that he is misleading this House by saying that Sessional Paper No.1 of 1986 promised that Kenyans would have good roads all over the country and piped water in every village. Sessional Paper No.1 of 1986 does not promise those things.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, what I was saying was that, by promising economic growth, Sessional Paper No.1 of 1986 promised to fulfil the Government's promises. It is the economic growth that implied to make it possible for Kenyans to have those things by the year 2000. Be that as it may, I would be very interested for the Government to say today that it has never said that we shall have piped water and education by the year 2000. Really, this is true.

Indeed, if this Government is saying that it has been looking after this country properly, and, indeed, that in 1992, by acceding to a multiparty system, it was going to govern this country properly, hon. Nyachae will agree with me that in 1992 we had a surplus of Kshs1.05 billion. By 1996/97 Financial Year, the Budget deficit was Kshs22.87 billion. It is in this era of multipartyism that the performance of this Government has even been worse than before. It is not proper to blame the Opposition because, if, indeed, the Government was given the mandate by the people to govern this country, it should have used that mandate to do those things that could bring better

health, education and standard of life to Kenyans. We also know that over the last six or seven years, official waste of public resources has gone up by 300 per cent. This waste has been documented in the Controller Auditor-General's reports through unconstitutional payments, evasion of duty, theft of public funds and stalled projects. These things cannot be blamed on the Opposition. They have to be put at the doorsteps of the Government.

Mr. Deputy Speaker, Sir, Kenyans are now finding it very expensive to live. The cost of living has gone up too high. Indeed, if workers in towns would say that they are better off today than their counterparts in the 1970s or 1960s, then the workers of this country could have confidence in this Government. But it is known that it has become extremely expensive to survive as a Kenyan. It has become extremely expensive to die as a Kenyan. Both death and life have become very expensive. This is because of the kind of system that KANU has put in place in this country since 1963. We are enlightening this on Government the policies it has pursued over the last three decades, under which Kenyans are really suffering.

One of the things that are important for a Government is to have a policy. It must have rules and laws that make it possible for people to predict the future. One of the reasons why we do not have investments in this country is because things are unpredictable. The only area in which investment is going on in this country, and it has gone for a long time, is in real estates. It has gone on to the extent that real estate development has gone up so high that many houses and office space are lying empty today. Landlords and landladies are now finding it unproductive to "uproot" their money out of real estate. That is because of poor policies of this Government. People cannot predict the future. So, the only way one can invest is by putting up a building because you know that in future it will be there. But the returns from that investment have now become negative because too many houses and offices are lying empty in this country.

It is extremely important to realise that it is difficult to get rid of a dictatorship. It is even more difficult to get rid of an authoritarian regime. We have seen it in Togo and Nigeria. People think that by going into constitutional talks and having a new Constitution, they are going to get rid of an authoritarian regime. In Togo, they have had constitution after another, but what happened? So long as the people in charge of that authoritarian regime have Special Branch Officers up to the village level, it will be very difficult for them to superintend a progressive and democratic constitutional reform process. That has happened in Togo and Nigeria. The people of Kenya must realise that the task of getting rid of an authoritarian regime is going to take much more effort than mere constitutional reforms.

One of the reasons why businessmen are reluctant to invest in this country is that we have come to live with, and even tolerate, "briefcase" corruption. A briefcase, in which shillings, pounds and cents are put, is a determinant in us giving business access to businessmen. This has ruined Nigeria and the former Zaire. Indeed, if you look at the official figures of Transparency Internationally we cannot deny it. The hon. Nyachae, when we were in Mombasa, did state that one of the things that we must deal with is corruption. By saying so, he, himself, said that his life was in danger. At every occasion that this Government has had the opportunity of having good people serving in it since the 1960s, it is those good people who have been sacrificed so that the authoritarian regime can exist. We know that Tom Mboya, Ronald Ngala and Robert Ouko went that way and I am afraid if anybody does stick his neck in supporting the formation of a clean Government, he is in danger of going the same way. This is one of the reasons why Kenyans do not have confidence in this Government. Even within its borders, when indeed, somebody comes up with good ideas for change, progress and, indeed, for rescuing this country, that kind of person risks his neck. This is a serious matter that we cannot just debate and pretend it does not exist. One of the reasons why Kenyans are so unable to have voted this Government out of office through the ballot box is because, like in Romania under Ceausescu, a lesson was learnt by this Government that in order to rule people, you must make them poor. A poor man cannot exercise his constitutional rights. Take the money from every pocket and let every Kenyan be a pauper, then you can rule them forever. That is the Ceausescu principle. That Ceausescu principle lives to this very day. It is not a principle practised by the Opposition; it is a principle imposed on poor Kenyans by this authoritarian regime; this dictatorship.

For those very reasons, we are telling Kenyans today that we have no confidence in this Government. Time and time again, when the opportunity has been presented for democratic change, because of impoverishing Kenyans, this Government has exercised this Ceausescu principle and survived in power. I would like to reiterate that one of the most important points to have confidence in a Government is that if you guarantee the principle of life and liberty to every individual that is a citizen. The principle of citizenship has been abused by this Government time and time again. We have known times when people from North Eastern Province have been subjected to hold special identity cards rather than being qualified as Kenyans by bearing the same identity card as everybody.

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

The Minister for Education and Human Resource Development (Mr. Musyoka): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to oppose this Motion in the strongest way possible. First of all, it has been argued very ably by the speakers who took the Floor before me that this, in fact, amounts [**The Minister for Education and Human Resource Development**] to a non-Motion. This Motion brings about a situation of anti-climax. Even if you look at the drafting of the Motion---

(Loud consultations)

Mr. Speaker, Sir, I beg of you that I be given time to say what I want to say. I should, at least, be given the opportunity to say it because there is a lot of very loud consultation going on.

Mr. Deputy Speaker: Order! Order, hon. Members. Hon. Ngure, you must freeze where you are. Please, let the Member on the Floor be heard in silence.

The Minister for Education and Human Resource Development (Mr. Musyoka): Thank you, Mr. Deputy Speaker, Sir. I wanted to raise a preliminary objection to this Motion because even its drafting causes a problem. It simply reads: "Pursuant to Section 59(3) of the Constitution of Kenya, this House resolves and declares that it has no confidence in the Government of Kenya". Even a simple thing as "requiring to the Republic of Kenya" has been left out. It is standard in drafting of Motions of these types. Besides, if one were to look at the fact that this Motion does not disclose a course of action, no wonder that Members in this House feel that were this Motion ever to sail through, it would plunge this country into utter confusion. Therefore, I think that this Motion should be dismissed as a non-Motion because if one were to look at the precedent that hon. George Anyona has referred to--- I would want to refer to, for instance the Motion of confidence brought to this House by one of the respected sons of this land, the late Tom Mboya, in his capacity at that time, as the Minister for Economic Planning. He had to even draft a Motion so ably that, at least, one was able to see a preamble to the Motion. There was the operating paragraph to this Motion that was calling on the Members of this House to be able to have confidence in the Government at that time.

Simply put, as drafted, this Motion leaves a lot to be desired. For that reason, I think it has to do with lack of consultation as alleged to by some of the previous speakers. Therefore, if, for instance, hon. Murungi, Member for Imenti South, feels that the honourable thing to do is for the President of this country to resign, I want him to know that, that cannot happen because this Motion is specifically targeted at the Government and not at the person of the President. Therefore, under Section 59(3), the honourable thing for the President to do---

Mr. Deputy Speaker: Order! Order, hon. Maore! Hon. Kariuki and hon. Maore, you know perfectly well that you are either seated or you are moving out, never standing in the aisle. Please, observe order.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Minister for Education and Human Resource Development in order to mislead this august House by insinuating that if this Motion goes through, the President will not resign when the Constitution is the one that gives the scenario of events that if the President does not dissolve Parliament within three days, on the fourth day, Parliament dissolves itself?

Mr. Deputy Speaker: Order, hon. Ndicho! The Chair gave a very explicit explanation of what that section of the Constitution means in relation to this Motion. So, please, let us not go back to it and flog a dead horse.

Please, proceed.

The Minister for Education and Human Resource Development (Mr. Musyoka): Thank you, Mr. Deputy Speaker, Sir. I think the hon. Member simply wanted to take my time and he has succeeded in doing so. The argument I was putting across is that under the Constitution, the President either resigns or dissolves Parliament. This Motion, as drafted, is targeted at the Government and not at the President. There is no doubt in my mind that the President cannot resign. This is why we are saying the most natural consequence will be to go to the electorate, a matter that has been ably addressed by other people. If you can save me from these unnecessary interruptions, I want to comment on the education---

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister, who was my classmate in Law School, in order to mislead this House on the reading of Section 59(3) of the Constitution, that once a Motion of no confidence in a Government is passed, the President should not resign while, as a matter of fact, the first thing that should happen under that section is for the President to resign? If he does not resign, then---

Mr. Deputy Speaker: Order! Order! Obviously, you learnt it differently, even if you were in the same class. You have gone through this section time and time again. So, let us not flog it. Hon. Minister, that section

says more than what he has said.

The Minister for Education and Human Resource Development (Mr. Musyoka): Thank you, Mr. Deputy Speaker, Sir. I will simply ignore that point of order because you are quite right, and it is in plain writing that the President cannot resign as a result of this badly drafted Motion.

Having said that, I want to comment very briefly on the issues that touch on Education. A lot has been said, ranging from what the Member for Othaya says; that is the swindling of school children. I want to say that there is none of that. Parents and pupils would do well to follow seriously the advice given to this nation by His Excellency the President on the 10th of this month, during the occasion of Moi Day, simply that teachers should go back to class. I hope that a lot of them will be able to do that, especially after this Motion. Some of them have been misled into believing that this Government will fall. I want to confirm that this cannot happen. Tomorrow, we expect our teachers, in fact, to be able to trickle back into classes for the benefit of the children of this country.

I also want to very briefly mention that before the implementation of phase one of their salaries, Kshs28 billion was payable to the teachers in this country. After implementation of phase one, Kshs35.1 billion became payable and, indeed, has already been paid, and is in the pockets of the teachers. The annual increment of 4 per cent per annum was also effected from July this year. This brings the total now to Kshs37.2 billion. Even if we were to do what hon. Wamalwa was suggesting, that we do not pass this Motion and instead be able to pay the Kshs5 billion to the teachers, I want to say that this will not be practicable. I want to agree with him that circumstances have rendered what was agreed in that basic agreement frustration in law, and that the matter is properly where it should be. I am a strong advocate of the supremacy of this Parliament. Parliament was able to give Kshs44 billion as the Vote for the Ministry. We cannot pay what we do not have. I think my hon. shadow colleague can wait for his time since I would not be able to shadow-box.

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Minister to say "the state of the dispute with the teachers now", when he is not re-negotiating with the teachers, and he is not fulfilling the contractual obligations?

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Deputy Speaker, Sir, hon. Wamae has been in this Parliament for some time to be able to distinguish between a point of order and a point of argument. I forgive him.

Mr. Deputy Speaker, Sir, before concluding my remarks, I would like to mention a very urgent business of this country, ably led by His Excellency the President, with regard to the constitutional reforms. I think this is the point that we have been able to have useful discussions at Safari Park and Bomas of Kenya. We are in a position where we hope the drafting Committee will be ready with the Bill for presentation before Parliament, at which time, we shall be able to make even a distinction between civil education and advocacy. This is because the problem that this country has been having is the unfortunate role played by the most opaque of some of the political NGOs. We want to be able to say that Kenyans should be given the opportunity. That is the way forward. Therefore, I think we should take every opportunity to dismiss this Motion with the contempt it deserves. The way forward is not even what SAFINA has put in the papers today, where they are saying that after six months, they will bring yet another vote of no confidence Motion. We shall similarly be able to deal with it.

Mr. Muite: Mr. Deputy Speaker, Sir, no amount of rhetoric in this House is going to eradicate one fact. That fact is this: That this country is in the middle of a deep economic crisis. It is in the middle of poverty and unemployment. We are in the middle of paralysis. When we were invited to Mbagathi the other day, the Government said that it was serious about bridging the expenditure by the Government. I was embarrassed to see the galaxy of vehicles that were driven to Mbagathi by these Ministers. Only a short while earlier, the President himself had told them to return the vehicles. Now, we do not hear anything about that. Were the vehicles returned or not? I can tell you that even the representative of the World Bank, who was invited to Mbagathi, was driving a smaller car than the vehicles which were being driven by these Ministers. I am saying that this Government is a prisoner of the patronage system which it has set up. Corruption is to this Government, what petrol is to a car. This Government cannot move forward without corruption.

So, we are saying that this Government is not in a position to do anything about corruption. This Government is not in a position whatsoever, to do anything about implementing economic reforms that are necessary, if the economy is to recover. We are in a deep crisis. The question is: What can we do to get this country out of that crisis? This Government does not have the capacity to do anything, to get the country out of that economic crisis.

Look at the forests, Mr. Speaker, Sir. Minister after Minister is standing up in this House to condemn some of us for arson. The Minister for Foreign Affairs of this country is a lawyer, and he knows that every law must have a minimum content of morality. The criminals are those who have given out this forest. Those are the criminals!

Mr. Deputy Speaker, Sir, I cannot say that I am not guilty because I have been given money to kill Mr. Speaker, and I say I was carrying out a contract because I was given money by hon. Biwott and, yet, I do not know what to quarrel about with the Speaker. It is an example, Mr. Deputy Speaker, Sir!

The Assistant Minister for Transport and Communications (Mr. Sankori): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Muite, who is a criminal himself--- In actual fact, he---

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Order! Order, hon. Nyanja! Hon. Sankori, you will withdraw those remarks and apologise instantly!

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Deputy Speaker, Sir, I said he is a criminal lawyer!

(Laughter)

Mr. Deputy Speaker: Order! Hon. Sankori, no amount of verbal gymnastics will change what I heard. I heard you call him a criminal. Whether you were allowed to complete the sentence or not, I am talking about what I heard. The Chair heard you clearly to have stated that an hon. Member in this house is a criminal. You either withdraw those words, or face the consequences.

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Deputy Speaker, Sir, I withdraw, but you cut me short before I said a "lawyer".

Mr. Muite: Mr. Deputy Speaker, Sir, what I am saying is that the people who breached the Constitution and the law are those who gave out Karura Forest. The contractor had ten days' notice to remove those machines. The contractor knew that he was assisting in the destruction of Karura Forest. What choice did we have, when we have no courts? The courts have failed to protect our forests. How many times have the courts thrown out applications for forest destruction? How is it that no Minister has stood up here to talk and condemn the illegal private allocation of private land? They are busy protecting the contractor when the contractor has said that he had no quarrel with anybody, and he does not even want to ask for compensation. A receiver of stolen property goes to prison for seven years, when the thief goes to prison for three years. The receiver is worse and, therefore, the contractor is---

Mr. Kajembe: On a point of order, Mr. Deputy Speaker, Sir. Is hon. Muite in order to talk of a criminal act, which was not committed by the Government, and now, defending it in the House?

Mr. Muite: Mr. Deputy Speaker, Sir, people import petrol pretending that they are exporting it and then dump it here. This country today is losing between US\$50 million and US\$60 million every year because of a few politically well-connected people buying petrol, pretending they are exporting it and then selling it here, and putting the money in their pockets. We are on the verge of collapse. The country cannot go on like this. What amazes some of us is that this Government does not have the ability to be engaged through logic or reason. Even the constitutional reforms that they are now claiming credit for, came out of a struggle. It is the blood that was shed in Kamukunji and Uhuru Park. It is the struggle and pressure that finally persuaded them. I am saying this, they did not reason out and they are not able to effect economic recovery in this country.

Mr. Deputy Speaker, Sir, through logic, we will try to persuade them to agree to a Government of national unity so that, some of the excess baggage could be got rid off and we get a few good people. They have a few good people on that side, and we also have good people on this side. We should combine efforts and clean up the mess in this country, and get the economy stable again. They do not want to, and so the option is to agree that this country cannot stand another three or four years of economic destruction and corruption by this Government. So, if they do not want a Government of national unity, we will force them out today! The only language they understand is the language of force. We are going to establish an inter-parties committee on this side and liaise with the teachers. They are not going to break that strike. We are going to ask bankers to go on strike, the doctors and the nurses. We are going back to mass action. Either they get out of power or they agree to the formation of a Government of national unity.

Mr. Deputy Speaker, Sir, we are not joking. We saw a number of people busy here and we know that KANU has got many ways of persuading people.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Muite in order to use threats against this Government while we know very well that he is looking for favours from this Government?

Mr. Muite: Mr. Deputy Speaker, Sir, that is not worth commenting on. We are giving notice that we

are going back to mass action. There will be general strikes in this country, and we are going to bring the country to a halt, in an effort to save this country. We will do it because, unless we force them out of power, this country is going to collapse. So, it is much better for them to agree to negotiate. If they do not, then, we are back to mass action, since that is the only language that they appear to understand.

Mr. Deputy Speaker, Sir, during the Mbagathi Economic Forum, when I asked the President what hon. Sajjad continues to do in the corridors of power, he answered that there are many hon. "Sajjads" in his Government. Look at the Chief Conservator of Forests, called Dr. Kipkore. As the title suggests, he should be conserving forests, but instead of conserving our forests, he is dishing them out.

I strongly support the Motion.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I will be sharing my time with hon. Ngumo, the Member for Westlands. I will take five minutes---

Mr. Deputy Speaker: Order! Order, hon. Sunkuli, you cannot do that. This is a procedural Motion which allows Members to contribute for ten minutes. For you to nominate the next speaker, you will be taking over my work. I cannot, and I will not, allow it.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I will, therefore, take my ten minutes. Hon. Orengo has, in fact, brought a Motion which, for Parliamentary purposes, is a proper Motion of "Vote of no Confidence". In political terms, it is a toy Motion and the Mover has no genuineness of bringing a Motion of Vote of no Confidence against any Government.

Mr. Sambu: On a point or order, Mr. Deputy Speaker, Sir. I am not imputing any improper motive on the Chair, but apparently, it seems that there is a list of names of those Members who are predetermined to contribute to this Motion. We are also Members of the House and we are entitled to contribute to the Motion.

(Applause)

Mr. Deputy Speaker: Order! Order! Order, hon. Members. It is quite clear that only one Member can speak at a time. So, whether you stand all of you, I can only recognise one speaker at a time. So, bid your time and I will, as far as time allows, allow as many Members as possible to speak.

(Loud Consultations)

Order! Order! Order, hon. Members. You are now trying to establish a list on which you want hon. Biwott to belong.

Mr. Sambu: No, I do not have a list.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, they are taking my time, but as I said, in political terms, there is no Motion that can be treated seriously---

Mr. Kapten: On a point or order, Mr. Deputy Speaker, Sir. I know that my party Chairman has given a list of names to the Chair and that is the list which is being followed. Does the Chair accede to the possibility of choosing the people who should contribute?

Mr. Deputy Speaker: Order! As far as I am aware, only one person has spoken from FORD-(K). So, I do not know what list you are talking about and your turn has not come yet. I have gone through all the parties in the House. When I have exhausted the first round and I have left you out, then you have a justifiable course to complain. But at the moment, you do not have one.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Will you, please, request the Clerks not to "rig time" in favour of certain people? We want equal treatment for everybody and we do not want "rigging" here.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I say this because, in developed democracies, "a vote of no confidence" as it has been said severally, is brought up by people who are, in fact, prepared to take over the Government as an alternative. One must ask, where is the Opposition in this country today?

[Mr. Deputy Speaker left the Chair]

[Mr. Speaker resumed the Chair]

There simply exists no viable political reason. The Member of Parliament who brought this Motion did not bring it because he thought that it would be passed, but because he wants an academic exercise. He wants

what we all saw out there, the Press to cover. That is an extremely serious reason as to why this Motion must be rejected. There are some people in this country who do not spend a single sleepless night thinking about the future of this country. If people spent even a single night thinking about the future of this country, they would not treat this country to such Motions again.

Hon. Muite intends to be one of the presidential candidates. If one does a duty of a youth winger and still hopes to be a leader, this is something we must extremely condemn. It is not a presidential candidate who goes breaking the law and comes here to justify it. We have heard from him today; three times in the newspaper and in this House, use the words "moral duty". When someone is doing something wrong, he always says he has a duty to do so. I want to urge those hon. Members from the Opposition that--- Unfortunately, this Motion has the highest backing from the party which is not famous for its courage. If leaders are not famous for being courageous and they are hiding, they would not like to bring such a Motion themselves---

Mr. Murungi: On a point of order, Mr. Speaker, Sir. Is the hon. Assistant Minister in order to cast aspersions against the Official Opposition Party in this country by saying that we are not known for our courage? What courage is he known for? How many lions has he killed?

Mr. N. Nyagah:(inaudible)

Mr. Speaker: Order, Mr. Nyagah! Order! Order, everybody! One thing that I will not allow to be done is to measure courage. What I will allow here is to measure the amount of logic you have to be able to convince your colleagues. So, shall we proceed on that basis?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, the hon. Mover has brought out a litany of what he regards as the KANU Government's mistakes. I must say that some of them are a total sum of the history of this country, and he calls them "KANU mistakes". There is a concept in law called "lifting the veil". If we were to lift the veil, and if we were to call these things "shortcomings", we would be right to ask a few questions. There are people today who do not bear the tag "KANU", but who have had the opportunity to run very high offices in this country. Some of them have run offices to do with the economy of this country, and they have come and stood here and pontificated about the good old days.

Mr. Speaker, Sir, some of us come from parts of this country which have never seen "good old days". Those people who were running offices in those good old days ran them in their own favour. They arranged the affairs of this country to favour the parts of Kenya where they come from. Today, the hon. Mover has decided to lump those mistakes on KANU and make them look like the mistakes of the KANU Government. I think it is proper to ask some of them to stand up and be truthful, and tell us what they did in the useful days of their life. They are now trying to get leadership in the twilight years of their life. They cannot account for what they did during the days when they were useful in this country. It is very important to ask this because we are not talking about the confidence of the Government. The people of this country showed that they have no confidence in them, and that they have confidence in us. Nine months down the line, they want to get a shortcut, and we must tell them that even that shortcut is not available.

Mr. Speaker: Order! Order! Did you say: "rumour tells you"? No rumour will enter into this door! Will you keep rumour out of debate?

Proceed.

Hon. Members: Yes! Yes!

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I am not aware that I mentioned about "rumour", but if I did, I would like to say that I do not want rumour to come here. But we are today debating a Motion of no confidence. I want to say that, at least, I know that the people of this country have confidence in this Government. This is a Government that reflects the face of Kenya, and the face of Kenya is reflected by the people of this country. Let us not pretend. We were told today that there is a shadow Cabinet. I wish there was a Standing Order that asks them to stand up here, and you will tell me which part of this country they come from. You cannot obliterate or wish away that fact. In fact, some of these shadow cabinets, if they were actually ever allowed to be cabinets would cast a long shadow in this country. We want to continue standing and reflect the actual character of Kenya. We have done very many things as a Government.

It is not true that it is Kamukunji, or whatever, that brought the constitutional talks. What brought the constitutional talks was the goodwill of all of us, as stated by hon. Anyona, and the sensitivity of this Government to the wishes of this country. You cried and we listened. Everybody here cried and we listened, and that is why we initiated these talks. The economic talks have been put forth, and these hon. Members have had an opportunity to come and contribute there. We cannot bring a solution that cannot work.

Hon. Muite has said today that according to him, the solution is a coalition Government. I wish they could begin with a coalition shadow Government so that we see whether the Opposition themselves are, first of all,

capable of having a coalition shadow Government that is capable even of taking over. Instead, he and other people have continued to proliferate and multiply Opposition parties day by the day. Every time we are moving away from unity, and the more disunity we create, the more unity we cry for. We must state today that the Opposition themselves are incapable of ever creating a Government of national unity, if they ever came to power. This is because they have not been able to create a forum of their own.

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

Mr. Speaker: Order! What is it, Mr. Munyasia?

Mr. Munyasia: Mr. Speaker, Sir, you know the Standing Order concerning relevance. You know that the Opposition is not the issue now; we are not talking about confidence in the Opposition. The Motion is about no confidence in this Government. Could the hon. Member be asked to stick to the relevance of the Motion?

(Laughter)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, there are people who will never have confidence in any Government in the world. That is why there is a word in English called "anarchist". There are people who never had confidence in their university lecturers. They never had confidence anywhere at all. They have always been renegades in any system. I am talking about the reasonable man of this country who has confidence. If you want to say that you have no confidence, what is your alternative? If you cannot have an alternative Government, why bring a vote of no confidence?

Mr. Speaker, Sir, some of the leaders of the Opposition, as I keep on saying, who want to be presidents have no vision in fact. They have no vision that they can explain to this country. If you gave them a map of this country today, they would not be able to show you some parts of this country. This is because they do not know this country. They know the parts of the country where they come from, and that is why I say that this Government, which represents every part of Kenya, has the confidence of the people of this country.

Mr. Ndicho: Mr. Speaker, Sir, the hon. Sunkuli knows every political leader here. Can he point at one of them who can be given---

(Mr. Sunkuli continued standing at the Dispatch Box)

Sit down!

Mr. Speaker: Order! Order! I think the two of you will sit down now.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. A very serious claim has been made in this House, that there is a list that is being used. Could the Chair deny or confirm that claim? And if it is true that there is a list, is it according to the Standing Orders?

Mr. Speaker: Order! There is nothing serious. There is absolutely nothing serious. If you actually relate to your parties, you should know. The position is very simple; we are dealing with a very important Motion; the Chair and the Sessional Committee made it clear to leaders of various political parties that in a Motion as important as this, the Chair would like to know from the leaders of various political parties, what is their preference as their spokesmen.

An hon. Member: Why? There are people here---

Mr. Speaker: Order! Order! If you have anything to ask further, you had better get in touch with your party leaders, not the Chair.

Let us hear from hon. Michuki.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. where is the preference which you have referred to that is given to the leaders of parties, referred to in the Standing Orders or the Powers and Privileges Act of this House? Secondly, I have checked with the Leader of Government Business here, and he says he has no preference. Where did you get that preference?

Mr. Speaker: Order! Order, hon. Members! The Chair will not answer beyond what I have said. What the Chair has said is actually, the position. This is the first time we have had a Motion of No Confidence; the first time in my speakership. I have no problem, actually, exercising my usual discretion, if that be the wish of the House.

Hon. Members: Yes!

Mr. Speaker: All right, I will use my discretion now. Very well, Mr. Michuki!

Mr. Michuki: Mr. Speaker, Sir---

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

Mr. Speaker: Order, Mr. Munyao! In fact, we are now taking time where one or two hon. Members could have spoken. What is it, Mr. Munyao?

Mr. Munyao: On a point of order, Mr. Speaker, Sir. Following what you have explained, that this Motion is very important, the first Motion of No Confidence to come during your time, and the third since Kenya was born and became Independent; there are only 40 minutes remaining, and many other hon. Members would like to contribute. Whether the Motion will sail through or not, at least the Government will have known its weaknesses. Would I be in order to request you to extend the time up to 9.00 p.m? I am entitled to put such a request.

(Loud Consultations)

Mr. Speaker: Order! Order, hon. Members! Mr. Munyao and all hon. Members, you were present when a Motion was passed by you, that the House shall sit up to 7.00 p.m. You could have preferred an amendment and put it to 8.00 p.m., but you did not. You are stuck with it.

Proceed, Mr. Michuki! No more!

Mr. Michuki: Mr. Speaker, Sir, I want to thank you for granting me the opportunity to speak and contribute to this important Motion. I do not intend to repeat what has been said here. But I would like to start by saying that what has been said here, and what is about to be said elsewhere from both sides of the House, is not different from what we have gone through in the Seventh Parliament and now, in this Eighth Parliament. The only difference is that the issue of responsibility of a Government in terms of delivering, fulfilment and satisfaction of the citizens of these country still remains far away from being achieved. That is where the issue is. Nothing is new. Whether we are talking about corruption and what has been done or not done, those issues are not new.

Mr. Speaker, Sir, I am distressed and disappointed to see that those who have spoken on behalf of the KANU party from the Front Benches of the Government side, continue to be stubborn in recognition of the problems of this country. Indeed, the only person who recognised that there is a problem here is the Minister for Finance, who says we are in a difficult economic situation. I am somewhat taken aback that the issues of security, education, farmers' problems and many others have yet to be recognised and acknowledged by anyone. This means that we have no hope. We have no hope because, unless one sees the problem, you cannot seek solutions. And this is the tragedy in which we are.

Mr. Speaker, Sir, therefore, I am saying that confidence has to be created in this country. In Europe, we are able to determine confidence through the stock exchange; for example, when the Japanese Yen becomes valueless or the stock exchange there collapses. In Europe and Russia, this is how we determine confidence among the investors. Today - and I would like the Minister for Finance who deals with these matters to confirm or deny it- there is nobody in this country who can borrow money from overseas for more than 12 months. Money borrowed for 12 months cannot be repaid by a project which is yet to be completed. Therefore, looking at all these things, we must accept that even the external world has lost confidence in Kenya. Here at home, the Government is trying to raise money through one-year bonds. They are trying to get out of Treasury Bills into one-year money bonds. But those who have money are unwilling to do so. In fact, over 60 per cent of the total of Kshs165 billion, according to the October report of the Central Bank are in Treasury Bills, the short-term borrowing stands at Kshs165 billion and not any other figure. This is the report for October.

Mr. Speaker, Sir, now I am saying that people are unwilling to come out of 91 days' investments, into one-year investments, because they cannot see the end. They do not want to get into a situation of uncertainty. Therefore, to fail to recognise this aspect is really burying our heads in the sand. The money remains in the pockets of those people and yet we continue to try to convince ourselves that there is investor confidence. Therefore, this non-acceptance of factual situations continues to render this Government unable to deliver completely. We have our tea farmers and rice farmers in Mwea and Ahero, who nobody listens to. We have new districts created to sub-divide us, like in Murang'a. Some people are in Thika and others are in Maragua. Things which are done without consultation and then, we say that the people of Kenya have confidence in you whereas everything is nothing else. This is where we have failed. The Government has failed, in refusing to recognise facts, so that from there, it can begin introducing positive matters.

Mr. Speaker, Sir, I do not believe that the Constitution on the basis of which we are debating this Motion, could have provided for what has been stated here as vacuum. It has procedures. It has set out the way that in an event like this of a Vote of No Confidence succeeding, the Constitution is a document that sustains itself and, therefore, I agree. Maybe, many people do not know, and I think I had better declare it today. I agree with what the DP Chairman has said. All those things are facts and we, in FORD (P) work very closely with the DP, if you

did not know before and, therefore, I want to join the Chairman of the DP in declaring that I simply have no basis on which I can support the Government.

Mr. Parpai: On a point of order, Mr. Speaker, Sir. While I appreciate that we have a right to move up and down here, but is it in order that "Mr. Dawa" is around here when we are discussing a very serious Motion like this one? We do not know what he is carrying.

Mr. Michuki: Mr. Speaker, Sir, therefore, I share what has been said by hon. Mwai Kibaki, and my words are to add to his. I am saying that, let us first of all recognise the problem. This Government has refused to recognise the problem and, therefore, the issue of delivery and lack of confidence is apparent in the money market. You go TO the money market place here in Nairobi, and you find that people do not trust this Government and your work shows that mistrust. If you really are going to stand up here and try to convince anybody that what we are saying is not true.

Mr. Speaker, Sir, therefore, I would like to say that I support the Motion.

Mr. Jirongo: Thank you, Mr. Speaker, Sir. I did not believe I would have an opportunity to talk here, but I think we have democracy in this Parliament.

Now, it is very difficult to think straight in a confused situation like today. First of all, I might have very little to say about the side that I belong to. However, there are a few things that are worth noticing. The Minister for Finance came out very clearly. He said that in the last three months, we have made some progress, and the situation that we are discussing here is the survival of the Kenyan population. Really, that is what we are talking about; that, is this Government capable of making Kenyans put food on their table? That, is this Government capable of bringing back confidence into the tourism industry? These are the issues that all of us have been talking about. These are the issues that most of us have talked about for a very long time. However, sometimes reason must take the place of the feelings in your heart. What alternative are we being offered? Sometimes most of us are used to driving straight, but we are dealing with an alternative that believes in U-turns. That is, it is very difficult for them to drive straight. We are supposed to be sitting together to think about how we are going to solve the problems of this country tomorrow, but nobody wants to talk to you about what he has up his sleeve. Somebody expects you to support him to form a Government that you are not sure of.

Mr. Speaker, Sir, we have in the past complained because of the secrecy in handling the affairs of this country. Of late, I think the Kenya Government has been very open. The Minister for Finance came up very forthright. Now, if we are trying to move from that situation of mystery, whereby a Government is supposed to be very mysterious; we are not supposed to know what is happening and yet, we expect to come and replace it with an even more mysterious Government; a Government that is not willing to share with us the programmes they have for our tea, coffee, sugar and maize. It is going to be very difficult to help some of us make up our minds, but we can only be reasonable and say, if they are unwilling to disclose what they have in store for the rest of us, then it is not good for us.

Mr. Speaker, Sir, I tend to respect a lot of my friends on the other side. Some of them have very brilliant ideas, but now, when we talk about a Government of national unity, this unity is going to be based on what? If each of the 221 Members of Parliament started a political party, are the 221 of us going to form a Government? On what basis are we going to have a Government of national unity? I believe we are talking about a side that has consistently said that we should not look on tribes and geography, but we must look for ability. Do they know that in this country, we have some tribes that are still nude? That is, totally nude? They do not know that clothes exist. How are you going to incorporate them in your Government? When we discuss and talk about hon. Lotodo, have we moved to Pokotland and understood exactly what is happening in Pokotland? I want to bet with you that 99.9 per cent of this Parliament does not know that we have Kenyans who do not know how clothes look like; that their fathers, mothers and children sit together, totally nude.

Mr. Speaker, Sir, as much as we would want to accuse the KANU Government, when the KANU Government tries to open one road in some desert somewhere in Baringo, it is the same side that says the road was opened for goats and cows. The same side says that it is the KANU Government that has not opened up the areas where we have people living nude today. Why should we live with double standards? Let us come out very clearly. I want to tell you sincerely from my heart, that it is very difficult in this Parliament to support the Government of national unity. The issue here is that, people want power. That is not what Kenyans want. Kenyans are looking for solutions to their problems. The issue of a Government of national unity is an issue of sharing power. Really, that is not what we tell Kenyans everyday. We tell Kenyans that these people are robbing them. What interest will I have to share power with a robber? Now, it is high time that we learnt to come out clean, and sometimes I thought that, it is an issue of age. I believed that we have a certain age that does not believe in what the rest of us believe in. But with time, it is becoming even more confusing because you find an old man like hon. Simeon Nyachae coming out very clearly, and at the same time, you find a very young Member of Parliament who I wish not to

name, going directly the opposite side. Now, it is becoming even more complex. It is not the issue of age any more. It is the issue of selfishness. It is the issue of people bargaining for their own good. It is the issue of sensitivity and that of people bargaining for their own good. As long as we continue to think about ourselves and pursue selfish ends--- That one I do need to explain; that is why I talked of U-turns. People who were initially interested in removing KANU from power are the best in defending the party. Our KANU Secretary-General does not talk any more. How are they going to offer alternative leadership?

Mr. Speaker, Sir, we talk about creating an atmosphere where every Kenyan would feel confident and have a sense of belonging to this country, but how are we going to create this situation when we do not have a cut-off point? Let us be told. Is the cut-off point 1978 (?), because it is an individual we are dealing with? Or, is the cut-off point today? Will Kenyans from today sit down and decide the way to run their country? If we must go to history, then, what is the reason for not starting from 1963? I find this unacceptable! The issue of property ownership excites people so much. When certain individuals own property, particularly those known to associate with this Government, this excites them tremendously. At the same time, we have many hon. Members on the other side who, today, have files at the lands office. Today, they are being issued with allotment letters for land. Today, they are, in the middle of the night, looking for fertilizer deals. Today, they are pushing to be given an opportunity to do certain things. I am very happy because somebody has talked about Sololo Outlets.

An hon. Member: And the inlets also.

Mr. Jirongo: I wish they knew the person from whom I bought that land. I wish they knew that one of their own was allocated the land for free but I paid money for the same land.

(Applause)

Mr. Speaker, Sir, I cannot stand here today and pretend that I am very happy with what happens in the KANU Government, but I cannot stand here and even go for the worst. In our vernacular, we have a bird called *likhulephe*. The English people call it an owl. This bird brings bad luck. I have seen a few of those birds flying on the KANU side. But for every five of these birds on the KANU side, there are 10 on the Opposition side. It becomes difficult to come up with a compromise situation.

Mr. Speaker, Sir, I oppose the Motion. Thank you.

(Applause)

Mr. Speaker: Order! Order, hon. Member! The whole afternoon, we have not heard from a lady. So, shall we hear Mrs. Ngilu?

Mrs. Ngilu: Thank you, Mr. Speaker, Sir. I rise to support this very important Motion. This country has never seen the kind of problems that we are experiencing now. We have such glaring problems that nearly every hon. Member in this House has talked about, both from the Government and the Opposition. Now that we share and talk about the same problem, I wonder why we are not agreeing that we need to support this Motion all of us as it is. The problems of poverty have been discussed by both sides of the House. The high rise in unemployment, diseases, insecurity and poor health facilities in this country, including the problem of HIV/AIDS, have all been mentioned by each one of us. Corruption, of course, comes from both sides of the House. As I watch the side of the Government, and as I look at the Cabinet that is before us, I even wonder what they are waiting for. An olive branch has been extended to them by the President himself, by showing that he does not even have faith and confidence in any of them to appoint a Vice-President. That is the reason why all of them should say: "If the President himself has no faith in us, who are we to be continuously fighting for the survival of this Government?"

Mr. Speaker Sir, the problems that are experienced in this country are as a result of bad leadership. This country is "bleeding" and this nation is "wounded". The leadership of this country's main agenda has been wanton destruction of the nation's resources, both human and natural resources, and here we can only blame the Government squarely. It is only one person who signs for the allocation of land in this country, and that is the President himself.

(Applause)

So, when we talk about land--- I am saying that even if he was allocating land to us or to you, it is wrong. Some leadership has concentrated mainly on dividing citizens along tribal and ethnic lines. Leadership has failed in uniting Kenyans for the purpose of development. The talk about co-operation between the ruling party and some

Opposition parties, is a co-operation of convenience. It is not a co-operation between the people who elected the leaders.

(Applause)

This is a co-operation that is not free, and we know that. We know that, that has been happening between the leaders and the people who are broking for power for these people. This is simple "stomach" politics.

Mr. Speaker, Sir, the concept of big brother watching and listening has made these leaders here, as good as they are and as qualified as they are, unable to make decisions in their own offices. They cannot make decisions simply because they wonder whether the big brother is listening.

When we talk about human rights abuse, last Monday, I went to the Kitui Police Station over the case of a woman who was torched by a policeman. I think we all know about the case of this woman. When I went to that office, I was told: "I am sorry, I do not know who this man knows," which means that they cannot make a decision without first referring to a person high above. This is nothing that comes from the Office of the President.

Mr. Speaker, Sir, the rampant corruption in the country from high offices has become the order of the day. The officers in those offices are spending more time protecting and, covering what they have looted, and finding new ways of looking after what they have looted much more than serving the people of Kenya. For this reason, the downward trend of the economy is so momentous that it is irreversible. The only way of reversing this trend is now to vote the Government out of office by passing a Vote of No Confidence in it.

(Applause)

If there is any Government representative who made the situation clear, it was the Minister for Finance. The Minister for Finance is the only one who has come out very clearly about the economic situation of this country, and what can be done. He has asked us to give him support, but the Government side is not giving him any support.

Mr. Speaker, Sir, Kenya today enjoys abundant human resources that are not being used. If only we wanted today to put the country right---

Hon. Members: You are inaudible. Speak from here. The consultations are too loud.

Mr. Nyanja: Mr. Speaker, Sir, there is sabotage. So much money has changed hands. The KANU Members have been bribed! These people have been bribed!

Mr. Speaker: Order! Order, Members! Mr. Nyanja, you are, in fact, taking her time. Even today, you have outdone yourself!

Please, Mrs. Ngilu, go near the microphone.

Mrs. Ngilu: Mr. Speaker, Sir---

Hon. Members: She is inaudible! This is sabotage!

Mr. Speaker: Mrs. Ngilu, why do you not go to the other microphone?

Mrs. Ngilu: Which one? Mr. Speaker, Sir, that is what I have been saying: The kind of co-operation that has been going on has not been for free. It is not suitable; it is just sheer lies between the leaders. I think we, leaders, have got to come out more clearly on what we mean about this co-operation.

Mr. Speaker, Sir, we have heard the head of the ruling party saying that there is nothing like a Government of national Unity. Then what is this thing that they are calling co-operation between parties? Is this what Kenyans are looking for?

(Applause)

Kenya enjoys a lot of qualified human resources. Our people who are qualified, and can manage and run this country have all gone out of this country. They are now working in other countries. All these academic qualifications have been sacrificed and replaced with nepotism and sycophancy.

Hon. Members: We cannot hear you! Ongeza volume!

Mr. Speaker: Order! Can both sides hear me?

Hon. Members: No.

Mr. Speaker: Mrs. Ngilu, please, come near the microphone when talking.

Hon. Members: No, this is sabotage!

Mrs. Ngilu: Mr. Speaker, Sir, the result of this mismanagement is obvious to all of us. It is mismanagement upon mismanagement. In simple terms, we need new leadership in this country. We need new leadership that is incorruptible. We need new leadership that is sensitive to the needs of Kenyans. We need new leadership whose leaders are not here for their own purposes. We need leadership that is not composed of the greedy, whether old or young, as it does not matter who it is. We need leadership that will care for the needs of all Kenyans.

Mr. Speaker, Sir, I can challenge each one of the Members on the Government side over the situation in their own constituencies. We have been challenged, but we have told them that there has been no development in their own constituencies.

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

The Minister for Transport and Communications (Mr. Ntimama): Mr. Speaker, Sir, when hon. Orenge moved this Motion, he said a lot about tribal clashes. I think it is very important for this country to look at these clashes in a different perspective. I think it is important for this country, the people and the leadership, to look at these clashes enmasse and focus on them.

Mr. Speaker, Sir, it is true that we debated the Kiliku Report here which was about the tribal clashes of 1992. That report was thrown out. The reason was that half of that report was hearsay and malicious allegations by a character called Kodipo. I want to say that the way some people have been taking these clashes, and the way they have been perpetrated, is actually condemning certain ethnic communities wholesale. I think it is unfair because the---

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

Hon. Members: Do not interrupt! You are taking his time for nothing!

Mr. Speaker: Order, hon. Members! Mr. Gatabaki, when you are on a point of order, you should do it in an orderly fashion. Do not cause disorder in the process. What was your point of order?

(Laughter)

Mr. Gatabaki: Thank you Mr. Speaker, Sir. The Member of Parliament for whatever constituency, hon. Ntimama, is responsible for the murders of so many Kenyans. Is he in order to raise the issue of tribal clashes while he is responsible for murder?

Mr. Speaker: Order, Mr. Gatabaki! Before Mr. Ntimama responds, I think the only thing I can say is that you are out of order because, in all honesty, I do not think you have been given power by the Constitution to pronounce anybody guilty. So, you are totally out of order!

Proceed, Mr. Ntimama.

The Minister for Transport and Communications (Mr. Ntimama): Mr. Speaker, Sir, I do not respond to mad men, and I think it is very important---

(Laughter)

Mr. Speaker: Order, hon. Members! What is it, Mr. Ndicho?

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I know that you did not hear what hon. Ntimama said because you were consulting with the Clerk, but it is the truth of the matter. Hon. Ntimama, who is my personal friend, referred to hon. Gatabaki as 'a mad man'. He said that he cannot respond to the issues of a mad man. Is he in order?

Mr. Speaker: Order, Mr. Ndicho! Indeed, I heard. Mr. Ntimama, there is no mad person here! I order and direct that you withdraw and apologise.

The Minister for Transport and Communications (Mr. Ntimama): Mr. Speaker, Sir, I think you should be fair and let this man withdraw the fact that I am a murderer before I apologise.

Mr. Speaker: Order, hon. Members! I think that is a legitimate request, and I think it will be even. Each one of you, for using terrible language against each other, must apologise to the House and to each other. I will begin, of course, from where the shot began. I will begin with Mr. Gatabaki. Will you withdraw and apologise?

Mr. Gatabaki: Mr. Speaker, Sir, I would seek guidance from you. Hon. Ndicho raised a point of order and sought guidance from you---

Mr. Speaker: Order, hon. Members! I do not want this thing to be taken as a joke. I do not want any hon. Member to miss an opportunity to vote on this Motion today. May it be made clear, that, that is no licence to

breach the rule of the House. I think the most honourable thing is for the two hon. Members who have used terrible language here to withdraw; Mr. Gatabaki for calling hon. Ntimama a murderer, and Mr. Ntimama for calling hon. Gatabaki a mad man. Both of them are out of order. Mr. Gatabaki, please, very quickly withdraw and apologise, then I will come to Mr. Ntimama to apologise. Yes, Mr. Gatabaki.

Mr. Gatabaki: Mr. Speaker, Sir, I did not talk about "lie low like an envelope". I did not---

Mr. Speaker: Order! Mr. Gatabaki, all these hon. Members present here heard you. I think, in your own interest, and to be taken seriously again by this House, it is best that you own up, comply with the Chair, and then we proceed. Will you, please, do that?

Mr. Gatabaki: Mr. Speaker, Sir, I prefer to be a mad man than a murderer. But I apologise for calling hon. Ntimama a murderer.

(Laughter)

Mr. Speaker: Order! Mr. Ntimama, do the same.

The Minister for Transport and Communications (Mr. Ntimama): Mr. Speaker, Sir, I withdraw and apologise.

All I am saying is that this thing should be looked at from different perspectives because many communities in this country fought the colonial Government because it oppressed and robbed them of their land. My community has been made a scapegoat in some of these things. The whole thing has been criminalised. Our people have been criminalised when, actually, they have been fighting for their own rights. We have thousands of Kikuyu people living in Maasailand. I think these hon. Members know that. We have been called aggressors and the other communities seen as aggrieved. We have been called the villains, while the other people from other communities are seen as heroes and saints. Some people think that they have a role charter from the Almighty God to oppress and rob other people of their land. They must realise that what happened or transpired---

Hon. Members: Stick to the Motion! It has nothing to do with the Maasai!

Mr. Speaker: Order! Mr. Ntimama, the hon. Members are very much upset that you are talking about the Maasai and the Motion is against the Government not against the Maasai. But, nevertheless, your time is up.

Yes, Mr. Orenge.

Mr. Orenge: Mr. Speaker, Sir, the technicians should do something about this microphone, then I will make my remarks as quickly as possible.

Hon. Members: You can use the front microphone!

(Loud consultations)

Mr. Orenge: Mr. Speaker, Sir, thank you very much for giving me these last five minutes. First, I may have been misunderstood by bringing this Motion before this House, going by the views which have been expressed from the Government side. This is not a Motion about tribal hatred. It is also not a Motion inquiring into how much money we can pocket as hon. Members of Parliament. I listened to the Leader of Government Business, whom I respect very much. Instead of dealing with the Motion of no confidence in the Government of Kenya, he was appealing to our greed. He told us that we are likely to lose our pension and salaries.

(There were shouts of 'no!')

If the founders of this nation, including the late Mzee Jomo Kenyatta, Dedan Kimathi and Jaramogi Oginga Odinga had that spirit, I do not think we would have gone very far in the struggle against colonialism. I understand that he said it with a light touch, but I know it was not so with regard to some hon. Members in this House. I will say something about it later. It was on a very serious note.

Mr. Speaker, Sir, this is a Motion of no confidence in the Government of Kenya. I want to correct the notion here about the British parliamentary system or how the House of Commons deals with such Motions. In the United Kingdom (UK) and India, there is a parliamentary system, but in Kenya, we have a marriage between a parliamentary and a presidential system. That is why in the UK, whenever there is a vote of no confidence in the Government, there is no requirement for the Queen of the UK, or for the President of India to resign. Here, because we have a presidential system, the first alternative in Section 59 of our Constitution, which is given to the Government of the day, is for the President to resign. This is because, under Section 23 of the Constitution, the executive authority of the Government does not lie in the Cabinet, but it lies with the President of Kenya. So, when

a Motion of no confidence in the Government is passed and resolved by this House, it is upon the President to resign if he is thinks about the welfare of the country. If he thinks we do not have money, it is better for him to resign than for the whole House going for elections. I hope he is going to do that.

(Applause)

Similarly, I would like to facilitate the Leader of the Official Opposition in the position he took with regard to this Motion. I have been listening throughout the afternoon about economic and poverty issues that were raised in this House. No single Minister stood up, except the Minister for Finance, to put the records of the Government straight. I remember the words used by the Leader of Government Business: "Now, we need to restore confidence." I would like to tell him: "You must have lost confidence and that is why you want to restore it."

(Applause)

Mr. Speaker, Sir, I heard the Minister for Planning and National Development, hon. Prof. Saitoti, talking about recovery of the tourism industry. Surely, are we in a war economy? If we are moving from the heights, when the tourist industry was one of the largest foreign exchange earners, we should not be talking about recovery of the industry. That has emerged because of bad governance. I would like to plead with hon. Members to vote for this Motion with their conscience and not with their stomachs.

Hon. Members, I plead with you.

(Applause)

I am saying this because the people of Kenya out there have voted against this Government. How have the teachers voted, in so far as this Government is concerned? They have voted against this Government by going out there to demand for their right, which the Government is not ready to fulfil. What have the lecturers, doctors, farmers and nurses done? Right now, even police officers are victims of bad governance, and that is why they do not trust this Government at all. They are now engaged in acts of violent crime, which this Government has failed to control.

Mr. Speaker, Sir, with those remarks, I beg to move the Motion. Ministers, this is your final day in the Government.

Thank you, very much.

(Applause)

Mr. Speaker: Order! Order, hon. Members. As I explained earlier on, when I put the Question, that will be followed by my direction for a division.

(People in the Speaker's Gallery started moving out)

Mr. Speaker: Order! Order, strangers! All strangers must sit now! Order! All strangers shall remain seated until this House is adjourned.

DIVISION

(Question put and the House Divided)

(Question defeated by 137 votes to 67)

AYES: Prof. Anyang'-Nyong'o, Messrs. Oloo-Aringo, Donde, Gatabaki, Gitonga, Ita, Kaindi, Kamanda, Kamau, Kapten, Kariuki, Ms. Karua, Messrs. Kathangu, Katuku, Keriri, Kibaki, Kibicho, Kihara, Kihoro, Kitonga, Kikuyu, Kirwa, Dr. Kituyi, Mr. Kiunjuri, Dr. Kulundu, Messrs. Kuria, Maina, Maore, Mbitiru, Mboko, Michuki, Muchiri, Mugeke, Mrs. Mugo, Messrs. Muihia, Muiruri, Muite, Munyao, Murathe, Dr. Murungaru, Messrs. Murungi, Muriuki, Mutahi, Mutani, Muya, Mwangi, O.K., Mwangi, P.G, Mwangi, P.K., Mwenda, Mwenje, Mwiraria, Nderitu, Ndicho, Ndubai, Ndwiga, Mrs. Ngilu, Messrs. Njuki, Nyagah, N., Nyanja, Orenge, Parpai, Shitanda, Sifuna, Toro, Wafula, Waithaka and Wamae.

Tellers of the Ayes: Messrs. Nyagah, N. and Galgallo, M.A.

NOES: Messrs. Achola, Achuka, Affey, Dr. Ali, Mr. Amin, Dr. Anangwe, Messrs. Angwenyi, Anyona, Dr. Awiti, Messrs. Awori, Ayoki, Badawy, Biwott, Chanzu, Choge, Criticos, Ekirapa, Ethuro, Dr. Galgallo, G.B, Mr. Galgallo, M.A., Dr. Godana, Messrs. Gumo, Haji, Imanyara, Jirongo, Kejembe, Kajwang, Kalulu, Kalweo, Kamolleh, Kamotho, Kanyauchi, Karauri, Keah, Khaniri, Kiluta, Messrs. Kimani, Kimeto, Kimkung, Kiptoon, Kirui, Mrs. Kittony, Messrs. Kitur, Kochalle, Kofa, Kombe, Kones, Kosgey, Koske, Lagat, Lengees, Leshore, Leting, Lomada, Lotodo, J.D., Lotodo, F.P.L., Madoka, Magara, Maizs, Manga, Marrimoi, Dr. Masakhalia, Messrs. Mbela, Mkalla, Mohamed, Mohamud, Mokku, Morogo, E.T., Morogo, W.C., Muchilwa, Mudavadi, Mugalla, Musila, Musyoka, Ms. Mwachai, Mr. Mwakalu, Mrs. Mwewa, Messrs. Nassir, Ndambuki, Ndilinge, Ngala, Ng'eny, Ngure, Ngutu, Nooru, Ntimama, Ntutu, Nyachae, Nyagah, J., Nyang'wara, Nyenze, Obure, Dr. Oburu, Mr. Ochilo, Dr. Ochuodho, Messrs. Odongo, Odoyo, Ojode, Okemo, Omamba, Dr. Omamo, Messrs. Ombasa, Omino, Prof. Ongeru, Messrs. Onyango, Opore, Osundwa, Otita, Dr. Otula, Messrs. Poghisi, Raila, Rashid, Rotich, Ruto, Prof. Saitoti, Messrs. Salim, Sambu, Samoei, Sang, Sankori, Sasura, Mr. Shaaban, Shakombo, Shambaro, Shidie, Shill, Sirma, Sudi, Sumbeiywo, Sungu, Sunkuli, Too, Twaha, Dr. Wako, Dr. Wamokoya, Messrs. Wehliye and Weirah.

Tellers of Noes: Messrs. Kihoro and Musila.

ABSTENTIONS: Messrs. Galgallo, M.M., Khamasi, Kombo, Munyasia, Wamalwa and Wanjala.

*(KANU Members started chanting Ooh,
KANU ya jenga nchi)*

(Mr. Ndwiga gesticulated at the KANU side)

ADJOURNMENT

Mr. Speaker: Order! Order, hon. Ndwiga! Hon. Members!

That concludes our business for today. The House is therefore, adjourned until Wednesday, 21st October, 1998 at 9.00 a.m.

The House rose at 7.50 p.m.