

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 1st July, 1998

The House met at 9.00 a.m.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.337

DISTRICT COMMISSIONER FOR MERU EAST

The Temporary Deputy Speaker (Mr. Musila): Is Mr. Mwenda not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.191

DIPLOMATIC RELATIONS BETWEEN KENYA AND LIBYA

Mr. Gatabaki asked the Minister for Foreign Affairs:-

- (a) when diplomatic relations between Kenya and Libya will be resumed; and,
- (b) why, in the first instance, the relations were severed by the Government of Kenya.

The Temporary Deputy Speaker (Mr. Musila): Is anybody here from the Ministry of Foreign Affairs? We will leave this Question until the end. Let us move on to the next Question.

Question No.172

CLINICAL OFFICER FOR WAMBA HEALTH CENTRE

The Temporary Deputy Speaker (Mr. Musila): Is Mr. Leshore not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.258

REHABILITATION OF KIBANDINI-MIKUINI ROAD

Mr. Kaindi, on behalf of **Mr. Kikuyu**, asked the Minister for Public Works and Housing:-

- (a) whether he was aware that culverts on the Kibandini-Mikuini Road had been washed away rendering the road impassable; and,
- (b) if the answer to "a" above is in the affirmative, what he was doing to rehabilitate the road.

The Assistant Minister for Public Works and Housing (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

- (a) I am not aware because the said road is unclassified.
- (b) In view of my answer in part "a" above, the question of rehabilitation does not arise.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that the road is not classified and, therefore, it will not be repaired. The Assistant Minister is aware of the fact that even if the road is not classified, it is a rural access road. Could he repair it under the rural access road programme?

Mr. Khaniri: It is not the responsibility of the Ministry to repair unclassified roads; it is the

responsibility of the local authorities.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is misleading the House. Rural access roads come under his Ministry. If he does not know that, he should consult his engineers and officers to give him a better reply, rather than misleading the House.

Mr. Maitha: Mr. Temporary Deputy Speaker, Sir, can the Assistant Minister inform the House whether rural access roads fall under his Ministry? If they are not, can he tell us whether they fall under the local authorities or the other Ministries?

Mr. Khaniri: I have already answered that question. I have said that the road is not under my Ministry and it is not classified.

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. We need clarification from the Assistant Minister. We know that his Ministry repairs all the access roads in the country. But the Assistant Minister does not know where this particular road belongs to! Can he tell us how he got that information?

Mr. Khaniri: We have a list of all the classified roads in this country.

Mr. Mboko: Could the Assistant Minister give us the criteria that they use to classify roads in this country?

Mr. Khaniri: For a road to be classified, it has to be recommended by the District Development Committee (DDC) for it to be considered. The road in question has not been recommended by the DDC.

Mr. Kaindi: It is strange that the Assistant Minister is saying that Kibandini-Mikuini road is not classified. This road is a major link to the road that leads to Kitui and it is just next to Machakos town. It is a road that serves a catchment area, rich with wattle and key gooseberries. It is very essential and beneficial to the people of Machakos. Could the Assistant Minister re-check his facts? As far as we are concerned, this is one of the classified roads in Machakos.

Mr. Khaniri: Mr. Temporary Deputy Speaker, Sir, I do not dispute the fact that the road is a major link, but it is the responsibility of the DDC to recommend to us to classify the road.

The Temporary Deputy Speaker (Mr. Musila): Next Question, Dr. Oburu.

Question No. 239

FLOODING OF RECLAIMED LAND
IN YALA SWAMP

Dr. Oburu asked the Minister for Rural Development:-

(a) if he is aware that due to heavy rains, River Yala has burst its banks and as a result the reclaimed land in the Yala Swamp has been flooded and crops washed away; and,

(b) if the answer to "a" above is in the affirmative, what urgent steps he is taking to control the flooding of reclaimed land in the Yala Swamp to save farmers from imminent famine.

The Temporary Deputy Speaker (Mr. Musila): Is anyone here from the Ministry of Rural Development? We will leave that Question until the end. Next Question, Mr. Gitonga.

Question No. 291

ALLOCATION OF GOVERNMENT
LAND TO PRIVATE DEVELOPER

The Temporary Deputy Speaker (Mr. Musila): Is Mr. Gitonga not here? We will leave his Question until the end. Next Question, Mr. N. Nyagah

Question No. 091

RENOVATION OF SOCIAL HALLS IN KAMUKUNJI

Mr. N. Nyagah asked the Minister for Local Authorities:-

(a) whether he is aware that Pumwani, Shauri Moyo, Bahati and Muthurwa social halls are in a deplorable state and that major renovation is required;

(b) whether he is further aware that indoor games and private functions which would otherwise

bring income to the council are affected; and,

(c) if the answers to "a" and "b" above are in the affirmative, what action he is taking to rehabilitate or renovate these halls.

The Minister for Local Authorities (Prof. Ongeri): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the Nairobi City Council needs to rehabilitate all its various social halls in the city.

(b) I am further aware that indoor games and private functions which would otherwise, bring income to the council have been affected due to the state of the halls.

(c) The Council plans to rehabilitate all social halls at a cost of K£714,711. Work on Karen, Joseph Kang'ethe, Ngong Road and Kangemi Social Halls has already commenced at a cost of K£248,520.00.75. Pumwani, Shauri Moyo and Bahati Social Halls are also projected for rehabilitation at a cost of K£36,000. Muthurwa Social Hall is owned by the Kenya Railways Corporation. These measures will greatly boost the Council's revenue collection as various activities, including indoor games and private social functions would be fully stepped up.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for that reply. I would also like to state that Karen, Joseph Kang'ethe and Ngong Road social halls are situated within the prime areas of the rich. I would like the Minister to consider the plight of the poor who live in the Eastlands. All these social halls are within Kamukunji. They have produced the best boxers that this country has ever produced. One of the reasons why we are not able to get good boxers and basketball players, who can compete internationally, is because we do not project these social halls to work in their favour like we do with athletics. When does the Minister intend to start rehabilitation work on these social halls? It only requires Kshs622,000, which, I think, is not too much for the council.

Prof. Ongeri: Mr. Temporary Deputy Speaker, Sir, hon. N. Nyagah knows that Eastlands has been fully compensated in many other infrastructural functions that we have been able to take care of, at a much higher figure than the one he has just quoted. However, answering his question, I have already requested the Deputy Director of Social Services to give me a time-frame.

Mr. Raila: Thank you, Mr. Temporary Deputy Speaker, Sir. Social amenities are very, very important in residential areas. Of late, we have seen several residential areas being constructed without making provision for social amenities such as social halls, nursery schools and dispensaries. Will the Minister assure this House that he will make sure that regulations are enforced to ensure that no residential estates are constructed without making provision for social halls and other social amenities for the residents?

Prof. Ongeri: Mr. Temporary Deputy Speaker, Sir, I have, indeed, given firm instructions that where public utilities are in place, they should be developed. Where the private entrepreneurs are developing various estates, they must of necessity, include the social amenities that are required within that area. Indeed, I have equally instructed those who may be having illegal structures, that do not conform with the by-laws of the City Council to demolish them.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, could the Minister assure this House that not only will the funds be provided, but they will not be misused as is the trend in the Nairobi City Council and the Government of Kenya? Would he also assure us that the funds he is talking about will not do a shoddy job as is evident on Kenyatta Avenue despite the promises given by this Minister?

Prof. Ongeri: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member for Githunguri, hon. Gatabaki, may wish to refresh his memory about the specifications of Kenyatta Avenue. I sincerely invite him to visit Kenyatta Avenue to see whether what he is saying is correct. Obviously, he is absolutely outside the mark and very wrong. Secondly, I want to assure him that every single penny that would be voted or has been voted for any function would be properly supervised. He should stop casting aspersions.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I know that this Minister is faced with a gigantic job of putting in place the infrastructure in the City Council and the rest of the local authorities. However, he has made a very interesting response when he said that where there are facilities without these particular amenities, they will be required to provide them or they will be abolished in default. The Minister knows very well that almost every structure that comes up in this city, including some City Council estates do not have these facilities. Will he then carry out an immediate investigation to establish which ones do not comply and take the action he just promised? Thank you.

Prof. Ongeri: Mr. Temporary Deputy Speaker, Sir, every Wednesday morning, at 7.30 a.m. in my office, there is an on-going standing committee of professionals of engineers and town planners with a view of ensuring that this city falls within the purview of reasonable and respectable planning. That is how we have been able to

come about some of these rather unfortunate situations. Where we feel they are detrimental to the well-being of the residents of Nairobi City, we would, obviously, take firm action.

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, I think the hon. Minister has given us an explicit answer, but I would like to ask him one question. Apart from non-maintenance, since one of the biggest problems we have with respect to these social amenities is vandalism, what is the Ministry planning to do to curb this vice?

Prof. Ongeri: Mr. Temporary Deputy Speaker, Sir, in fact, I would like to agree with the hon. Member that the biggest headache the Nairobi City Council faces is the question of vandalism and I do not have any remedy for it other than educating people to respect other people's property.

Mr. N. Nyagah: Mr. Temporary Deputy Speaker, Sir, a lot of Kenyans are unemployed. In this constituency that I represent, there are a lot of young men who are involved in thuggery and drunkenness. I am bringing all these vices to the attention of the Minister because he has accepted and said that these measures will greatly boost the council's revenue and, maybe, I would beg him to consider rehabilitating these halls, as soon as possible, before the council considers putting up new ones elsewhere because we have these ones already in place and they can start bringing in revenue to the local authority which needs the money dearly.

Prof. Ongeri: Mr. Temporary Deputy Speaker, Sir, I have just assured hon. Norman Nyagah that this will be done. In fact, he was very timely with his Question because if he visited one or two of such places, where we have done the spot check, there are very serious leaks which need to be attended to before we can even open them for such social functions. I can assure him that the Department of Social Services of the City Council is right now looking at the problem in order to be able to assess it and be able to see how quickly it can be done. I have already said that I will be able to receive the time frame for these works.

Question No.337

DISTRICT COMMISSIONER FOR MERU EAST

Mr. Murungi, on behalf of **Mr. Mwenda**, asked the Minister of State, Office of the President:-

(a) if he is aware that since the announcement of the creation of Meru East District in December, 1997, no district commissioner (DC) has been posted to the district; and,

(b) if the answer to "a" above is in the affirmative, whether he could state why the Government has not posted the DC and when will one be posted.

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

I am aware that the district commissioner has not moved to the new district because the leaders have not yet agreed on the location of the new district headquarters. The DC was appointed and is at the moment operating from Embu Provincial Headquarters.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, could the Minister tell us the name of the district commissioner, who is operating from Embu?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, his name is Mr. Moses Maina.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, the timing of the creation of this Meru East District was supposedly done under the belief that the local leaders needed to have an extra district. Now, if the local leaders had agreed on the creation of the district, which I do not believe was the case, because the person who gave out this order wanted to get a clap for bringing development closer to the people--- It was not the wish of the local people. If it was the wish of the local people, why have they not agreed on the location of its district headquarters?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I think, really, the leaders wanted that new district and it is up to them to agree on the location of its district headquarters.

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have asked a very legitimate question: Where is the district headquarters for Meru East District?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, that is exactly what I have said. They wanted the district, but the leaders themselves have not decided on the location of its headquarters.

Mr. Mutani: Mr. Temporary Deputy Speaker, Sir, is the Minister aware that the leaders of Tharaka met at Marimanti and the chairman of the meeting was nobody else, but the deputy Provincial Commissioner and decided that Marimanti was to be the headquarters of the new district. Is he aware of this decision because I was at that meeting?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I am not aware.

Mr. P.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, I understand that the Question is about the

district headquarters. I want to remind the Minister that the leaders in Maragwa District met at Saba Saba back in 1996 and decided that Kenol should become the district headquarters, but the Government revoked that decision and made Kenyatta Farmers Training Centre the headquarters of Maragwa District. That is a problem that the people of Maragwa are facing even today.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. P. K. Mwangi. The Question is about Meru East District, but now you are bringing in the issue of Maragwa District.

Mr. P.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, I commented on that because that Question still concerns my district.

Mr. Maitha: Mr. Temporary Deputy Speaker, Sir, could the Minister confirm the gazette of that DC here by showing us the relevant Kenya Gazette because the name of the DC that he has mentioned is that of a DO1, since DCs are gazetted?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I do not think it is the responsibility of this House to determine the promotion of a district commissioner; it is the job of the administration.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. This question of the creation of new districts is becoming a very serious matter in this nation. It has, in fact, become more important than other things. Would he not be in order to ask the Minister and the Office of the President to tell this Parliament what criteria are used in determining the creation of districts and the location of their headquarters, otherwise, this thing is going to become endless? Are we not in order?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I have answered that sort of question before. A lot depends on the geographical situation of an area, population and the general terrain. That is what determines the creation of the new districts and the location of their headquarters.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister not deliberately misleading this House on the criteria used by this Government to create districts when we know very well that its purpose is to get President Moi more votes when it comes to the Constitutional Review process?

(Laughter)

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, the Minister for Finance has told this House that the main crux of the Budget this year is to cut down on the number of civil servants and teachers in order to reduce costs. Could the Minister tell us how many new districts will be created between now and 1998 or during this fiscal year, if this House has been made a toothless dog? We vote money which you just use to create new districts.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, we have not decided on the creation of any new districts from now on.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, it is quite clear that this Government has taken the people of Meru East, that is the Tharaka people, for a ride. The Minister says that they have appointed a DC for this new district, who is based in Embu, but he has not been able to show the House the gazette number appointing this DC. The Minister further says that the people of Tharaka have not decided where the headquarters of this district is going to be situated. However, you have heard that there was a meeting that was chaired by the Deputy PC where it was unilaterally agreed that the district headquarters were to be at Marimanti. Now, since the Minister has run out of excuses, can he tell the House when this new DC is going to be posted to Marimanti?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I have not run out of excuses. I make no excuses. All that I am saying is that the leaders should go and sit down and definitely come up with the new location of the district headquarters and the DC will start working from that particular location. That is one point that he has said that there was a disagreement about the location. So, once they have all agreed on its location, the DC will move to the location and the gazette will be provided.

Mr. Karauri: On a point of order, Mr. Temporary Deputy Speaker, Sir. I know hon. Gatabaki is an educated person. But every time he stands up, he calls you "Mayor Speaker." He is capable of calling you Mr. Speaker, but instead he says "Mayor Speaker." Is he in order?

(Laughter)

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, I must confess for the people who are in this House who did not have the privilege of getting secondary school education. All the same, I always say: "Mr. Speaker, Sir."

The Temporary Deputy Speaker (Mr. Musila): I have heard it clearly now; it is Mr. Speaker.

*Question No. 191*DIPLOMATIC RELATIONS BETWEEN
LIBYA AND KENYA

Mr. Gatabaki asked the Minister for Foreign Affairs:-

(a) when diplomatic relations between Kenya and Libya will be resumed; and,

(b) why, in the first instance, the relations were severed by the Government of Kenya.

The Assistant Minister for Foreign Affairs (Mr. Muchilwa): Mr. Temporary Deputy Speaker, Sir, I must apologise for having come late. I beg to reply.

(a) The Government of Kenya re-established diplomatic relations with the Great Socialist Peoples' Republic of Libyan Arab Jamahiriya on 26th May, 1998.

(b) Relations between Kenya and Libya were severed in 1987 due to activities of Libyan diplomats since that was considered incompatible with the Vienna Convention on Diplomatic Relations. During the period leading to the rupture, the Libyan Embassy in Nairobi became a source of acts of gross interference in the internal affairs of the country. This undiplomatic behaviour could not be tolerated.

Mr. Temporary Deputy Speaker, Sir, the Government had on several occasions expressed its concern on the way the embassy and its personnel were conducting themselves. Because of the failure by the Libyan diplomats to cease those activities, it became inevitable to expel the diplomats and close the embassy for national security reasons. The two Governments have since resolved those differences. As both Kenya and Libya are members of the Organisation of African Unity (OAU), the Non-Aligned Movement and the United Nations, it is expected that the resumption of diplomatic relations will result in the enhancement of bilateral co-operation, especially in trade, technical co-operation and other fields for mutual benefit of our two countries and peoples.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, while I appreciate the answer given by the Assistant Minister, it is not specific because he has not told us how the Libyan Embassy diplomats were grossly interfering with the internal affairs of this country. Could he name incidents and individuals? Could he be more specific? Is it not a fact that the Kenya Government, at that time, allowed itself to be influenced by other sources which were enemies of Libyan Arab Jamahiriya.

Mr. Muchilwa: Mr. Temporary Deputy Speaker, Sir, first of all, I deny that the Kenya Government was influenced in any way by any other country. But what I want to state is that, since we have already resumed diplomatic relations which are good, there is no point and it would be very undiplomatic to re-open old wounds.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, the character of a nation's standing in the community of nations, is determined by the consistency of its defined vision and implementation of that vision. This country broke diplomatic relations with that country and, without the fundamental reasons for that breakage being addressed, it has resumed those relations. This manifests that there was no rational basis for the break in the first place. The Great Peoples' Socialist Republic of Libya has not changed its foreign policy and its practices. The fact that some people who were not very friendly to the Government were seen to have gone to the Embassy, is similar to what some of us have been doing to other embassies. Why did Kenya break diplomatic relations with Libya because some people went to its Embassy and has not done the same with the USA, when some of us go to its Embassy? Why has it resumed those diplomatic relations without any understanding that people who are not very friendly to the Government will stop going to the Libyan Embassy?

Mr. Muchilwa: Mr. Temporary Deputy Speaker, Sir, relations resumed because the Libyan Government agreed to have its diplomats behave the way we want them to.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, for the interest the House has shown on this question, I think the main reason why the diplomatic relations were severed in the first place, was because of the hon. Raila. Now that he has co-operated with KANU, maybe the President can tell him precisely, why he did that. The real reason why---

Mr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Gatabaki in order to mention hon. Raila without substantiating?

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, in 1987, the United States Government told Kenya to sever diplomatic relations with Libya. In 1998, the Kenya Government has nowhere to go for aid, and it desperately needs Libya for economic rescue. The only reason this Government has resumed diplomatic relations with Libya is because it is isolated; it has nowhere to go and it is corrupt. Could the Assistant Minister confirm or deny that?

Mr. Muchilwa: Mr. Temporary Deputy Speaker, Sir, that is mere speculation by the hon. Member.

Question No.172

CLINICAL OFFICER FOR WAMBA HEALTH CENTRE

Mr. Leshore asked the Minister for Health:-

(a) whether he is aware that services in Wamba Health Centre and Ndonyo Wasin Dispensary have collapsed because of inadequate staff;

(b) whether he is further aware that the Ministry promised to post a Clinical Officer to Wamba Health Centre and an additional nurse to Ndonyo Wasin Dispensary in the 1995/96 fiscal year; and,

(c) if the answer to "a" above is in the affirmative, what urgent steps he is taking to provide services to the communities living in this area in order to improve their health needs.

The Assistant Minister for Health (Mr. Criticos): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Wamba Health Centre and Ndonyo Wasin dispensary have collapsed, or rather closed down because of inadequate staff.

(b) I am aware that my Ministry promised to consider posting a Clinical Officer to Wamba Health Centre. Mr. Towet, personal No.9707072, has already been posted there. Ndonyo Wasin dispensary has one nurse, Mr. David Lungoya, personal No.94056310.

(c) My Ministry has ensured that the facilities are supplied with enough drugs and other supplies.

Mr. Leshore: Mr. Temporary Deputy Speaker, Sir, first, I would like to thank the Assistant Minister because he has done me a good job by posting that officer to Wamba on Monday. I was there and I received him. I thank him very much. Now, on Ndonyo Wasin Dispensary, since the *El Nino* rains started last October, the nurse has not been there. The drugs are lying in Wamba Health Centre. So, I am requesting the Assistant Minister to consider sending some funds for the ambulance to be repaired, so that the drug and the nurse could be taken up to Ndonyo Wasin Dispensary, which is about 170 kilometres from Wamba. Secondly, all the buildings in Wamba Health Centre have been condemned. Could the Assistant Minister consider allocating some funds in this year's Budget, so that, at least, the outpatient ward and the two wards in the health centre could be rehabilitated?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, as a matter of fact, last week we explained why we lack drugs in most dispensaries. I said that the Ministry has no money to buy fuel to transport drugs to those areas.

However, I have been assured by the Provincial Medical Officer that the drugs will be taken there by this weekend. Secondly, the Budget has already been presented and considering the little funds allocated to the Ministry, I do not think we will have enough funds to rehabilitate that area. However, I will look into the matter and see what we can do.

Question No.239

FLOODING OF RECLAIMED LAND
IN YALA SWAMP

Dr. Oburu asked the Minister for Rural Development:-

(a) if he is aware that due to heavy rains, River Yala has burst its banks and as a result the reclaimed land in the Yala Swamp has been flooded and crops washed away; and,

(b) if the answer to "a" above is in affirmative, what urgent steps he is taking to control the flooding of reclaimed land in Yala Swamp to save farmers from imminent famine.

The Temporary Deputy Speaker (Mr. Musila): Is anyone here from the Ministry of Rural Development? I will defer the Question for the benefit of the hon. Member.

Dr. Oburu: Up to when?

The Temporary Deputy Speaker (Mr. Musila): Up to next week on Tuesday.

(Question deferred)

*Question No.291*ALLOCATION OF GOVERNMENT
LAND TO PRIVATE DEVELOPER

The Temporary Deputy Speaker (Mr. Musila): Is Mr. Gitonga not here? His Question is dropped.

(Question dropped)

Let us move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

MURDER OF MR. WANYONYI

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

(a) Is the Minister aware that the FORD(K) Locational Chairman of North Bukusu, Mr. Stephen Mukhwana Wanyonyi, was murdered on the evening of 6.6.98, a few meters from the home of the Chief of North Bukusu Location, Mr. Felix Wekesa?

(b) Is he further aware that the late Stephen Mukhwana Wanyonyi had a long-standing land case against the said Mr. Felix Makasi Wekesa and the ruling was to be made on Monday 8th June, 1998, in a Kakamega Court?

(c) Why have the culprits of this offence not been charged in a court of law?

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

(a) I am aware that the deceased was murdered three kilometres away from the chief's home.

(b) I am also aware that the deceased was a defendant in land case No.3 of 1985, in which the chief's father was one of the plaintiffs before he died.

(c) Investigations into the circumstances leading to the murder of Stephen Wanyonyi are still in progress vide Bungoma police file No.911/329/98. So far, there is no sufficient evidence to charge anyone, but the investigations are still in progress.

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, it is astonishing how these Ministers accept misleading replies from their officers on the ground. The said Stephen Mukhwana Wanyonyi was a neighbour of the chief. He was called out of his house by one of the chief's brothers at 11.00 p.m. He was then murdered 50 yards from his home. That is not three kilometres. I am surprised that the Minister can come up with such an answer. The Chief of North Bukusu Location is the chief suspect, and I told the police that. The chief's watch and panga were found at the scene of the murder.

Hon. Members: Shame! Shame!

Mr. Munyasia: The brother of the deceased who found these things could not be allowed to write a police statement until we pressed for him to be allowed to write it. In view of that information, why does the Minister not order that the chief, who is the chief suspect, be arrested and made to record a statement?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I am prepared to order the chief to go and make a statement. However, I am not in a position to order for him to be arrested and charged until sufficient evidence has been provided for him to be charged.

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, in view of the gravity of the offence that has been committed, could the Minister take immediate steps and interdict the chief? He can do that. Could he also assure us that before the investigations are completed, he will interdict that chief when he goes back to his office this morning?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I am not prepared to just act on pure allegations. We have to be satisfied. All that I am saying is that we will get the chief to write a statement immediately, and if I consider it necessary, I will interdict him.

Mr. Imanyara: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to say that what an hon. Member has said in this House is a mere allegation? Is it proper for him to impute bad motives on hon. Munyasia, when hon. Munyasia has just said that he went to a police station and

made a report? Is it in order for the hon. Minister to say that is an allegation?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, as far as I am concerned, I am in order. It is an allegation and until it is proved I am not ready to accept it.

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Minister deny or confirm that a watch and a panga belonging to the chief were found at the scene of the murder?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, that is all part of the allegation, and will remain so until it is approved.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, seven days after the murder of the FORD(K) locational chairman, his hon. Member, who is also the Vice-chairman of FORD(K), Bungoma District, hon. Munyasia, went to the police station to complain as to why the police had not arrested the person whose watch and panga had been found at the scene of crime. The police proceeded to arrest the chief. On the same day, the District Commissioner, Bungoma, went and insisted on that chief being released. Could the Minister tell this House under what authority the DC went to get a principal suspect in a murder case out of police custody?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I am not aware that the DC did that.

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, as my locational FORD(K) Chairman was dying he shouted that he had made marks on one of his assailants. The chief is the man suspected to have been beaten by Mr. Stephen Wanyonyi. I told the police that they should arrest the chief, strip him naked and examine him for marks that Mr. Stephen Wanyonyi had left on him. Why has that not been done to date?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I do not know whether that has been done or not. All that I can say is that investigations are going on---

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are talking about a Kenyan who has been murdered in circumstances that implicate a Government officer. This Question was put so that the truth can come out. Is it in order really for the Minister to say that he does not know this and that, and that investigations are going on? Is it not fair that we ask the Minister to investigate the matter and then come back here with a proper answer? Otherwise, this House will not be taken seriously!

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I think it is in order for me to inform the House of what is before me. It is proper that the investigations should be completed. I have stated clearly that the investigations are going on in order for us to establish the truth of the matter.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is misleading the House. Do we have special law covering civil servants, particularly chiefs and administration police, when they commit murder? We want the Minister to tell this House and the nation whether there are special rules covering the chiefs and the administration police when they commit murder.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, there are no special rules governing civil servants. They are all treated equally; like any other citizens of this country.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Musila): Mr. George Anyona's Question by Private Notice!

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

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

The Temporary Deputy Speaker (Mr. Musila): No more points of order! Mr. Anyona, I am quite precise!

FATAL ROAD ACCIDENTS IN NAIROBI

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Transport and Communications the following Question by Private Notice.

In view of the recent spate of fatal and tragic road accidents, especially in the City of Nairobi, caused by Stage Coach Buses, could the Minister:

- (a) Explain and investigate the root causes of these accidents?
- (b) Suspend operations of Stage Coach Buses until a clean bill of health on their roadworthiness and serviceability is issued?
- (c) Take the necessary remedial measures including insurance compensation to the victims of the accidents?

(Several hon. Members stood up in their places)

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

The Temporary Deputy Speaker (Mr. Musila): What is your point of order? A Question by Private Notice has been asked by Mr. Anyona.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, in view of the seriousness of the matter that has been raised by hon. Munyasia here; and in view of the fact that the Minister has not been able to give the House a satisfactory answer---

The Temporary Deputy Speaker (Mr. Musila): Order! Order! Order, Mr. Raila Odinga! We have already passed that Question and, I have invited Mr. Anyona to ask his Question by Private Notice---

(Several hon. Members stood up in their places)

Order! Order! We have already passed that Question. I did call upon Mr. Anyona to ask the second Question by Private Notice. I would now like to ask the Minister for Transport and Telecommunications to respond to Mr. Anyona's Question.

(Several hon. Members stood up in their places)

Order! Order! Mr. Anyona's Question by Private Notice is deferred. I will now call upon the Assistant Minister for Information and Broadcasting, hon. Ekirapa, to make a Ministerial Statement.

(Question deferred)

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

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

Mr. Wanjala: Mr. Temporary Deputy Speaker, Sir, it is really perturbing, surprising and annoying that a whole Cabinet Minister can keep on covering up for culprits. Someone has been murdered. If it were you, you would have listened.

Mr. Temporary Deputy Speaker, Sir, if I had the power, today, I would have sacked this Minister. He is not serious about what he is telling us. Someone has been murdered and still the culprit has not been arrested! How will he be charged if he is still free? How will he be proved guilty? I think this Minister was appointed to a Ministry he is incapable of running.

The Temporary Deputy Speaker (Mr. Musila): Order! Order! We have to proceed to the next Order of the day. Mr. Wanjala, if I was the one who had been murdered, I would not be there. So, I will not make a statement. Now, we have to move to the next Order.

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

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Kombo, will you sit down? Mr. Ekirapa, proceed!

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Musila): Order! Order! I think we have finished with that issue. The Question has been answered.

Hon. Members: No! No! No!

(More Members stood up in their places)

The Temporary Deputy Speaker (Mr. Musila): Order! Order! Hon. Members, will you sit down? Now, I will invite hon. Ekirapa to make his Ministerial Statement.

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

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

Mr. Sambu: I do not know what type of Government can condone murder! Here we are talking about a murdered person and this Government---

The Temporary Deputy Speaker: Order, Mr. Sambu! You know---

Mr. Sambu: You do not have to order me out. I will go out!

(Mr. Sambu withdrew from the Chamber)

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members, you know the procedures of this House. If you are not satisfied with a reply to a Question, you can proceed and table a Motion. As for now, that Question has been done away with and, therefore, I will not accept any more points of order on that one.

Mr. Ekirapa, proceed!

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

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

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

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

Mr. Maitha: Mr. Temporary Deputy Speaker, Sir, we need guidance from the Chair. A Kenyan was murdered and the suspect, who happened to be a chief in the Provincial Administration, has been left free. Could you give us guidance on the Minister's reply? It is so painful! Tell us what we should do as Members of Parliament. Parliament is supreme and the matter cannot be taken anywhere else!

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, you know that I cannot interpret or give any directives on the Minister's reply. The Minister brought a reply here and hon. Members are trying to force me to interpret it. I cannot do that! You know what to do if you are not satisfied with the reply. You can move a Motion of Adjournment or something like that, under Standing Order No.18. Therefore, that Question has been dealt with and, if you feel that you are not satisfied, you can still go ahead and raise it up in another manner.

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

The Temporary Deputy Speaker (Mr. Musila): Dr. Oburu Odinga, you are out of order.

Proceed, Mr. Ekirapa!

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

The Temporary Deputy Speaker (Mr. Musila): Mr. Wanjala, I have not accepted your point of order. Will you sit down?

Mr. Ekirapa, proceed!

MINISTERIAL STATEMENT

PRIVATISATION OF KNA

The Assistant Minister for Information and Broadcasting (Mr. Ekirapa): Mr. Temporary Deputy Speaker, Sir, yesterday, I answered a Question by the hon. Member for Ntonyiri, hon. Maoka Maore, who asked me if my Ministry was willing to privatise or disband the Kenya News Agency.

In my reply to the first part of the Question, I said that the Ministry is neither planning to privatise nor disband the Kenya News Agency. In response to a supplementary question, I stated that news agencies are an important aspect of news gathering the world over. Last night, the Kenya Television Network (KTN) reported me to have said that the Kenya News Agency is due to be privatised.

Mr. Temporary Deputy Speaker, Sir, I wish to ask my friends in the Kenya Television Network to correct the wrong impression they might have given to their viewers.

Thank you.

Mr. Ochuodho: Thank you, Mr. Temporary Deputy Speaker, Sir. Earlier this year, the Minister promised that the Press Task Force that was established would look into, among other things, the modernisation and the possible privatisation of the KNA---

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

Mr. Ochuodho: My point of order is that since 30th April, which was given as the deadline for the submission of the Task Force's report---

The Temporary Deputy Speaker (Mr. Musila): That is not a point of order.

Mr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, has the Task Force submitted its report and is the modernisation and privatisation of the KNA one of its recommendations?

The Temporary Deputy Speaker (Mr. Musila): That is not a point of order.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I hope I will be allowed to comment on a very serious matter which was raised here and left pending. In view of the fact that the Minister of State in the Office of the

President has not given this House a satisfactory answer to the Question regarding the murder of Mr. Wanyonyi, would I be in order to ask that the Minister be given time to carry out further investigations and come back with a satisfactory answer?

(Applause)

The Temporary Deputy Speaker (Mr. Musila): Maj. Madoka, I think I will give you time to go and prepare a more satisfactory answer because the hon. Members are not satisfied with the answer you have given.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I will do that. The death of any Kenyan is of concern to all of us and, certainly, we would like to establish the truth. Investigations are going on, and we will come out with the truth and I will report back to the House accordingly.

The Temporary Deputy Speaker (Mr. Musila): I think that has been sufficiently dealt with. Next Order!

MOTIONS

BANNING OF HARMFUL BREWS

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, whereas the Government admitted in an answer to a Question by Private Notice on 18th November, 1993, that the chemical components of Cantanta brew is harmful to health in that it contains the following ingredients, namely:-

Alcohol 12.4 per cent;

Volatile Acid 0.4 per cent;

Total Solid (Tartaric Acid) 2.9 per cent;

Sulphur Dioxide 50.4 PPM;

Copper 1.2 PPM;

Iron 5.4 PPM;

Organofilic(?) taste Normal;

and given the fact that many people, particularly in Central and Eastern provinces, have died due to the consumption of this and other brews known as Kamata, Kulta, Sorghum, Medusa Pound and Teacher's Wine with similar chemical components; and noting that the consumption of these brews causes a period of insanity and anti-social behaviour; this House urges the Government to ban the production, sale and consumption of these brews and others with similar chemical components with immediate effect.

Mr. Temporary Deputy Speaker, Sir, I have brought this Motion to this House at the request of the people who elected me to this House. These people include wives, husbands, parents and the consumers themselves who have been hooked onto taking these drinks and cannot, on their own, get out of that habit. A ban on these brews was one of my campaign proposals which was endorsed overwhelmingly by the people.

Mr. Temporary Deputy Speaker, Sir, there are 71 names of these brews, including the ones I have mentioned in the Motion. There are about 20 to 30 manufacturers of these drinks. So, nobody should think that I am making this issue personal because there are so many of them all over the country. These drinks are marketed under the 1997 Finance Bill which defines these drinks as "portable liquor derived from fermentation of a mash of cereal grains or vegetable products, with or without additional sucrose or honey and which contain not less than two and a half per cent of absolute alcohol by volume." Although these drinks are defined as traditional drinks, I would like to propose to this House that there is nothing traditional in these drinks other than the fact that they are produced from grains and vegetables grown in this country. That is the only aspect that can make them traditional. The rest are foreign-produced chemicals from the ordinary technological acquisitions which we have had from Europe and elsewhere. In fact, the stuff that is worrying in all these drinks is methylated spirit. The methylated spirit is acquired from Muhoroni Sugar Company. There are even transporters who have been contracted to transport this stuff in large quantities because it is in high demand by all the manufacturers of these traditional brews. The common thing in all of them is industrial alcohol. Some of them contain as much as over 200 per cent of methanol which makes people blind and so on.

Mr. Temporary Deputy Speaker, Sir, arising from the investigations I have carried out, let me tell you what the consumers of these brews say. The consumers complain of the following side-effects: Stomach problems, absence of sexual urge, weak joints, de-hydration, heartburn, vomiting, unusual trembling, loss of appetite, heaviness of the head, falling forward and hitting the ground with the fore-head, mental instability,

shouting and misbehaving, death.

Mr. Temporary Deputy Speaker, Sir, since I brought this Motion to this House, many people from my constituency, Murang'a and here in Nairobi have brought names of people who have died after drinking these concoctions. I have with me here a list of 120 people who were affected by these drinks and I am sure other hon. Members whose constituents have been affected by these drinks will have their own lists.

I have a list of 120 people who have died. I could not get all the names but I am told that from Kirinyaga, Murang'a and Maragwa, at least three people die daily as a result of these drinks. I am also advised by the Medical Association of Kenya that this drink actually destroys the liver including the intestines. It also inflicts temporary madness on people. This is according to the Chairman of the Medical Association of Kenya. If you look at the whole lot of these drinks; Kulta Special, Santana Pineapple, Sun Wine and Tornado--- Sake contains 194 of parts per million of methanol, 208 percent. Some of them, of course, have lower percentages like Santana Pineapple with about 3 per cent of methanol. But the common thing is that this is poison. Let us not call them alcoholic beverages; we should recognise, as a House, that these drinks are poisonous. There is no doubt about that.

There is one village called Nyakahura in my constituency where these drinks were being taken. I was summoned there by married women. They did not want to talk in front of men. They told me that their husbands had become so hostile and helpless when they came home that they actually had to "nappy" them with polythene papers. They have to do that because they urinate and excrete on their beds. These wives have to do this every morning because these men are completely unable to do anything. Let me say that since these drinks came to this country in 1992, with multipartyism, most young men in my constituency who married at that time and started drinking have had no children. One wonders why all these things happen under such close and heavy surveillance by the local administration; of what is going on in the villages. People still continue to die.

I am seeking a complete ban on these drinks because they interfere with our labour force. My investigations reveal that the drinks are mostly consumed by young people aged between 14 and 34. In some cases in my constituency, primary school children had got into the habit of consuming these drinks until the Government stopped them, presumably after this Motion came to this House. It would be unthinkable that anybody in this House, whether he is a Minister, an Assistant Minister or even Members of the Opposition, would want one life to be lost in the name of making money. This is the kind of money making that continues to vindicate Julius Nyerere's statement that "the Kenyan society is a man-eat-man society". Because of the love of money, we are prepared to let our people die. In the name of industrialisation and utilisation of modern technology, we would rather have money and let our people die.

It is for this House to consider whether practices of this kind will be allowed to continue in this country in the name of employment. You will hear from the Floor of this House how some of these drinks came about, particularly, in Central Province. Why is it that these drinks should be consumed only in Central and Eastern Provinces, although this practice has spread to as far as Taita-Taveta? My proposal is that we should ban these drinks. Because of our moral degeneration, leaving it to the normal administrative machinery will not do, due to corruption and political patronage. There could be a hidden agenda behind the brewing of these drinks. There are 120 people who have died as I have been told by their relatives who have buried them. I have also been told by doctors that these people have died after consuming this poison. Do not call it a drink. It is not an alcoholic drink, it is a poison.

You are calling it a traditional drink but no traditional drink in this country has ever killed people. I have no evidence to that effect. Therefore, the sooner the Government declares these drinks poisonous under the Pharmacy and Poisons Act, the better, so that we can save the lives of our people. I wish hon. Kones was in this House. I went with him to my constituency yesterday and people, completely unprompted by anybody, sent him to the President to tell him to ensure that the ban which is now in place continues so that those drinks will never again appear in Kangema.

I am sure that hon. Members have the same feeling about this matter. Therefore, the claims which have been made; that the Kenya Bureau of Standards is doing this and that--- I have a disclaimer here which was issued by the Kenya Bureau of Standards to the effect that they were not in consonance with whoever had claimed--- This is a public notice issued by the Kenya Bureau of Standards on 10th November, 1997, saying that what the producer had claimed was misleading. It is all there, making a very valid point that whatever they had examined or approved was particular to the material that was brought and no other. What is happening is that the producers take certain samples to the KBS but they sell poison to the people.

Mr. Temporary Deputy Speaker, Sir, I would like to request the Member for Voi, hon. Mwakiringo, to second this Motion.

I beg to move.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Michuki has said that

there was a disclaimer and he has read to us a portion of that disclaimer from the Kenya Bureau of Standards. In order to follow up the authenticity of that particular disclaimer, would it be in order to ask hon. Michuki to lay that particular document on the Table of the House so that we can establish whether it was actually written by the Kenya Bureau of Standards and not another person? Could he lay on the Table of this House, that particular disclaimer?

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, this advertisement appeared in the newspapers and it will be laid on the Table of the [Mr. Michuki] House. It was signed by Eng. Philip Okundi and---

The Temporary Deputy Speaker (Mr. Musila): That is okay, Mr. Michuki.

Mr. Wamae: Mr. Temporary Deputy Speaker, Sir, I stand here to second this Motion. I would like this House to know that this is a very important Motion as regards the health of the people of this country. I hope that everyone who stands here, from any side of this House, will take this into account when contributing to this Motion. He will consider the people in his constituency who have been maimed by these drinks. It is not one drink, there are many drinks; about 40 or 42 of them. They are produced in Nairobi, Embu, Naivasha and in many other parts of this country. Everybody, in considering the damage which has been done to our people, should also know that the Kenya Bureau of Standards, the Government Chemist and the Ministry of Health, must consider themselves as guilty, for having allowed such dangerous drinks to be consumed by Kenyans for so long. As has been said by the Mover of this Motion, this drink has methanol. As everybody knows, and particularly my good friend Prof. Ongeru would say, methanol is a dangerous chemical. It is not ethanol. Methanol is alcohol that has not been fully purified. That is why you lose your eyesight if you consume this drink for long. This is the reason why you lose your senses and the drink does so much damage to an individual. The drink we are talking about is not *Chibuku* or *Kibuku*. *Chibuku* is made from sorghum and it is a broth type of drink, like porridge. That is not dangerous and that is not what we are talking about. We are talking about the other drink called "*Sake*" and other names like *Kulta*. There are so many types of them.

An hon. Member: *Koma na mwena!*

Mr. Wamae: *Koma na mwena*, premier wine and *Hangamanyanga*. They are so many; *Medusa* moto moto, *Cantata* and pilot wine. Everybody is able to make this pilot wine so long as they can get unpurified industrial alcohol from the sugar mills. We used to produce a petroleum product here called *gasol*. Since *gasol* is no longer produced, the industrial alcohol produced by the sugar mills is the one which is being produced and supplied to the producers of these drinks for human consumption and the result is what we are seeing now. People in pursuit of profits have no regard for the health of other people.

Mr. Temporary Deputy Speaker, Sir, there are people who had known that this is a dangerous drink for their own communities. For instance, on 30th August, 1996, there was a report in the *Daily Nation* saying that in Kapsabet the sale of sorghum had been banned. This was said by the Deputy Mayor, John Kurgat. He said that the sale of the sorghum drink was illegal. In a press statement, Mr. Kurgat said that most people had left their homes for the town where they engaged in acts of hooliganism. This drink was banned by the administration in Baringo, Nandi, Kericho and Bomet but it was encouraged in Nairobi, Central Province, Eastern Province, Taita Taveta and other places. Why was this done? It was stopped by the administration in those areas; by the liquor licensing boards. But the District Commissioners in other areas did not stop it. Why were double standards used? If it is dangerous for the people of Baringo, Nandi and Kericho, it is also dangerous for people of Nyeri, Embu, Kirinyaga, Meru, Kambas and the Taita in Coast Province. It cannot be bad only in some areas. Why was the administration being selective? I am saying this because this has come out in the report.

Mr. Temporary Deputy Speaker, Sir, in my own constituency, in our DP office, when we asked for names of people who had died from this type of drink, we received a list of about 200 people. We have had a meeting with Catholic priests and their followers and they passed a resolution that they do not want this drink. The Presbyterian Church of East Africa, when it held a meeting in Mkuruweini, passed a resolution that this drink is dangerous and they even put an advertisement in the newspapers. During a delegates meeting of our party in Nyeri, they all passed a resolution that they do not want this drink. Then why continue brewing it, if the people do not want it? It is only because the Government allows it to be sold. It is being bought because it has a duty of only 15 per cent whereas the other drinks from the Kenya Breweries attract a duty of 95 per cent. That is what makes a difference. It is too cheap! If you have Kshs20, you will become thoroughly drunk and useless.

Mr. Temporary Deputy Speaker, Sir, I do not want to repeat what hon. Michuki said about what happens to one when he or she has taken such a drink. Young women are particularly joyous and very happy in the rural areas because this drink has been banned. They are praising the Government for having banned it. I hope that the Government is not going to allow it again to come back to the market. Kenyans are very happy. Even here in

Nairobi, you do not see so many people drunk as you used to do. If you go to a market, all those people who were lying on the roadside are not there now because they are not having this cheap drink available. We must consider this issue seriously. Alcohol is very attractive if it is cheap. So long as you make it so cheap, our people will always go for what is cheap and what can make one easily intoxicated.

Mr. Temporary Deputy Speaker, Sir, it has been explained here that what we need, if our people have to have drinks, is to make sure that it is a healthy drink. Nobody is complaining about gin, brandy or beer because by their prices, you cannot drink much. It fills your stomach very quickly before you are even drunk and you have to go.

Mr. Temporary Deputy Speaker, Sir, this drink is very intoxicating and once you are hooked to it, it is very difficult to get away from it. This is a very serious Motion and I hope that all hon. Members from both sides of the House, will look into the interests of our people. It is very good to buy this industrial alcohol very cheaply and make 200 or 300 per cent profit by selling it under all sorts of names, but is it helping our people? It is being made in very simple ways. Some people are making it behind their houses and others in all sorts of places. We must know for what purpose this industrial alcohol from the sugar mills is used. If it is going to be used to poison our people, we should stop its production because it is no longer being used for gasohol which was the original intention. When we came up with the idea of producing alcohol from molasses, the aim was to mix gasohol with petroleum. But when the petroleum product became cheaper, it was not possible to mix it with gasohol because the exercise was more expensive. This technology came from Brazil and we copied it when the oil prices were very high. But the prices have come down so drastically that this industrial alcohol is very expensive to mix with petroleum products. In spite of that we should not divert it for the consumption of our people.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that the Kenya Bureau of Standards should be strengthened. They should have the courage to say when products are sub-standard. As hon. Michuki said, on 10th November, 1997, the Kenya Bureau of Standards said that they had not approved these drinks. Some manufacturers had claimed that they were approved by the Kenya Bureau of Standards. They said that their brew was not necessarily the one on the market. Even then, the manufacturers did not withdraw this product from the market.

With those few remarks, I beg to support the Motion.

(Question proposed)

The Minister for Health (Mr. Kalweo): Thank you Mr. Temporary Deputy Speaker, Sir. I totally agree that this is a very important Motion as it concerns the health of our people. But I am intending to move an amendment as follows:-

"THAT, whereas the Government admitted in the answer to a Question by Private Notice on 18th November, 1993, that the chemical components of the Cantata brew is harmful to the health in that it contains the following ingredients, namely:-

Alcohol	- 12.4 per cent
Volatile Acid	- 0.4 per cent---

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. It would save this House a lot of time if the Minister would indicate which lines or words he would like to amend, as opposed to reading out the whole Motion, so that we can move fast since we have very many Members from both sides who would like to contribute to the Motion.

The Minister for Health (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I was just following the order of the House. Now, I wish to insert the following words in the second last line, immediately after the words "Government to" so that the Motion reads in part:-

"---the Government to carry out immediate investigations with a view to establishing the chemical contents of each of the brews and take appropriate measures, including banning, depending on the findings thereof".

However, in the meantime, the ban already imposed should remain in force.

Mr. Temporary Deputy Speaker, Sir, I have said so because people's health is quite important. Many things have been said and many Members have seen within their constituencies that this new brew which was brought in during multi-partyism, has caused havoc in many areas. Many people may talk about employment and other things, but at the same time we should consider the health of our people. Our people are civilised enough to understand what it is. Therefore, during this time---

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am in great difficulty to understand the Minister. Is it in order for the Minister, who dealt with this Question, on 18th November, 1993, to

ask for more time to carry out investigations when he had more than four years to do it? He is the same Minister who dealt with that Question when he was the Minister of State, Office of the President. He is now the Minister for Health. He had more powers because the Government Chemist was under him, yet he has not done any investigations and, because of that, many people have died.

The Minister for Health (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I am in order because as far as this Motion is concerned, we cannot do things for the sake of doing them. I am asking the House to understand that we should [The conduct chemical analysis of each of these brews. That exercise is on and soon we will come up with the chemical contents of each of these brews and then the Government will be able to ban their production. There are other African brews which used to be there like honey, mnazi, sorghum and others. We need to analyze their chemical contents so that when we ban their production, we can avoid incurring costs. While giving the House time to debate this Motion, it is very important to consider the health of our people. We are not opposing this Motion, but we beg to be given time to analyze the chemical contents of these products.

With those few remarks, I beg to move the amendment and request Prof. Ongeru to second.

The Minister for Local Authorities (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, if the chemical composition of these brews is fully established--- I would like the House to benefit from the available information. Members should see the difference in alcoholic content between ethanol and methanol. Methanol has a lesser chemical composition. When it is ingested, it first affects the intestinal tracks. That is why I am not surprised that one of its immediate effect on a person is diarrhoea. That is why doctors use polythene tubes to assist the victims who drink the alcohol.

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to confuse this House by saying that the cause of diarrhoea is not *Medusa* or *Cantata* when he is not a medical doctor?

(Laughter)

The Minister for Local Authorities (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, I can only sympathise with the hon. Member. Methanol is, indeed, a toxic substance, in that it first affects the gastro-intestinal tracks (GIT).

The Assistant Minister for Transport and Communications (Mr. Obure): On a point of information, Mr. Temporary Deputy Speaker, Sir. For the benefit of the hon. Member who rose on a point of order, I would like to inform him that the hon. Member who is contributing to this Motion right now is not only a doctor of medicine, but also a Professor of Medicine.

The Minister for Local Government (Prof. Ongeru): Thank you, Mr. Temporary Deputy Speaker, Sir. The major side effect of this substance, apart from the GIT effects, is liver failure. When you have a liver failure, there are many other related complications that one would not want to discuss here. When the liver fails to synthesise the normal chemical composition of food, the intermediaries of the chemical process affect the brain. Therefore, one gets mental disturbances. I just want to put the chemical sequence in place for everybody to understand. If, indeed, these brews contain methanol then we are obviously dealing with very toxic substances.

Another thing that is equally dramatic is that these brews cause visual problems. I have handled victims in the course of my practice who had lost sight. One can become blind totally from the ingestion of these brews. The chemical composition of these brews also affects sexual potency. These brews do cause impotence in anybody who has ingested an enormous amount of them. You can understand now why such a person cannot "perform" well. I cannot not explain that at this stage. It is not an imagination, but it is true that these brews cause impotence. However, here we are concerned with their effects on the body. The brews may cause coma and death.

Therefore, it is important for us to analyze and reach the right chemical composition for these brews. The Mover of this Motion has already stated that if, indeed, we find that these products contain methanol, they should surely be banned. We should not shy away from telling the truth. The reason why the Government is seeking this amendment is actually to establish the chemical composition of these brews. One way of doing this is not to go and examine the already presented samples. There are many other ways of sampling and examining this type of products. For instance, you can take any product from maybe the shelves and carry out a chemical analysis on it. We have many competent Kenyans who carry out chemical analyses of these products. We want to be fair to both sides. We want to tell the owners of these brews that his products are harmful, and at the same time tell the him that his product can be modified in a certain way.

Mr. Temporary Deputy Speaker, Sir, when you start playing around with the chemical composition of some of these products, you can end up in a very dangerous situation. Sometimes there is very little understanding

about the fermentation process. What happens during the fermentation process is that yeast, which is the main product which gives the potency to the fermentation process, is used. Its maximum yield when you use it to the end of the fermentation process is almost 12 per cent. Anything above 12 per cent would again tend to potentiate the effects of the yeast fermentation.

As this Motion says, that the alcohol content for some of these brews is 4.4 per cent, obviously it is above the threshold limit of 4 per cent required for the potency of yeast to give effect to the fermentation process. If this is true, then one can only surmise that there must be additional catalytic agents that have been added to the brew to give it a higher potency. Therefore, I suspect that this is why the brews have this "kill-me-quick" effect that immobilises people. It is also important to establish this fact. That is why one has got to carry out a chemical analysis on these brews. To be fair to the owner of the industries, we should carry out sampling on all these brews.

There is no politics in this issue. We should also examine other brews. Personally, I will be very happy if none of you drinks these brews. I do not drink alcohol. For the sake of those who drink, health is important for all of you. You should be alert to be able to contribute in a lively manner to the debates in this House. I do not wish anyone of us to be inebriated in this House when making eloquent speeches.

Given that fact, it is important that other brews should also be examined. This will enable us to bring to the market products that are safe for all Kenyans. While accepting that other aspects of the chemical composition are valid - if this is established - it is important that we pursue that line rather than operate under perceived claims of political patronage. Even in the area where I come from, we do have certain brews which are harmful to those who drink them. We should be able to establish normal requirements for certain brews that Kenyans consume.

Mr. Temporary Deputy Speaker, Sir, I would like to tell hon. Members, that what kills quickly, is not the sexual impotence that has been referred to, because some of them have stayed for even four years. What kills quickly are the immediate effects of the disturbances in the gastroin and intestinal track in the liver, the brain and blindness. Methanol is a poison, and it can kill. Therefore, as soon as we establish these facts, we will be able to take action.

With those few remarks, I beg to second.

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

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, this Motion before the House, is serious. We are pleased to hear that there is no political agenda. The reason why suspicions have been there, is because, those drinks are sold in Central, Eastern and Nairobi provinces. I have got particular personal interest in this matter, because of the complaints I received in Kabete Constituency alone. Hon. Michuki is talking about 120 people being affected by those drinks, whereas the last count in Kabete Constituency alone, was 205 people, who have died because of those drinks.

Mr. Temporary Deputy Speaker, Sir, after receiving many complaints in my Kabete Constituency office, I approached the DO, and for the first time, I had a DO who was prepared to work with a Member of Parliament from the Opposition. So, we went around the whole constituency, particularly around the shopping centres and what hon. Members are saying here is the truth. In one shopping centre called Nderi, there is a lot of garbage, bars and butcheries which attract many flies. I was shown where people who drink those particular brews go to the urinals. That is right behind the place where the stuff is sold. Although there are flies all over the shopping centre, there is no fly that dares to go near where people urinate. If it dares, it dies immediately. So, the flies are actually afraid of going anywhere near the urinals where people relieve themselves. Not only that, if these people vomit on grass, that grass dries immediately. This is a very factual serious matter. It is also a fact that young women are now "widowed" because their husbands have lost the ability to sleep with them.

Mr. Temporary Deputy Speaker, Sir, this Government should not have waited for this Motion to come to this House, before taking action. There are medical officers of health and public health officials in every area. What have they been doing? They must have heard these complaints. The Government should not wait for Kenyans to die, and for a Motion like this one to be brought here, before they can act. There is a duty to protect the lives of citizens.

Mr. Temporary Deputy Speaker, Sir, I have a lot of respect for Prof. Ongeri who taught my wife, and I can confirm he is, indeed, a medical doctor. But, I would like to draw the attention of the Government to the danger of the Kenya Bureau of Standards being given samples that are not correct. The samples that are taken to the Kenya Bureau of Standards may be different from the stuff which is being sold. We have to guard against that. If the Government is going to proceed as Prof. Ongeri says, in terms of picking samples from the shelves, then,

they might be able to confirm indeed, that it is poison being sold.

Mr. Temporary Deputy Speaker, Sir, we took that effort in Kabete Constituency, banned these drinks and everybody was very happy. Regrettably, just because the DO, Mr. Salat was seen going round villages with Mr. Muite, the local KANU Secretary was that evening in the house of the President, saying that the DO was pro-Opposition. The following day, the poor DO was transferred. He was even on the verge of being sacked for protecting lives of the people of Kabete. Because he banned the drinks and was seen with me going around the constituency, some character went giving wrong information. This is one of the problems we are having in this country. I do not know why people give incorrect information to the President when we want to support the country and our people. Other people are just specialised in giving wrong information to the President.

Mr. Temporary Deputy Speaker, Sir, we are happy that the President has agreed to appoint a Judicial Commission of Inquiry into the killings. But, the truth of the matter is; and this is what the Minister should tell the President, Kenyans do not have any confidence in 90 per cent of the Judges of this country. So, let the Judge who is going to be appointed to head the Commission be a Judge of integrity in whom Kenyans have got faith.

The Minister for Health (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Muite should concentrate on the Motion and avoid irrelevant issues as far as this Motion is concerned.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I deliberately raised this point, because hon. Kalweo, for a very long time was a Minister of State, Office of the President. I am saying, that in that capacity, he should have told the President the truth about those drinks. But he did not and could not, because the drinks have continued to be sold.

So, even in this matter, the Government and particularly the Ministers---

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Muite! I would like to draw your attention to Standing Order No.73, which reads as follows:-

"Neither the personal conduct of the President, nor any conduct of Mr. Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the ruler or the government or the representative in Kenya of any friendly country shall be referred to adversely except upon a specific substantive Motion moved for that purpose."

So, I think in that case, you are out of order in your statement about the judges. Could you please stick to the Motion?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I will stick to the Motion. I was just about to sit down. But, I have not discussed the conduct of any judge. That Standing Order talks about the personal conduct of any judge. I am not talking about the personal conduct of any judge. I am stating as a fact, and everybody in this country knows, that Kenyans do not have confidence in 90 per cent of the judges. So, let the judge who is going to be appointed be one of integrity and in whom Kenyans have got faith and trust.

Mr. Sankori: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Muite to state that, Kenyans have no confidence in our judges? It is only him who has no confidence, but the rest of Kenyans have.

Mr. Muite: That is a point of argument. He will get a chance to advance his points when he catches the Temporary Deputy Speaker's eye.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Muite has said that 90 per cent of judges in this country cannot be trusted. I expect the hon. Member to have the evidence. Could I be in order to ask him to lay on the Table, the results of his research findings, for us to believe that what he has said is authoritative?

Mr. Muite: I am talking about matters of belief and faith. But if the hon. Member wants to excite and egg me on, I will say that since Mr. Amos Wako became the Attorney-General, 90 per cent of the judges appointed to the Bench are from one tribe.

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Temporary Deputy Speaker, Sir. Under Standing Order No. 73, hon. Muite has mentioned the Attorney-General. Is he in order to impute improper motives on the Attorney-General, who is also a Member of this House? Unless he brings a Substantive Motion to discuss the Attorney-General, I would like him to withdraw and apologise.

The Temporary Deputy Speaker (Mr. Musila): Hon. Muite, you know the rules and you should confine yourself to the Motion before the House.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, with all due respect, I have not discussed the conduct of the Attorney-General. I have said that, if you examine the names of the judges who have been appointed to the Bench ever since the Attorney-General was appointed, they all come from one community.

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, thank you for

giving me this opportunity to contribute to the Motion as amended. If it was not amended, I would have opposed it. To support the Motion as amended, I would like to congratulate hon. Michuki, for bringing to the attention of this House and the whole country, the unfortunate incidences of the brews in Central Province. I abhor the deaths that have resulted from drinking those brews. I sympathise with the incapacities that are observed in the areas that those drinks are consumed. I also sympathise with the fact that the manufacturers and consumers of those drinks come from the same area; that is Central Province. I am shocked by the people who buy those drinks for consumption.

Be that as it may, I totally agree that any drink that contains methanol, or other chemicals should be banned. We cannot stand here as legislators, and support practices that endanger the lives of our people.

The Motion has a moral and immoral aspect. The moral aspect is that, it seeks to protect the innocent lives of unsuspecting consumers. I wholly support that we must protect the lives of our people. In this regard, I totally agree with the Government proposition, that we must carry out further investigations. Therefore, the Government, armed with the results of the investigations, should do the banning. But that cannot be done without investigations. The amendment by the Minister for Health was very appropriate, and I would like to commend him for bringing the amendment.

Mr. Wamae: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that, the Government should be given time to investigate? The Government has been investigating for four years! How long does it take the Government to take the samples, analyse them and give out the results?

The Assistant Minister for Finance (Mr. Keah): We are dealing with the Motion at this point in time. We cannot be the judge, prosecutor or the executioner in this House. We must give due respect and powers to the people who carry out the tests. I cannot support any ban, since I have no evidence of the fact that those brews contain dangerous chemicals. I agree that if the statistics for Cantanta, which have been provided here are correct, it should continue to be brewed.

The immoral aspect of this issue is that, we have legitimate breweries that have been established in this country as economic units, worth Kshs300 million. They have also employed many people. We should urge them to carry out proper brewing---

Mr. Gitonga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to tell us that, those breweries are investments, when they produce products that kill our people?

The Assistant Minister for Finance (Mr. Keah): Precisely, that is the point! If we have a Kshs300 investment like the Kuguru Food Complex, we should encourage them to produce goods which conform to legislated standards in this country. These investments have borrowed funds from other sources and we cannot ignore them, simply because of political differences. They have borrowed money which should be repaid and the complex is there. We have a moral obligation to protect such organisations. They should be encouraged to produce beers, such as the ones Messrs. Wamae and Michuki sell. The Mover of the Motion has a beer distribution company. We must not protect a few---

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to make such allegations, when people have died in Mathira. I am a director of a company that has distributed beer since the 1960s. These brews were introduced in 1991/92 and I did not raise this issue then. Is it in order, when those drinks are killing the people all over the country, for hon. Keah to impute an improper motive that, my main purpose of bringing this Motion, is because I distribute beer?

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I did not impute any improper motive. I am saying that we should encourage the Kuguru Food Complex and others to produce beers that do not kill our people. They should brew the beers that hon. Michuki is distributing. I am not saying anything more. In this regard, I would like to agree with Prof. Ongeru that, we must look into the rules. We should check the distribution and free flow of uncontrolled brews.

Mr. Temporary Deputy Speaker, Sir, I would like to urge that all those brews be licensed. I would also like to urge that all those spirits should, in fact, be sold under customs bond, so that their utilization can be monitored. This should be the case, instead of allowing those illegal brews, some of which I understand are being manufactured in the backyards of people's houses. It is important that all brewers are licensed and we should ensure that, certain minimum qualifications of personnel are a conditionality for the licensing aspect. We do recognise that every Kenyan has a right to be protected, particularly in this era of liberalisation. It is totally unfair to ban a particular brew, without providing alternatives which would ensure that, indeed, even the poor people can have a drink. There are many brews in Kenya, and I would like to urge the Government to ensure that those brews are properly checked. I hope nobody is going to touch brews like the *mnazi* which we have been drinking for

centuries, because that drink is pure milk from the coconut tree. I want to be assured that the Minister will not touch *mnazi*, but instead, he will allow it to be drunk.

We must have proper regulatory conditions that will determine how these drinks are consumed. They must be safe drinks which are unadulterated with additives and which are obtainable without any restrictions.

Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion as amended.

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

DEBATE ON THE ORIGINAL MOTION RESUMED

Mr. Raila: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to take a slightly different angle on this Motion. I want to begin by making two remarks: One, we should be very careful when we are talking about deaths of human beings and attributing causes of those deaths, unless, proper postmortem has been carried out and the causes of the deaths established. Secondly, we all know that the consumption of alcohol and cigarettes is harmful to our health. This applies to any kind of alcohol. So, it is, because of the human weakness of refusing to desist from consumption, that we do have alcohol.

Mr. Temporary Deputy Speaker, Sir, the international classification of alcohol classifies alcoholic beverages that have alcohol content between 1 per cent to 12 per cent as beer, 12 per cent to 25 per cent as wine, and beyond 25 per cent alcohol content as a spirit. We are dealing with an industry and we must be conscious of the fact that, we are talking about an industry in which people have made very heavy investments. So, let us, therefore, try to rationalize whatever we are trying to say. Manufacturing and testing of cereals-based beverages is governed in this country, by the Kenya Bureau of Standards specification 051317. This Motion has given us an analysis which was supposedly carried out on these particular beverages, although it does not state the authority. But they have given us a complete analysis of the contents of those beverages.

Mr. Temporary Deputy Speaker, Sir, I would like to inform the Mover of this Motion that the Kenya Bureau of Standards specification 051317 specifies as follows---

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Raila to ignore the fact that, the Motion says those figures were supplied by the Government on 18th November, 1996 to this House? This information is in the HANSARD.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I am not disputing the fact that these figures might have been supplied by the Government and that, the information is in the HANSARD. I want to draw the attention of the House to the fact that, these figures do not, in fact, differ from those given by the Kenya Bureau of Standards. The Kenya Bureau of Standards specifies the alcohol content to be between 10 per cent to 17 per cent and the volatile acid limit to be 0.3 per cent. In other words, what we have here is 0.1 per cent higher. However, the total solid limit in the Kenya Bureau of Standards ranges between 3 per cent to 8.5 per cent. The sulphur dioxide content in the Kenya Bureau of Standards goes to the maximum of 2 per cent, and copper content to 7 per cent. What is contained in this analysis is within the limits specified in the Kenya Bureau of Standards. So, what we want to do is to require any manufacturer of any cereal-based alcohol or alcoholic beverages, to comply with the requirements of the Kenya Bureau of Standards rather than---

Mr. Wamae: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to say that those drinks are made from grains, when we know that most of them are made from industrial alcohol?

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, even industrial alcohol is made from grains. What I am saying is this: For the information of the Member, we classify alcohol into two things, basically. We have the methyl and ethyl alcohol. We make methylated spirits out of methyl and it is methylated spirits that are ordinarily classified as industrial alcohol which is harmful for human consumption. That is what is used, for example, in laundries, chemical industries and so on.

Mr. Temporary Deputy Speaker, Sir, when you are in the process of brewing, you heat the two types of alcohol. They only differ in their organic change and that is why you move to the second stage of distillation. It is in the process of distillation that you separate methyl alcohol from ethyl alcohol. Therefore, what I am trying to say in general language is that, what we need to do is to make sure that any manufacturers of cereal based beverages should comply with the requirements of the Kenya Bureau of Standards rather than talking about banning the sale of those alcoholic beverages. We do have limits that have been set up, that are acceptable in

figures. Why are we not talking about banning beer produced by the Kenya Breweries Limited? This is because their beer complies with certain standards. We seem to be usually very inconsiderate when we are talking about local manufacturers or people and yet, we continue to protect the products that are produced by foreigners in this country. I think this is unfair to a local manufacturer, who has invested a lot of money.

Mr. Temporary Deputy Speaker, Sir, we may differ politically, but let us not carry our political differences into commerce to try to kill our other competitors. I think this will be harmful to the spirit of democracy and that is why I agree that, we should not allow any alcoholic beverage to be sold that will translate into the death of Kenyans. We must make sure that the law protects innocent Kenyans. Therefore, let us move into the level of regulation. Let us use scientific methods to ensure that, what is brought into the market meets the required standards and the Kenya Bureau of Standards has got the capacity to do this. Let us also [Mr. Raila] move away from this plethora of licences. Let us have one central authority that has the power to test and certify alcohol. Let us base that authority on the Kenya Bureau of Standards. Let us not have a situation where the Treasury issues a licence somewhere---

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member refers to some political differences. Can he substantiate that claim by telling us where those political differences exist as far as this matter is concerned?

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, it is generally known that, we are talking about specific manufacturers. We are talking, for example, about Kuguru Food Complex. Peter Kuguru was my colleague at the Kenya Bureau of Standards. He is a very well trained food specialist in this country. His political allegiance is also known. However, what I am saying is that Mr. Kuguru is, of course, on the other side of the political divide.

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are trivialising this matter. The Motion before us is very clear. It talks of *Kamata, Kulta, Sorghum* and *Medusa*. All these are products that are produced by different and various manufacturers and not one. So, is hon. Raila in order to suggest that, we are only trying to hit at one manufacturer? So, we must keep our records straight.

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

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I would like to say that in accordance with our records, this Motion seems to be very consistent with the policy of the Government that, we should as much as possible, be able to run a sober nation and not a nation full of drunks all the time and that, it is possible for our people to drink healthy drinks and not drinks which are contaminated. However, there are two elements that are contained in this Motion that do not make it acceptable.

Mr. Temporary Deputy Speaker, Sir, first of all, I am in possession of a letter and unfortunately, I have not brought it with me here. It is addressed to me by Mr. Peter Kuguru which indicates beyond reasonable doubt that, there might be other implications of a personal nature that touch on this Motion. The letter is with me in the office and I am prepared to bring it here. Mr. Peter Kuguru asked me, as an Assistant Minister, to intervene so that a hon. Member does not destroy his business under any pretext whatsoever. So, I want to invite my hon. colleagues to view this Motion as a personal Motion, so that we are able to know if it is not really, eventually aimed at the question of *Cantata*---

Mr. Keriri: On a point of order, Mr. Temporary Deputy Speaker, Sir, Is the Assistant Minister in order to try and restrict this Motion to a personal matter, whereas hon. Michuki, when he was talking about this Motion, mentioned 71 manufacturers? That is the list that hon. Michuki produced. Why are we now restricting this Motion to Peter Kuguru? I think it is wrong. The same Assistant Minister, in 1993---

The Temporary Deputy Speaker (Mr. Musila): Is it the same point of order?

Mr. Keriri: Yes, it is the same point of order. Is he in order to restrict the Motion to Mr. Peter Kuguru?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, as I said, I am not in favour of those types of drinks. However, I am saying that there were two things about it and I do not think it is honest--- You know how much I respect hon. Michuki--- However, it is also dishonest of me not to say what I have received in connection with this, that there is a citizen of this country, who is complaining and who could foresee that some people could use their parliamentary privilege to destroy the business. That is why I think it would not be right to support this Motion.

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that, when he knows that he is the one who supplied this House with these figures personally and I am using the same figures? Is he in order, to now try to impute improper motives on me that I brought this Motion here on a personal basis? Is it in order when we actually know that Mr. Kuguru has spent Kshs6 million trying to fight this Motion?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I

can confirm to this House that that Kshs6 million, if it ever existed, did not come anywhere near me. However, the second matter which hon. Raila has actually stated---

Mr. Shabban: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member for Kangema has made a very serious allegation on the status of the Members of Parliament of this House, that Kshs6 million has been paid. Could he tell this House or substantiate who was paid this Kshs6 million? He is imputing improper motives on other Members of Parliament?

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, I made no reference to Members of this House which is contained in the HANSARD.

Mr. Kajembe: On a point order, Mr. Temporary Deputy Speaker, Sir. When hon. Michuki says that he has not made reference to any hon. Member of this House and yet, we are now deliberating on this item--- So, the person who has been paid is the one who is supposed to make a decision. We are now discussing this Motion, so that we reach a decision. Can he tell this House who received that amount of money?

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, my statement was that, Mr. Peter Kuguru has spent Kshs6 million. There have been advertisements in the newspapers costing as much as Kshs500,000. There are people in Nyeri who have--- There is a reverend in one of the churches, who has repeatedly made statements in the newspapers about this issue; the advertisements which have been used. I made no reference to any particular Member or this House, for that matter, in my remarks.

The Assistant Minister, Office of the President (Mr. Sunkuli): If I were hon. Michuki, I would have declared my interest on this matter.

Mr. Maitha: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very good Motion, because it protects the lives of our people. But when it came in this House---

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

Mr. Maitha: My point of order is that, there are allegations that Kshs6 million has been used. May be hon. Members have received these letters in our pigeon holes---

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

Mr. Maitha: My point of order is: Is it in order to say that we received money to discuss this Motion?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the arguments of hon. Raila are very persuasive. After receiving the letter, the Office of the President sent an investigative team to some of the places where some of the brews are made. I want to say that, the facts that have been given in this House about the chemical composition of any of those drinks have not been proved. It might just be the case that, in fact, those drinks do not contain the chemical components that have been highlighted here.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Michuki cannot get away with it. He specifically said that Mr. Kuguru paid Kshs6 million to kill this Motion. The Motion is in this House. So, he could only have been imputing improper motives on the Members who are contributing to this Motion. Is it not in order to call upon him to substantiate how the Kshs6 million was spent to kill this Motion; otherwise, he should apologise and withdraw, or he would be confirming what the hon. Sunkuli said, that, indeed, he has a personal matter to settle with Mr. Kuguru?

(Applause)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I am saying that there was, in fact, an advertisement in the newspapers, which referred to this particular Motion, issued by Kuguru Food Complex. That was a paid for advertisement.

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

An hon. Member: He is replying on a point of order!

Mr. Michuki: Yes, I am replying on a point of order. There was an advertisement which I can produce to this House, which specifically referred to this Motion and even appealed for support that, this Motion does not go through. I can produce that advertisement.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, it is that support that I want to urge my hon. colleagues to give to Mr. Peter Kuguru, so that we do not utilise our Parliamentary Privilege to destroy our political rivals. I think the subject matter here, is not *Cantata*. It is Mr. Peter Kuguru, and I think, because of that matter, hon. Members must be persuaded enough to say that, let there be a Motion that is based on *Cantata* and not on Mr. Kuguru. The argument of hon. Raila is very persuasive. Let us not ban anything before we establish that, in fact, it is dangerous. Why can we not take a softer stand and say that let it be rectified, so that it conforms with health standards. This is because by banning it, the name *Cantata*

itself is not bad. If, tomorrow, we start calling Vodka, "*Cantata*", will it become illegal? But if it is manufactured in the same way, with the same health standards, why can it not be accepted?

Mr. Wamae: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister to say that, this drink is not dangerous, when on 19th November, 1993, he said that sulphur is dangerous to human beings?

Mr. Kathangu: Asante sana, Bw. Naibu Spika wa Muda. Kwanza, nakumbuka vizuri sana, matamshi ya Rais wa nchi hii mwaka wa 1979, aliposema kwamba pombe ya kienyeji, ambayo inafanya watu wengi sana kutofanya kazi, na watoto wengi sana kutoenda shule, ipigwe marufuku katika nchi hii. Hiyo ilifanyika na kwa muda wa miaka mitano, kila mwanakenya alimuunga Rais Moi mkono katika kazi yake ya kuongoza nchi hii, kwa sababu afya ya nchi ilikuwa imerudi. Baadaye, mambo yalikuja yakigeuka pole pole, na watu wakaanza kunywa pombe zingine ambazo zilikuwa zimeanza kutengenezwa na watu binafsi. Katika [Mr. miaka ya uchumi kudhoofika katika mabara ya Ulaya na Marekani, jambo ambalo lilitendeka kule Marekani ni kwamba watu wengi sana waliingilia biashara za pombe. Na kwa sababu watu wengi sana walikuwa maskini, kazi yao ilikuwa ni kunywa pombe, ili wapate usingizi na wasahau shida ambazo walikuwa nazo. Katika umaskini ambao umekumba nchi hii, tunaona wazi wazi kwamba, umaskini umefanya wananchi wa nchi hii kurudia pombe kwa njia iliyo hatari sana. Ndio maanake ukielekea sehemu za Embu--- Na ninashangaa sana kuyasikia mambo mengine hapa kwamba, Hoja ambayo imeletwa hapa ni kwa sababu ya Bw. Kuguru. Katika Mawakilisho yangu ya Runyenjes, Lokesheni ya Kieni Kaskazini, katika Lokesheni ndogo ya Kathari, kuna kiwanda cha pombe ya *Medusa*. Pombe hiyo si ya Bw. Kuguru; ni ya jamaa mmoja ambaye anaitwa Maina Karanja, ambaye kwa wakati huu, yuko jela kwa sababu ya mauaji kutokana na siasa baina yao, ya pombe ya *Medusa*. Kwa hivyo, wakati tunanvyoingilia mambo ya hizo pombe hapa, ni lazima tuangalie kwamba watu wasije wakajigawanya sehemu nyingi; maanake, nimeona kwamba kuna watu wachache ambao hawataki kupinga haya mambo kwa sababu labda inaonekana Hoja hii ni ya watu wa Gikuyu, Embu na Meru. Tumesahau kwamba afya ya nchi hii ni ya muhimu sana. *Medusa* imeua kijana mmoja ambaye tulishikwa naye tarehe nane mwezi wa nane, 1997, anayeitwa Irei. Tulishikwa naye na wakati tulitoka jela, huyo kishimiwa Wabunge wa KANU wanasema *Sorghum Sake* isipigwe marufuku, basi na iwe hivyo. Lakini pombe ambayo ina madhara mabaya kwa maisha ya watu kama vile *Medusa, Tornado, "Koma na Mwena"*, na kadhalika ni lazima ipigwe marufuku. Moyo ambao Serikali ya Kenya ilikuwa nao mwaka wa 1978 wa kupiga marufuku pombe za kienyeji kwa sababu zilikuwa zimeanza kudhoofisha maendeleo ya nchi hii ni lazima udumishwe wakati huu ambapo watu wetu wanakufa kwa sababu ya kunywa pombe mbaya.

Ni jambo la muhimu kwa viongozi kufikiria na kuona maana ya kupiga marufuku pombe hizi. Kwanza, vijana ambao wamehitimu kidato cha nne na hawana kazi katika nchi hii, kazi yao imekuwa ni kunywa pombe hizi na kuvuta bangi. Vijana wengi kati ya hawa wamepoteza fahamu na kazi yao imekuwa ni kuzunguka masokoni wakitafuta Kshs10 za kununua pombe hizo. Jambo ambalo linanishangaza ni kwamba baadhi ya waheshimiwa Wabunge wanasema pombe hizi ziendelee kutumiwa na watu wetu. Kuna wengine ambao wameleta utafiti kuonyesha kwamba pombe hizi ni nzuri kwa matumizi ya watu wetu, eti kwa sababu maabara ya Serikali yamethibitisha hivyo. Nimeshangaa sana! Wananchi wetu hawatalisahau Bunge hili ikiwa tutapitisha au kuipinga Hoja hii ya kupiga marufuku unywaji na uuzaji wa pombe hizi.

Bw. Naibu Spika wa Muda, ningelipenda kulikumbusha Bunge hili kwamba wakati mhe. Michuki alipoitoa ilani ya Hoja hii, baada ya siku mbili, Serikali ilituma agizo katika ofisi zote za DC katika Mikoa ya Kati, Mashariki na Pwani, juu ya kupigwa marufuku pombe hizi. Ni kweli kwamba pombe hizi zilipigwa marufuku, lakini viwanda ambavyo hutengeneza pombe hizi bado vinaendelea kuzitengeneza pombe hizi usiku. Kwa mfano, kiwanda kinachotengeneza *Medusa* katika Runyenjes kinaendelea kutengeneza zaidi ya mitungi 150 ya *Medusa* kila usiku. Pombe hii inauziwa watu. Jambo hili linaendelea hata wakati huu tunapozijadili athari za pombe hizi.

Bw. Naibu Spika wa Muda, kuna mambo ambayo hayafai kupingwa, au yanafaa kuungwa mkono. Nimefurahishwa sana na mhe. Prof. Ogeri, ambaye ameeleza kwa utaratibu jinsi pombe hizi zinavyoweza kuharibu maisha ya watu wetu. Pia nimefurahishwa na mhe. Keah kwa kusema ya kwamba ataiunga mkono Hoja hii kwa sababu maisha ya binadamu katika nchi hii ni ya maana sana---

The Assistant Minister for Finance (Mr. Keah): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nimesema kwamba nitaiunga mkono Hoja hii ikiwa Serikali itapewa nafasi ya kufanya uchunguzi kwa kila moja ya hizi pombe. Basi, kutokana na uchunguzi huo, ndipo Serikali itakapochukua hatua kuhusiana na pombe hizi zote. Ningependa mhe. Kathangu alielewe jambo hilo.

Mr. Kathangu: Bw. Naibu Spika wa Muda, jambo ambalo ninalielewa ni hili: Ikiwa Hoja hii itapitishwa, wale ambao watasimamia kupigwa marufuku utengenezaji wa pombe hizi ni Serikali. Kwa hivyo, Serikali hiyo itaendelea kuzichunguza na kuzipiga marufuku pombe hizi kama itakavyostahili. Tunatoa maoni yetu katika Hoja hii ili ipitishwe ndipo Serikali iweze kupiga marufuku unywaji na uuzaji wa pombe hizi. Kwa

njia hii, watu wetu watakuwa wamelindwa kutokana na pombe hizi. Mhe. Keah ana haki ya kusema kwamba Serikali ni lazima ifanye uchunguzi na singefikiria kwamba Wizara ya Afya, Wizara zingine zinazohusika, na Ofisi ya Rais zitapiga marufuku pombe yoyote kabla ya kujua viwanda hivyo viko wapi na vinatengeneza pombe gani na kadhalika. Ni lazima Serikali ipige marufuku ikijua ni lita ngapi za pombe hizo zinazotengenezwa katika kila kiwanda. Ninakubaliana na Bw. Keah kwamba, inafaa tupige marufuku unywaji wa pombe hizi.

Mwisho, Bw. Naibu Spika wa Muda, ningependa kusema hivi: Katika nchi maskini - kuna mfano wa Marekani katika miaka ya 1930-50 - kuna watu wachache ambao ni walafi na ambao kazi yao ni kuwauzia watu maskini mitumba, chakula kibaya na pombe ili maskini waendeleo kunywa pombe na kusahau shida zao, na ili wao waweze kuwaongoza kwa njia duni. Watu wachache walafi katika nchi hii ni kama 71 na hatuwezi kuwapa nafasi ya kuwauwa watu wetu.

Kwa hayo machache, Bw. Naibu Spika wa Muda, ninaunga mkono.

Mrs. Mwewa: Bw. Naibu Spika wa Muda, ahsante kwa kunipa nafasi hii ili niweze kutoa maoni yangu kuhusiana na pombe ya *Kulta* kwa sababu imeenea sana Ukambani. *Kulta* ni kama *El Nino* kwa sababu imewaua wanaume wengi sana. Pombe hii ya kulta imewapa wanawake kazi ya kuwatafuta waume wao kila siku. Hii ni kwa sababu wakati mwingine wanakunywa *Kulta* na kulala njiani kwa muda wa siku tatu. Hii pombe ni mbaya. Wanaume wanapofika nyumbani ni shida kwao kula chakula kwa sababu afya yao huwa imedhoofika sana.

Bw. Naibu Spika wa Muda, ningeiomba Serikali hii ichunguze kwa makini pombe hizi. Katika Mkoa wa Kati, kuna kisa kimoja ambapo wanaume wengine walipoteza nguvu za macho baada ya kunywa pombe hizi hadi wakawa vipofu. Mmoja kati ya hawa wanaume alianza kurudiwa na nguvu za macho mwezi jana. Ikiwa itawezekana Serikali hii kupiga marufuku pombe hizi, itakuwa vizuri kwa sababu akina mama ndio wanaoumia sana. Ni heri Serikali iruhusu kutumiwa kwa pombe ambazo zinaweza kuwapa nguvu wanaume na wala si kuwamaliza nguvu. Ninapofika Kibwezi, akina mama wengi hufika kwangu kunieleza shida wanazozipata kutokana na pombe hizi. Juzi tu, mwanaume mmoja alikufa nje ya nyumba yangu alipokuwa akisindikizwa na bibi yake kutoka ulevini. Ni vibaya sana kwa Serikali hii kukubali wananchi kuzitumia pombe hizi. Ni heri pombe hizi zipigwe marufuku katika Ukambani kwa sababu zimewaua watu kama mvua ya *El Nino*.

Bw. Naibu Spika wa Muda, siku hizi hali ni afadhali kidogo kwa sababu wanaume wanajaribu kufanya kazi mashambani na kuzisaidia familia zao. Hapo zamani, kabla ya pombe hizi kupigwa marufuku, wanaume walikuwa wakitumia pesa zao kununua *Kulta* na pombe zingine. Wakati huu, ingawa *Kulta* imepigwa marufuku, bado inahifadhiwa katika mitungi maalumu. Ni maombi yangu kwamba pombe zote zipigwe marufuku katika nchi hii.

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, it is now time for the Mover to reply.

Mr. Michuki: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to thank all the Members who have supported this Motion. There is no doubt that we are discussing whether our people will continue taking poison or not. We must be keen in order to make sure that, within our constitutional obligation, we support the maintenance of life.

Some of the few Members who had the opportunity to speak here--- Messrs. Matu Wamae and Paul Muite gave us the figures of those who died after taking the brews in Kikuyu and Mathira as 200 and 120, respectively. I am sure that these are not the only ones who died after consuming these brews; there are many others. In my own area, 120 people have died! I am sure that nobody in this House would want us to lose even one life. Therefore, I would like to urge Members of this House, as we have been urged here by the Gracious Lady, to realise that it is the women who suffer. Many families have broken up as wives have deserted their matrimonial homes and returned to their parents' homes because they cannot cope with their husbands.

Mr. Temporary Deputy Speaker, Sir, since I have talked enough on this Motion, I would like to give the remaining part of my time to hon. Dr. Leakey who would also like to contribute.

An hon. Member: Nilikuwa nikifiri utaniita mimi!

Dr. Leakey: Mr. Temporary Deputy Speaker, Sir, I would like to contribute very briefly at the end of this debate and draw a couple of points.

Firstly, it is quite clear to me and, I share this view with hon. Michuki. It is not the specific proportions and chemicals that are listed here; there is more. The fact that has emerged is that these drinks are killing and, as the Gracious Lady has said, if we know as a Government, that people are dying because of some product, let us stop the product from being sold until we know what is happening. Hon. Sunkuli made reference to the fact that the Government needed more time. We do not need more time. Let us stop the sale of these products. Let us carry out investigations. If the investigations clear these products, let us then allow them to be sold again. Let us not side with those who are killing themselves by drinking this brew. Let us not let more women lose their husbands, as the

Gracious Lady has said. Let us stop it.

Mr. Temporary Deputy Speaker, Sir, if hon. Keah wants to drink his *pombe ya mnazi* at the Coast, ni sawa sawa. But, let us stop this once and for all. I would urge Members of this House on the Government side to realise that if they do not allow this Motion to go through, they will have, probably, hundreds of deaths on their conscience.

An hon. Member: They do not care!

Dr. Leakey: As this matter continues to be investigated, since 1993, what is the Government doing? I would suggest, with due respect, that there can be no question as to how men and women should vote on this. Let us stop the sale of these brews and, then, do your investigations in whatever time you want.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, my time is not yet over. There are still five minutes and I would like to give them to Dr. Kituyi to make a contribution.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, if reason is the basis of our collective judgement on a serious matter of national concern, there has been given sufficient reason. If we are committed to rise above pettiness and forget about parochial differences on fundamental matters of national concern, this is one such matter of national concern. The collective responsibility of leaders is to identify what is injurious to the collective whole of the country and see what they can make as a contribution to fight that evil force. At this time, the power of greed is competing with the power of common sense. The argument of sustaining employment opportunities is being perverted. Sustainable employment is employment in a healthy environment and in a contribution that is good for the whole of society. We cannot afford to produce a killer for our people and justify it because it is creating employment. Let us create a precedent where persons who want to go into brewing will first think about the impact on the health of the consumers before they create that employment. It is possible for the manufacturers of this stuff to re-direct their energies into a more viable project. After all, Kenya is now importing purified chang'aa from Tanzania and Uganda. Chibuku Breweries can start distilling and purifying Kenyan chang'aa and bottle it for marketing in the region. There are other lines of business which they can go into. We cannot count on nominal investment in unsustainable employment, the greed of a few and the intimidation of those who are facilitated by those greedy few to harm the health of our people.

With those few remarks, I wish to urge hon. Members to rise above the pettiness and the dragging of feet that the Government will carry out investigations while Kenyan citizens are being killed, and vote solidly for this motion.

With those remarks, I beg to support.

(Question put and agreed to)

Mr. Temporary Deputy Speaker (Mr. Musila): Next Order!

(Loud consultations)

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Considering that corruption is as poisonous to this country as bad drinks are, and the Motion which is being moved is of equal importance, would it not be in order that you request hon. Members to consult in low tones so that we can follow what the Mover of this Important Motion has to say?

FORMATION OF A SELECT COMMITTEE
TO STUDY IMPACT OF CORRUPTION

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, while appreciating the Government's efforts to stamp out corruption both in public and private sectors and noting with concern that rampant corruption has become so pervasive that it threatens any further socio-economic development and the future of the country; aware that corruption has become so entrenched that the existing legal framework under the Prevention of Corruption Act (Cap.65) and the Anti-Corruption Authority are not adequate to significantly reduce it or eradicate it; and noting further that corruption has kept away potential investors, and eroded the good image of Kenya; this House resolves to set up a Select Committee to study and investigate the causes, nature, extent and impact of corruption in Kenya; identify the key

perpetrators and beneficiaries of corruption; recommend effective immediate measures to be taken against such individuals involved in corruption and recover public property corruptly appropriated by them; recommend enactment of a Bill to provide for stiff penalties on all corrupt related offenses and further that the following be members of the said Committee:-

Hon. Achola G.H.O. MP, Hon. Ayoki W.O. MP, Hon. Galgalo M.A. MP, Hon. Kamolleh S.M. MP, Hon. Kiriuki I.N. MP, Hon. Karua M.W. MP, Hon. Kihoro W. MP, Hon. Kombo M.N. MP, Hon. Leshore S.P. MP, Hon. Murungi K. MP, Hon. Prof. Anyang'-Nyong'o MP, Hon. Obwocha H.O. MP, Hon. Osundwa W.W. MP, Hon. Samoei W.R. MP, Hon. Sankori D.L. MP.

Mr. Temporary Deputy Speaker, Sir, corruption has been around in this country for a long time and in fact, it is considered a global phenomenon. I believe that it will be around for a long time unless governments around the world, and in particular the Kenyan Government comes up with measures to deal with it effectively. I know that it is not an easy problem to deal with because most corrupt practices are done in a clandestine manner.

Mr. Temporary Deputy Speaker, Sir, before I go any further, I would like to define what corruption is. Corruption is the misuse of public office or power for private and personal gain. Such examples include bribery and extortion which involve two people; the giver and the taker. Corruption also includes embezzlement and fraud which involves just one individual. It is embezzlement and fraud that is rampant in this country and I will dwell on it at length. All those practices are done in utmost secrecy and, therefore, very difficult to fight. I have brought this Motion to this House because I believe that corruption in this country is now endemic. In fact, Transparency International, a body headed by somebody who knows this country because he was the head of the IMF in Kenya many years ago, ranks Kenya as the third most corrupt country in the world, after Nigeria and Pakistan. When we are ranked as the third most corrupt country in the world, it is a cause for worry. We have got a bronze medal everywhere in the olympic games. This endemic corruption has got to be dealt with now and that is why this Motion is so important. There are petty corrupt practices in this country and those are the ones we hear about many times. The little Toa Kitu Kidogo (TKK) of the policemen is the one that makes people to get arrested and, perhaps, sometimes punished. Nothing is done to those involved in really serious corrupt practices like the sugar importers. Endemic corruption means that the entire bureaucracy is involved and that is why it has been difficult to deal with this situation. This Motion is important because Parliament is the watchdog of all Kenyans. Therefore, Parliament needs to be called upon to do its duty on behalf of Kenyans so that we can deal with this corruption once and for all.

In my Motion, we do recognise the fact that there exists an Anti-Corruption Authority. We even appreciate that the Government has talked about it and possibly, wants to do something about it. However, we have also noted that although the Government has talked---

QUORUM

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. We need your guidance. Is it in order for us to proceed when we do not have a quorum in the House?

The Temporary Deputy Speaker (Mr. Musila): You are right. We do not have a quorum. Please, ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Musila): Mr. Kombo, we have a quorum now; you can continue.

Mr. Kombo: Thank you, Mr. Temporary Deputy Speaker, Sir. As I was saying before I was rudely interrupted, in the Motion we do recognise that there is an Anti-Corruption Authority. We also appreciate that the Government has been talking about corruption. But we have noted that although the Government has been talking about this menace, very little has been done in the past to avert this dangerous situation. The Public Accounts Committee Reports and the media investigations have all exposed the fact that endemic corruption exists and yet very few people or none at all have been brought to book or have been convicted. As far as I am concerned, corruption is a crime against humanity in the same vein as genocide, terrorism or drug trafficking. It is a crime that you cannot just leave to one arm of society to deal with. It has got to be dealt with in many aspects. There is no simple solution to it and, therefore, Parliament's involvement is one of the measures that can help to deal with this crime against humanity.

Mr. Temporary Deputy Speaker, Sir, the Select Committee of Parliament we are asking for is to complement the Government. It should not be looked at as rivalling Government measures, neither should it be a replacement to the Government measures. It is complementary to the policies that the Government wants to put in place in order to fight corruption, once and for all.

Mr. Temporary Deputy Speaker, Sir, Parliament is the watchdog of the people. The Select Committee comprises of people elected by wananchi. So, it will be easier for them to deal with the problem and to receive information from wananchi. The "big fish" that are associated with endemic corruption will have their names brought forward by wananchi. This is because wananchi find it difficult to go to a Government agency to report the case. But to report to their own elected hon. Member will be much easier. The Select Committee will have specific terms of reference. It will be an independent body from the Government authorities. It will have a limited time because the problem is big and we want to move now. If we leave it to the Anti-Corruption Authority, they will take their own sweet time, and will pursue little problems here and there, but a Select Committee, with specific terms of reference and a specified time period within which to deal with the problem, will be able to make an immediate impact. To deal with an endemic problem, you need to be a bold person who can take a bold action. Therefore, for the Government to accept that there will be a Select Committee of Parliament, which I am sure they will, is the litmus test to see whether it is, in fact, serious enough to deal with this problem and whether they do have the political goodwill to deal with the problem. So, I am looking forward to seeing the Government accepting this Motion so that we set up the Select Committee and move fast in dealing with the problem.

Mr. Temporary Deputy Speaker, Sir, when you have a crisis, it is much easier to take a bold step. For example, when we realised that our economy was in the ICU, it was very easy for the Minister for Finance to come here and make very bold statements. We now have an economic crisis and we also have a constitutional crisis. I believe this is the time for the Government to be bold and accept that a Select Committee be set up to assist in solving this problem. The time is also opportune because we are living in times of political transition. So, if the President has in the past been slow or reluctant, now that he knows that he is serving his last term in office, he has got his eyes on history. So, it is opportune for him to move in so that we deal with this problem once and for all.

Mr. Temporary Deputy Speaker, Sir, Members of Parliament, like all Kenyans, do recognise that corruption exists. Everybody is talking about the problem, and even the President is talking about it every other day. It is rare that you open any newspaper today or go to any bar and fail to hear corruption being mentioned. This is why I am urging Parliament to act now. Over the years, Kenyans have heard so much about corruption that, in fact, sometimes have become cynical. In fact, one newspaper summed it up as follows: "Kenyans are so much used to hearing of corruption in high places that a new revelation amounts to just another revelation". Parliament has got to restore people's hope and that is why I am asking that the Motion be passed. The stories of corruption abound. In fact, the names of the people mentioned in bars, buses and wherever you pass, sound like who is who in Kenya. Sometimes you think that they are sacred cows or untouchable. So, this select committee will help. The litany of corrupt deals in this country is so long. All you have to do is open the Public Accounts Committee (PAC) or, the Public Investments Committee the (PIC) Reports, and you will see that year after year both Committees have made recommendations which have been totally ignored by the Government. That is why we are saying that time has come when we need to have a select committee to assist the Government to look at the PAC and the PIC Reports and say what is the problem.

Mr. Temporary Deputy Speaker, Sir, a few examples will suffice because both PIC and PAC Reports are public documents. Just look at the Goldenberg saga where Kshs25 billion was lost; the Kenya Molasses Plant where Kshs5 billion was lost and the Nyayo Car where Kshs900 million was lost. The Central bank, when they

were leading to politically correct banks lost Kshs17 billion. The Bullet Factory lost Kshs14 billion and the Eldoret International Airport lost Kshs45 billion. The presidential jet also lost Kshs5 billion. I am talking about billions of shillings, which is a lot of money. In fact, it is commonly said that this country, through all these corrupt practises, has lost a lot of money.

With those few remarks, I beg to move.

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to second this very important Motion. I think it is high time we set up this Parliamentary Select Committee on corruption. As everybody knows, Kenya is one of the most corrupt countries in the World. In Africa, we are only second to Nigeria. And because of this fact, it is important that this Parliament takes a more serious action against corruption than we have done in the past. Everybody in this country is involved or affected by corruption in one way or another. There are two types of corruption; one, is the petty corruption where you go to Government registries and you are asked for Kshs20 or Kshs30 for a file to be found or to register this or that document. This arises largely because our civil servants are underpaid and they cannot survive from the first day to the last day of the month on the salaries that we give them. The petty corruption can be solved by giving better salaries to civil servants. Petty corruption can only be eradicated if our civil servants are awarded salaries that can cater for their needs.

The second and more dangerous form of corruption is the grand type. Hon. Kombo was talking about this form of corruption, which involves billions of shillings. The people who are involved in this form of corruption are people with a lot of money. But because of human greedy and the need for more power and glory, they still steal billions of shillings. It is in respect of this grand corruption that we need to find measures that will help control it. We will not develop this country when all the taxes that we have in the Consolidated Fund are misused. We do not have good roads, health services and schools because two or three individuals have acquired that money through corrupt deals.

Mr. Temporary Deputy Speaker, Sir, the best way to approach corruption is by not doing what we have been doing: We have been mentioning individuals who stole lots of money and then going to sleep. The lead stories in the *Daily Nation* and *The East African Standard* newspapers have not wiped out corruption in this country. What we need to do is to change the entire system, so that we can make corruption a high risk business. We need to consider corruption as robbery with violence, so that whoever is involved in it knows that it is a matter of life and death. We also need to view corruption as a low return business. Right now, corruption is the highest paying business in this country. This is because one earns billions of shillings for doing little or nothing. We need to reduce the current high returns earned from corruption.

Mr. Temporary Deputy Speaker, Sir, our efforts in this area have largely been characterised by absence of political commitment from those at the top. In our legal strategies we have been uncoordinated. We have just used piecemeal *ad hoc* amendments. I would like to recommend that we should have an effective legislative framework as part of our anti-corruption strategy. The current principle piece of legislation, which deals with corruption in this country, is old. The Prevention of Corruption Act, Cap. 65 of the laws of Kenya, which was enacted by the colonial Government in 1956, is outdated. It needs total overhaul.

We tried to amend the law in 1991 and 1997, when we set up the Kenya Anti-Corruption Authority, but now it is clear that even the Authority is a toothless bulldog. Although the Prevention of Corruption Act imposes stiff penalties for those found engaging in corruption - that is five years imprisonment where the bribe exceeds Kshs10,000, and between one and five years where the amount is less than Kshs10,000 - the punishment has not been applied. We need to amend this law to provide stiffer penalties, and also explore ways of making that law usable.

Mr. Temporary Deputy Speaker, Sir, the Anti-Corruption Authority suffers from very serious weaknesses. The Authority consists of a director who is the Chief Executive and not more than three other assistant directors, all appointed and fired by the President.

Mr. Temporary Deputy Speaker, Sir, the appointment of Mr. Harun Mwau as the Director of KACA was greeted with a lot of scepticism in this country. Nobody thinks that Mwau is going to do anything about corruption. Chasing the small boys in the Water Department at City Hall will not help in the fight against corruption in this country. The powers of KACA which are merely investigatory, recommendatory and educational are not enough. The only powers that KACA has, are to inquire and investigate loss of public funds and to institute civil proceedings. He has no powers over criminal proceedings. The authority has no power to prosecute any corrupt person in this country.

Mr. Temporary Deputy Speaker, Sir, secondly, we do not see any political commitment at top levels of Government in this country in fighting corruption. The only reason why we are talking about corruption now, is because the World Bank and IMF have said, they are not going to give us any money unless we fight corruption. So, we have to engage ourselves into motions to pretend we are fighting corruption, so that we attract that foreign

financial assistance. We are not serious about it.

Mr. Temporary Deputy Speaker, Sir, recently, the Anti-Corruption Squad was set up with offices in Bima House. When they touched certain sensitive characters, the offices were burnt down, all those files disappeared and up to now, the police are investigating what happened to the files of the Anti-Corruption Squad. If KACA touches certain sensitive individuals in this country, the Authority is going to be wound up, its offices are going to be burnt down and there is no investigation that will be done. So, we need genuine commitment to fight corruption in this country.

Mr. Temporary Deputy Speaker, Sir, we also need some political independence of the Anti-Corruption Authority. That is why we are insisting that Parliament should be involved. Once we have a director and his assistants appointed and fired by one person, they will always cow-toe and never investigate any cases which might get them in trouble with the person who appointed them. So, for the independence of this Authority, there should be some guarantee that it will be responsible to Parliament, and not to the President.

Mr. Temporary Deputy Speaker, Sir, this Authority should also have power to freeze accounts. All these money gained through corrupt practises is in some accounts in banks in this country. The Authority should have power to freeze those accounts as they try to find out how these people got the money. It should also have power to enter restrictions against title deeds in the Ministry of Lands offices, because once the people who have acquired money and land corruptly know that they are being investigated, the land is going to be transferred. It takes only five minutes to transfer money from Kenya to the United States of America or the United Kingdom. Once you know you are being investigated, you will use telegraphic and electronic transfers to ensure that this money is not in your account. So, it is very important that this Authority has power to freeze accounts and land.

Mr. Temporary Deputy Speaker, Sir, it should also have power to seize travel documents like passports. We had cases of managing directors of politically correct banks, who ran away from the country. Once they sniffed that the police were after them, got into planes and flew, never to come back. So, if KACA has to be effective, it has to have power to seize passports so that we can detain the people here as we investigate their involvement in corruption.

Mr. Temporary Deputy Speaker, Sir, we need a well co-ordinated campaign against corruption, including the Press and the civil society. All Kenyans need to be sensitised and mobilised against corruption, just like we are doing against AIDS. We cannot do that if we only use criminal approaches. It is for this reason that we would like a Parliamentary Select Committee set up to deal with this broad issue.

With those few remarks, I beg to second.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Hon. Members it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, Wednesday, 1st July, at 2.30 p.m.

The House rose at 12.30 p.m.