

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 30th June, 1999

The House met at 9.00 a.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

REVOLVING FUND FOR RECYCLED WASTE PLASTIC

Mrs. Sei: Mr. Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, in view of the rapid growth of the plastic manufacturing industry, and the excessive importation and use of plastic goods in the country; noting with concern that burning, careless dumping and unhygienic re-utilization of plastic products pose a great danger to people's health and the environment; aware that recycling of products could create more revenue and employment opportunities for Kenyans, this House urges the Government to establish a revolving fund in collaboration with the private sector to recycle waste plastic and related materials as a measure to fight pollution and protect the environment.

ORAL ANSWERS TO QUESTIONS

Question No.202

RADIO CALL SET FOR BENANE DIVISION

Mr. Shidiye asked the Minister of State, Office of the President, when the Government will provide a radio call set to Shanta Abak and Benane divisions to ease communication.

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

We agree there is a need to instal radio communication equipment at Shanta Abak and Benane, and this will be done within this financial year.

Mr. Shidiye: Mr. Speaker, Sir, there is a lot of insecurity in Shanta Abak and Benane divisions. These areas had radio call facilities which were withdrawn. Up to now, I do not know why they were withdrawn. Could the Minister tell us where those radio calls went to?

Maj. Madoka: Mr. Speaker, Sir, they were not withdrawn; they broke down, and we are trying to get new equipment. As I said, we will certainly provide the radio call equipment as soon as possible during this financial year.

Mr. Speaker: Very well! Next Question!

Dr. Ochuodho: Mr. Speaker, Sir, I have not received a written reply to this Question.

Question No.232

DISTRIBUTION OF YOUTH/WOMEN DEVELOPMENT FUNDS

Dr. Ochuodho asked the Minister of State, Office of the President:-

- (a) how the Youth and Women Development Funds were distributed on province-by-province basis;
- (b) which groups in Homa Bay District benefited from the funds, and how much money each of them received; and,
- (c) if there has been any follow-up to evaluate the impact of the funds and ascertain their proper use.

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

to the House. The details were not readily available, and that is why I have not got the answer. So, I will reply tomorrow.

Dr. Ochuodho: Mr. Speaker, Sir, this Question has been with the Minister for too long, unless he wants us to take him on as well!

Mr. Speaker: Order! Dr. Ochuodho, you cannot come here and threaten others; can you? You have no business threatening hon. Members! Question deferred!

(Question deferred)

Question No.257

ALTERNATIVE SITES FOR SLUM DWELLERS

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

(a) if he is aware that since 1978 to date, the Provincial Administration, Nairobi, permitted the poor people of Jangwani, Korogocho, Mathare Area 4A, Gituamba and Kariobangi Light Industries slums to build temporary and semi-permanent structures within the aforesaid areas; and,

(b) if he could provide alternative sites, since the Provincial Administration has been harassing the poor residents with constant demolitions and evictions.

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

(a) I am aware that the wananchi have built for themselves temporary dwelling structures within the areas mentioned.

(b) The Provincial Administration is not harassing these residents as alleged. It should, however, be noted that many of the dwellings have been built up illegally on private or City Council land, and occasionally, the City Council effects evictions. At the moment, it is not possible to provide alternative sites for allocation to these people.

Mr. Muchiri: Mr. Speaker, Sir, the Minister is misleading this House. The allocation was done by the Provincial Administration, precisely the chiefs as it happens in Nairobi. Could the Minister confirm to this House these allocations and compensate the owners of the land on the site; the private individuals and not the City Council, so that they can put up permanent buildings instead of temporary structures?

Maj. Madoka: Mr. Speaker, Sir, the allocations were not done legally. If the chiefs did those allocations, it was illegal and we will certainly look into it.

Mr. Mwenje: Mr. Speaker, Sir, I beg to differ with the Minister that these allocations were not legal. They were certainly legal because they were done by the Government; in some cases, it even involved the President himself, and we do appreciate him giving an order that these people should be settled. All we are asking is: Could the Government confirm to them that these plots are now permanently theirs, and look for an alternative for those who otherwise claim that they own the land, or compensate them?

Maj. Madoka: Mr. Speaker, Sir, there are many people who need land and the Government is looking at all possible areas on how to allocate land to these landless people.

Mr. N. Nyagah: Mr. Speaker, Sir, this is a situation where we need to be told categorically, the position of the Government. We would like the Minister to tell us the dividing line between the powers of the Provincial Administration and the City Council. We have a situation where the City Council gives licences to those people who operate there, while the Provincial Administration, through the chiefs and the assistant chiefs, demolishes the on-going construction and evicts them.

Maj. Madoka: Mr. Speaker, Sir, I would like to deal with specific areas. If there are any specific areas where that has happened, then we can look into it.

Mr. Ndicho: Mr. Speaker, Sir, the Minister has said that the Provincial Administration gave out that land. This allocation was done in 1978 during the Kenyatta regime, and those people have been evicted during the Moi era. Can the Minister confirm or deny that those people are being evicted because they were settled during the Kenyatta regime?

Maj. Madoka: Mr. Speaker, Sir, I deny that.

Mr. Speaker: Very well. Next Question, Mr. Mwiraria.

Question No.236

LOWERING OF UNIVERSITY ENTRY QUALIFICATIONS

Mr. Speaker: Is Mr. Mwiraria not here? The Question is stood over for some time. Next Question, Mr. Otita.

Question No. 242

ALLOCATION OF EMPLOYMENT
NUMBER TO MR. AINGA

Mr. Speaker: Is Mr. Otita not here? The Question is stood over for some time. Next Question, Mr. Katuku.

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Mr. Speaker: Is Mr. Katuku not here? For the second time, Mr. Mwiraria?

Question No.236

LOWERING OF UNIVERSITY ENTRY QUALIFICATIONS

Mr. Speaker: The Question is dropped.

(Question dropped)

Mr. Speaker: For the second time, Mr. Otita?

Question No.242

ALLOCATION OF EMPLOYMENT NUMBER TO MR. AINGA

Mr. Speaker: The Question is dropped.

(Question dropped)

Mr. Speaker: For the second time, Mr. Katuku?

Question No.261

REHABILITATION OF MWALA HEALTH
CENTRE X-RAY EQUIPMENT

Mr. Speaker: The Question is dropped.

(Question dropped)

Mr. Speaker: Question by Private Notice.

QUESTION BY PRIVATE NOTICE

SEXUAL ASSAULT ON FEMALE INMATES
BY PRISON WARDER

(Mr. Shaaban) to ask the Minister for Home Affairs, National Heritage, Culture and Social Services:-

(a) Is the Minister aware that on 6th June, 1999, a Prison Warder stationed in Mandera Prison Headquarters sexually assaulted inmates Nos.MRA/79/99/LS and MRA/76/99/GR in the women's prison cells?

(b) What action has the Minister taken against this Prison Warder?

Mr. Speaker: Is Mr. Shaaban not here? Question dropped.

(Question dropped)

Mr. Speaker: Next Order.

MOTION

VOTE OF NO CONFIDENCE IN THE VICE-PRESIDENT

(Mr. Kajwang) to move the following Motion:-

THAT, this House resolves that it has no confidence in the Leader of Government Business who is also the Vice-President and Minister for Planning and National Development, the hon. Prof. George Saitoti, MP.

Mr. Speaker: Is Mr. Kajwang here?

Hon. Members: No! No! Shame!

Mr. Speaker: Order! Order! The Mover not being present, the Motion is dropped!

(Motion dropped)

An hon Member: It is okay.

COMMUNICATIONS FROM THE CHAIR

AUTHORITY OF PARLIAMENT

Mr. Speaker: But I wish to say the following: Hon. Members may have read and heard in all organs of communication about an order that was purportedly given to restrain this House from transacting its business. First of all, I have not seen the order; so, I do not know the exact terms of that order. But let it be what it may be, this House regulates its business. It is this House that will decide to take up a business or adjourn. It will not succumb to directions of any other authority whatsoever.

(Applause)

May I also add further and say, Members, of course, once a Speaker has approved a business before this House, it is the duty of the Speaker to facilitate it. I want to assure this House because, also, I think by extension or by innuendo or inference, it may be alleged that the Speaker is incapable, or unwilling, to enforce the rules of this House. I wish to state categorically that the Speaker is physically, morally and intellectually capable of discharging the duty bestowed to the Chair by this House. Let everybody rest assured that the rules of this House under, any debate, will be strictly enforced by the Chair. So, let nobody be under the wrong impression that Parliament is incapable of observing its own rules. We will ensure that we do observe our own rules. So, I wanted to make this clear.

I do not think there will be a day in my speakership when this Parliament is brought down, other than by the way prescribed by the Constitution. I do not think it will ever be. So, can we proceed?

(Applause)

(Mr. Kajwang walked into the Chamber)

Order! Order, Members! Just before the hon. Kajwang' came in, we had gone to Order No.7. He was not present and I did order that, that business be dropped. But in exercise of my discretion, and taking cognisance of the interest this House and the nation have shown on this matter, I do hereby order that Order No.7 be reinstated.

(Applause)

REINSTATEMENT: MOTION OF NO CONFIDENCE
IN THE VICE-PRESIDENT

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. The saddest moment in this country will be the day when the Speaker will retract his own words.

Hon. Members: No! No! Shame!

Mr. Speaker: Order! Order! Mr. Mwenje, you are entitled to make your point of order, but, as I have just said, the Chair is going to be strict to make Members comply with the rules of the House; among them, that every Member must have due respect for the Chair. No Member is allowed to make any innuendo, insinuations or any disrespectful language to the Chair. You should make your presentation with due respect to the Chair and to the House. I think you had better be warned!

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. With due respect to the Speaker, in all sincerity, the Chair had just ruled that this Motion be dropped. The whole country has respect, hope and faith in the Chair, as you have just ruled. I believe that the retraction of the Chair's words will, possibly, make the country lose faith in the Chair. It is my humble request that---

Mr. Speaker: Order! Mr. Mwenje, I think you have developed a knack to perpetually challenge the Chair on very frivolous grounds. I am not so sure whether it is the Chair who is going to lose respect or you. I am inclined to think that it is you. So, can I---

An hon. Member: Throw him out!

Mr. Speaker: Order! I do agree but, today, I do not want to throw anybody out because I do not want any vote out.

(Applause)

Mr. Mwenje, in your balance of national interest, is a technical knockout much better in the national interest or to have the matter ventilated and go one way or the other, on merit? In my view, the greater national interest is that this matter is decided by this House on merit, and once it has decided on this matter, it will be a decision of this House, and everybody must live with it. So, in the interest of the nation, and in exercise of my discretion, I do reinstate it. After all, Question Time was not up?

Mr. Kajwang: Mr. Speaker, Sir, I beg to move the following Motion.

Mr. Speaker: Order, hon. Kajwang. Will you address the House from the Back Bench.

Mr. Kajwang: Mr. Speaker, Sir, I want to apologise for coming late and for causing this House anxiety. Well, there is nothing that I can do about the microphone. I wish to---

Mr. Anyona: On a point of order, Mr. Speaker, Sir. In view of the grave importance of this matter, I thought that maybe, the Chair should guide the House on various aspects of this Motion. I think I have also the right to be heard, if someone else has raised this issue, unless I repeat myself, in which case the Chair will tell me not to do that.

Mr. Speaker, Sir, I think, at least, for some of us, it is quite clear what we are doing. I thought that you might guide the House as to the exact provisions of the Constitution and of the Standing Orders that this matter falls under. I do not think we can discuss a matter of this grave importance in a vague context. Now, I have in mind the provisions of Section 59 of the Constitution, which provide for a no confidence debate, but that is in the Government and not an individual. In my understanding, you cannot even move a debate of no confidence in the President as a person, leave alone the Vice-President or any other Minister.

Mr. Speaker, Sir, since this Motion is worded as expressing no confidence, I think it is important that we understand under what provisions of the law, we are operating. I am also aware that, you can discuss the conduct of the President under Standing Order 73 (i), and the conduct of any other Member, including Ministers Standing Order under 73 (4). Therefore, I want to be sure that we are doing it under those provisions of the law and then, I will know what I am doing.

Mr. Speaker, Sir, thirdly, there is a question in the debate that has been going on and I do not know what is going to be said. It is a blank cheque but if it touches on matters which, in general terms, may be in court, for instance in the case of Goldenberg, then clearly we want to know the boundaries; that is, where does it begin and where does it end?

Mr. Speaker, Sir, finally, in accordance with Section 123, Sub-section 8 of the Constitution of Kenya, rightly or wrongly, and I was somewhere else listening to your ruling and it is absolutely correct; no authority can stop

Parliament from discharging its duties. That is, only Parliament can do that in accordance with its own rules. However, if you look at that section of the Constitution, rightly or wrongly, someone has gone to court and under that section, apparently, somebody can invoke the authority of the court to decide a matter rightly or wrongly. In that case, therefore, the debate on this Motion is deemed to be a matter in court, in which case, then, our Standing Order No.74 would appear to come into play. I think it is important that the House is clear.

Mr. Speaker, Sir, there has been a suggestion that this Motion can be amended and my view is that it cannot, and I want you to guide the House.

Mr. Speaker: Order! May the House give me indulgence. Yes, indeed, I should give general guidance on how it does operate. But before I come to that guidance, may I just clear the legal points the hon. Anyona has raised, particularly when he referred to Section 123, Sub-section 8 of the Constitution. It states:

"No provision of this Constitution that a person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court from exercising jurisdiction in relation to any question whether that person or authority has exercised those functions in accordance with this Constitution or any other law".

My answers to this are very simple. My understanding of Parliament is that Parliament is not an authority. It is an institution of Parliament which is one of the arms of Government.

(Applause)

I will understand authority to mean, for example, the Kenya Anti-Corruption Authority (KACA). I will understand authority, for example, to mean the Electoral Commission of Kenya (ECK). I will understand an authority or person given powers under the Constitution, to exercise without a direction of any other authority to mean the Attorney-General. I will understand an authority to mean the police in exercise of their investigation powers. I certainly do not share the idea that Parliament is just a mere authority.

(Applause)

As for the matters raised by the hon. Member about 'no confidence' under Section 59, I think I have ruled on that before. I explained that last time, when a Motion of No Confidence in the Government was brought here; I did explain that to do that, you require to file that specific Motion with Mr. Speaker; Mr. Speaker does approve it and once approved, then a minimum of seven days' notice be given; that is to the Government. Now, a much more simpler point that you raised before I come to giving this, is whether or not you can actually pass a vote of no confidence on a Vice-President, Minister or an hon. Member. Now, this is a matter that I yield; I will come back to it later because as of now, there has been a precedent. I remember the late Tom Mboya was discussed. I remember the late Dr. Karanja had a similar Motion brought against him.

Hon. Members: By hon. Mwenje!

Mr. Speaker: Order! I remember the case against the late Dr. Karanja was brought. This is the third one that is coming. Nevertheless, that factor does not distract us from the very solid argument by Mr. Anyona, and I will make a ruling. It is for the Chair to relook at it and come with a ruling, but I do not think that I will do it to affect this case. I will do it as per the past, so that nobody will say: "A technicality has been used and why not in the past?"

(Applause)

I want to come back and I am not, by any moment, brushing off that argument.

Now, on the other issue, I must give this House guidance before I give the hon. Mover an opportunity to move the Motion. My guidance is that, some time back, hon. Kajwang gave the Chair a Motion whose terms are found on the Order Paper, which I will proceed to read for the House. I want the House to follow very keenly. The Motion presented to the Chair by the hon. Member for Mbita reads as follows:-

"THAT, this House resolves that it has no confidence in the Leader of Government Business, who is also the Vice-President and Minister for Planning and National Development, the Hon. Prof. George Saitoti, MP".

That is the plain context of the Motion which was presented to the Chair. There is nothing more, as you can see. That is the context of the Motion, but, nevertheless, the Chair lives in Kenya and the world. All of you, including the Mover, have taken various positions before you came to this House, and added to the Motion, foreign things. Among the foreign things that you have added to the Motion, are matters that are in court. If you look at the Motion,

you will see that its contents have nothing to do with any matter that is in court. I have heard the hon. Mover say that the Motion is based on the Goldenberg issue. But look at the Motion; it has nothing to do with the Goldenberg issue.

(Applause)

Now, my business as the Speaker, is to guide this House on rules and procedures. I will give the Members of this House as much latitude as possible, to ventilate on this issue within the rules of procedure. The Chair's rulings on the matters of *sub judice* are within the records of this House. I made a very detailed ruling, I believe on 23rd May, 1995, which is part of the records of this House. I think I made a subsequent ruling and several others from the Floor. So, can the House note that as far as the rules of *sub judice* are concerned--- I have also heard that somebody went to court, so that the Speaker of this House cannot apply the rules of the House. I have already said that this is misplaced. I have also seen articles in the Press, saying that the Speaker will find it extremely difficult to apply the rules of *sub judice*. Now, may I tell this House that I will find it so easy to apply the rules of *sub judice* that nobody needs to have ulcers about it. So, when this---

An hon. Member: The members of the Press do not read other books!

Mr. Speaker: Yes, indeed, they do not read other books. So, hon. Members, when you come forward to contribute to the Motion, do so in terms of the Motion before the House. Please, keep off any matter that is in court. I will not relent in enforcing the rules of the House. That is why we have rules. You are the ones who make them; you are the ones who can unmake them. So, that is the only advice I give on the rules.

Hon. Members, another issue I would like to advise the House on is that, when we come to a debate of this nature, let us address facts and be civil to one another as hon. Members of the House. The moment hon. Members use abusive and insolent language, we lower the dignity of this same House. It is not in my interest that the dignity of this House will be lowered. It is not in the interest of this country, or in the interest of our children, or our children's children, that we should subvert this House. So, I will ensure that due decorum and civility will prevail throughout the debate.

(Applause)

Three, I would like to remind you that this is only a Private Member's Motion. So, it will take the time allocated to it by your own rules and the resolutions of this House. The speaking time for hon. Members will be as per the resolutions you have made, which I think are all known to you. So, with that, I think it will be fair to begin this debate, now. I call upon the hon. Mover to take the Floor.

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

Mr. Speaker: Yes, what is it, Mr. Minister?

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Speaker, Sir, we also have to protect this country's Constitution, as by law established. I wonder whether you have had occasion to look at the provisions of Section 3 of the Constitution of Kenya. I would like to relate that section to Section 15 of the Constitution. I feel that in terms of Section 3, the Constitution of Kenya is the supreme law of the land, and that any other law that seems to be inconsistent with the provisions of the Constitution is seen, or taken, to be void to the extent of such inconsistency.

Mr. Speaker, Sir, under Section 15 of the Constitution of Kenya, which establishes the Office of the Vice-President, a provision as to how the Office of the Vice-President shall become vacant is made under Sub-Section (6). It will become vacant:-

- (a) if the President so directs;
- (b) if the holder of the Office ceases to be an elected Member of Parliament; or,
- (c) upon the election of a person to the Office of the President.

So, I am just wondering whether debating this Motion is, really, not *ultra vires* the provisions of the Constitution itself.

Thank you.

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members. I do not think hon. Members should be excited. I think the more we exchange ideas, the cleverer we become. Also, I do not think that this House is averse to intelligence. So, let us hear each other; let us listen. The hon. Minister may have a point, or may not have a point. I think I do agree with him on

the provisions of Section 3 of the Constitution; namely, that any law that is inconsistent with the Constitution is invalid to the extent of that inconsistency. However, with regard to Section 15 of the Constitution, I do not think that the Motion before this House is asking the House to dismiss the Vice-President.

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

Mr. Speaker: Order! Order! My plain understanding is that the Motion does not say that we dismiss the Vice-President. But, if you recollect, I have already said that I do, in fact, intend to revisit the whole question of the hon. Members of this House moving Motions of no confidence in individuals rather than in the Government. I have said that such a Motion was moved against the late Tom Mboya. A similar Motion was moved against the late Dr. Josephat Karanja, and the Motion before this House is the third one of that kind. I intend to revisit the issue, and I may find a lot of sympathy with what the Minister has said, and what hon. Anyona said before him. As far as I am concerned, that will not invalidate the matter before the House. So, we will proceed.

The Minister for Education and Human Resource Development (Mr. Musyoka): On a point of order, Mr. Speaker, Sir. I am not in any way contesting that ruling, but it is important that this House take due notice of the fact that there is no provision under the Constitution. I swore alone to protect the provisions of the Constitution. There is no law that debating this Motion will be *ultra vires* the provisions of the Constitution, because there is no provision meant for it.

(Loud Consultations)

Mr. Speaker: Order! That is the kind of thing I said I did not want in this House. It is below the dignity of Members to make the noises you are making. I cannot even say what noises you are making, because I will be in contempt of the House. So, please, do not be contemptuous yourself. Let the hon. Members say what they want. But one thing I would like to advise the hon. Minister--- Dr. Shem Ochuodho, please, do not provoke me to deny you your right to vote! I would advise the hon. Minister, if those are very valid arguments for him to put forward, he will be convincing his colleagues not to accept the Motion. So, if he catches my eye, he will eloquently put that, but for now, I have ruled on it.

Proceed!

MOTION

VOTE OF NO CONFIDENCE IN THE VICE-PRESIDENT

Mr. Kajwang: Thank you, Mr. Speaker, Sir, and I beg to move the following Motion.

THAT, this House resolves that it has no confidence in the Leader of Government Business who is also the Vice-President and Minister for Planning and National Development, the hon. Prof. George Saitoti.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Thank you very much, Mr. Speaker, Sir. In fact, in spite of what you have ruled about the issue of no confidence, this Motion possibly could be worded as a "Motion to censor the person of the Vice-President". But my worry is not even there. My concern is that the Mover of this Motion has got 26 cases pending in court, which I have here---

(Loud Consultations)

Mr. Speaker: Order! Order, Mr. Ndicho! Order, Members! Can we have some order? To the best of my knowledge, so far, the hon. Kajwang has not assaulted the character of anybody, but I may also say this; listen to what he has to say. I have already given advice to Members: Do not go to things that will damage the House! So, the hon. Kajwang will be given a chance. If, in the course of his presentation, he paints himself as an angel, and the Vice-President as the devil incarnate, then it will be open to this House for Members to show the contrary. So, until that happens, do not anticipate.

Proceed!

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir. Taking into account your ruling, it is proper that we bring a point of order that may bring certain factors that are not known to the Chair, because the hon. Member has just read the Motion that he intends to move. The way the Motion is couched has something to do with the integrity of the Vice-President. We want to know whether it is in order that we do not show the House that, hon. Kajwang has not come to this House with clean hands; so, he cannot move a Motion of integrity against the Vice-President? I want to lay the documents---

Mr. Speaker: Order, hon. Minister! Just before that, I think you heard me correct when I guided the hon. Member for Juja. The hon. Kajwang, apart from reading the Motion which alleges nothing, has said absolutely nothing. So, how do you know? Why do you not let him tell you, then you will respond?

Proceed!

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

An hon. Member: Where is Dr. Ouko?

The Minister for East African and Regional Co-operation (Mr. Biwott): You know where he is, and those who know should go to the Attorney-General and the court, if they are really good citizens.

I would like to be very clear about this Motion, and I seek your indulgence in clarifying it. The way the Motion is worded, the Mover is saying that he has no confidence in the Leader of Government Business---

Hon. Members: The House!

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Speaker, Sir, in other words, he has no confidence in the Government, not Prof. Saitoti. If that is the case, then the Motion should be made very clear because Prof. Saitoti can sin as an individual, because he says: "Who also happens to be the Vice-President". So, what is the Motion about? Let the Mover say exactly if he has no confidence against the Leader of Government Business or the Government. Let him say so, then we will tell him whatever it is. So, I would like to have it clear there because it is not Prof. George Saitoti that you are after; it is the Government!

Hon. Members: No! No!

Mr. Speaker: Order! Order, Members! Order, Mr. Jirongo! I do not want to speak for Mr. Kajwang, but if you want me to speak for myself, I have already said that if you want to bring a Motion against the Government, follow Section 59 of the Constitution. It is so simple; Section 59 of the Constitution of Kenya! So, can we give the hon. Kajwang' a chance to say his bit? I will have no further interference at this time!

Mr. Nyanja: Mr. Speaker, Sir, there is something you have not heard. Have you heard that he has been---

Mr. Speaker: Order! Order, hon. Members! This is a House of elders of Kenya! So, can elders listen to one another?

Mr. Nyanja: On a point of order, Mr. Speaker, Sir. We are here to help the Chair. Something very serious has been said here in my presence, that hon. Kajwang, the Mover of this Motion, is a thief. This is very serious! It has been said here---

(Loud Consultations)

Mr. Speaker: Order! Order, Hon. Members! Mr. Nyanja, please, do not play around with the Chair. If you want to make a remark, make it to yourself. Hon. Members, can we all be serious now? By the way, those hon. Members who think that I will not throw out any hon. Member because I do not want any of you to miss to vote for the Motion, be on notice that if any one of you insists, I may just give you the favour. So, you insist, and you will get it. Proceed, Mr. Kajwang.

(Applause)

Mr. Kajwang: Thank you, Mr. Speaker, Sir. This Motion is not about---

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

Mr. Speaker: Overruled!

Mr. Kajwang: Mr. Speaker, Sir, I was saying that this Motion is not about the person of the hon. Prof. Saitoti. It is not about the morality of hon. Prof. Saitoti.

Hon. Members: Morality?

Mr. Ndicho: On a point of order, Mr. Speaker, Sir! You have heard it yourself!

Mr. Speaker: Order! Proceed, Mr. Kajwang.

Mr. Kajwang: Mr. Speaker, Sir, the Motion is about the manner in which hon. Prof. Saitoti himself conducted the affairs of this country, especially when he was the Vice-President and Minister for Finance, and the effect that, that conduct has had on the economy of this country. I will limit myself to those things only.

Mr. Speaker, Sir, I know the *sub judice* rule. I know that I should not contravene the Standing Orders of this House. I know what this country is bleeding from; that is exactly what I want to talk about. This country is bleeding from corruption, and the effects of that corruption. That is what I want to talk about. But I will start with the status of

the economy as it is now, before I come to what has made it that bad. I will conclude by saying that it is the conduct of the affairs of the Ministry of Finance, at the time when hon. Prof. Saitoti was in charge of the Treasury of this country, that this country started to go downhill.

(Applause)

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir. Under the Standing Orders of this House, an hon. Member is supposed to declare his interest in a particular matter. Hon. Kajwang has had the occasion to be an advocate in a case in which hon. Saitoti was involved. Now that he is driving to money matters, can the Chair not ask him to declare his interest?

(Applause)

Mr. Kajwang: Mr. Speaker, Sir, I have no interest in this Motion, other than as a citizen of this country.

(Applause)

I have no interest, other than as a Member of Parliament, representing the citizens of this country. I will put my case very well and so, give me time. Please, all hon. Members, listen to me.

Mr. Speaker, Sir, this Government spends 40 per cent of all the collected taxes, estimated at about Kshs180 billion, in servicing our debts. That is almost half the amount of money we collect as our taxes. Where did this debt come from? That debt is ruining this country. The Treasury, during this year--

Mr. Speaker: Order, Mr. Kajwang! Are you suggesting that the other name of hon. Prof. Saitoti is "Government?"

Mr. Kajwang: Not at all, Mr. Speaker, Sir.

Mr. Speaker: Order! If it is not, I have already ruled on what you have to do, if you want to bring a Motion of No Confidence in the Government. For now, the Motion of No Confidence is in the Vice-President and Minister for Planning and National Development. So, hon. Saitoti is not the Government, but the Vice-President and Minister for Planning and National Development. So, you should talk about him.

Mr. Kajwang: Mr. Speaker, Sir, indeed, as I said earlier, I will give a background of what the situation of this economy is today. I am saying so because it is very evident. What has got us to that situation is the conduct of hon. Prof. Saitoti, when he was in charge of the Treasury.

Mr. Shidie: On a point of order, Mr. Speaker, Sir. You can feel the mood of the House. Hon. Kajwang has no moral authority to discuss any hon. Member in this House, leave alone the Vice-President and Minister for Planning and National Development.

Hon. Members: Yes!

Mr. Shidiye: Mr. Speaker, Sir, this Motion should be amended so that hon. Members can discuss hon. Kajwang, because he is a thief. He has stolen money entrusted to him by his clients.

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

(Mr. Sungu stood up in his place)

Mr. Speaker: Order, Mr. Sungu! What are you doing? This is unbecoming behaviour. First of all, let me address Mr. Shidiye. You are right if you can show that Mr. Kajwang has no moral authority, but you are wrong to call an hon. Member a thief.

Mr. Kajwang: Thank you, Mr. Speaker, Sir--

(Mr. Sungu and other hon. Members stood up in their places)

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

Mr. Speaker: Yes, Mr. Sungu!

Mr. Sungu: Thank you, Mr. Speaker, Sir. It appears that there is a concerted effort to prevent this House from debating the Motion at hand. There is a lot of interference, which is quite irrelevant as far as I am concerned, because the Chair has ruled very clearly on it, and every hon. Member has heard in this House. There is a lot of

interference from behind us, with papers being thrown at us. Are we free in this House? Will you, please, protect us from these hon. Members?

Mr. Speaker: Order! Order, hon. Members! I will protect you, Mr. Sungu, and all hon. Members. As I said earlier, I reinstated this Motion because it is not an ordinary Motion. Obviously, if the Mover wants to proceed, let him do so.

Proceed, Mr. Kajwang.

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

Mr. Speaker: Overruled!

Mr. Kajwang: Thank you, Mr. Speaker, Sir. This country will spend Kshs72 billion---

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

Mr. Speaker: What is it, Mr. Murathe!

Mr. Murathe: Mr. Speaker, Sir, did you hear Mr. Kajwang calling hon. Members "stupid?"

Mr. Speaker: Order! Order, hon. Members! Mr. Kajwang, did you call hon. Members stupid?

Hon. Members: Yes!

Mr. Kajwang: Not at all, Mr. Speaker, Sir. May I proceed?

Mr. Speaker: Yes.

Mr. Kajwang: Mr. Speaker, Sir, the Treasury will spend---

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

Mr. Speaker: Order! Order, Mr. Kajwang! Hon. Members, I have said that there is not much that I can do. I cannot sit next to you. So long as the Chair has not heard and the hon. Member has denied it, there is nothing much I can do. But what I can ask you, Mr. Kajwang, is, if you ever made that remark, it will be most unfortunate because you are asking your colleagues to vote for your Motion. I hope that you did not.

Proceed, Mr. Kajwang.

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

Mr. Speaker: Overruled!

Mr. Kajwang: Mr. Speaker, Sir, this year, the Treasury has spent Kshs72 billion in debt servicing alone. The interest payment on this debt is a disproportionate share of the Government's expenditure, diverting resources which would otherwise be spent on health, roads---

Mr. Speaker: Order! Again, Mr. Kajwang, is the other name of hon. Prof. Saitoti "Government?"

Mr. Kajwang: Mr. Speaker, Sir, I will justify that case. I am saying---

Mr. Ochilo: On a point of order, Mr. Speaker, Sir. I would like to seek your indulgence on the manner you have tried to guide the debate. The Chair has left hon. Members on the other side of the House to heckle the Mover, and has not firmly dealt with any hon. Member who has heckled the Mover.

Mr. Speaker: Order, Mr. Ochilo! I am sorry, Mr. Ochilo, I do not know whether you were in this House. I think there have been quite a bit of very interesting repercussions from that side of the House, than from the Government side. So, before you throw stones at the Chair, get a bunker. I think you are the one who is partisan and not me.

Proceed, Mr. Kajwang!

Mr. Kajwang: Mr. Speaker, Sir, to be more relevant, between December 1992 and early 1993, when I can say that the effects on this economy were caused by the mismanagement of this economy by hon. Prof. Saitoti, the domestic debt rose by 352 per cent, from Kshs36 billion---

Mr. Maore: On a point of order, Mr. Speaker, Sir. Since we know that the Mover has got a very short time to say all that he wants to say, could he be hurriedly told to table evidence on what he is talking about, so that we can know how the hon. Prof. Saitoti was involved in what he is talking about rather than wasting our time?

Mr. Speaker: Order, Mr. Maore! That is a frivolous point of order. I cannot tell an hon. Member how to organize his thoughts and how to present his material.

Proceed, Mr. Kajwang, as best as you can!

Mr. Kajwang: Mr. Speaker, Sir, I had just said that the domestic debt rose between 1992 and 1993, by 362 per cent. It jumped from Kshs36 billion at the end of 1990, to Kshs169 billion in April, 1998. Why did it rise this way? How can domestic debt rise by 362 per cent during the management of this economy in the hands of one of our most brilliant professors, unless something went wrong? What is it that went wrong? That is what I want to prove.

Mr. Speaker, Sir, I have said that in this fiscal year alone, we are going to spend almost 20 per cent of our revenue in servicing this domestic debt; that is, around Kshs37 billion. This has arisen because of something wrong that must have happened. So, how did we get there? We got there because of mega corruption, which was conceived, nurtured and executed by those who were in charge and entrusted with the management and stewardship of this

economy in the 1992/93 Financial Year. This is what we call misappropriation. That is how---

Mr. Nyanja: On a point of order, Mr. Speaker, Sir. We are following the Mover by whatever word he says: "By those" and not "by that." We are all learned and we understand the English Language!

Mr. Speaker: That is not a point of order. Proceed, Mr. Kajwang!

Mr. Kajwang: Mr. Speaker, Sir, the word "corruption" today is being discussed by both sides of this House. The term "corruption" refers to the use of public office for personal profit. Broadly speaking, it refers to actions taken for mercenary gains without regard to honour, life or justice.

Mr. Speaker: Order, Mr. Kajwang! You will debate but not read a prepared text!

Mr. Kajwang: Mr. Speaker, Sir, what I am trying to say is this. By this corruption, which is mega corruption, I am talking about conceived and executed misdeeds in 1992/93, which have seen this country go down the drain and into the sewer. This situation--

Mr. Speaker: Order, Mr. Kajwang! You should not read a prepared text!

Mr. Kajwang: Mr. Speaker, Sir, I am not reading but referring to these notes. They are bulky and if I read, I will take a whole day.

Mr. Speaker, Sir, when the new Minister for Finance took over in 1993, he found the domestic economy in a terrible state. He found that the money supply had jumped up, and I have records here with me from the Central Bank of Kenya. In 1991, the money supply was merely Kshs74 billion, but by December 1993, the supply of money in this economy had risen to Kshs124 billion! So, where did this money come from, who introduced it to this economy, and who was in charge of the Treasury when this money overflowed in this economy? There is only one man, the subject matter of this Motion, hon. Prof. Saitoti. Where did this money come from? I will tell you in brief. This money came about due to the collapse of certain institutions. One of those institutions is the National Bank of Kenya, which is being rescued every other day; the Kenya Commercial Bank, which has several problems with money coming from the Central Bank through its Exchange Bank and so on; the National Social Security Fund, which is limping, and the Post Bank Credit Limited, which is under receivership. Money also came from the Central Bank of Kenya without authority and also from the Treasury without parliamentary authority and flooded this country. Who brought this money to this economy - to flood and ruin this economy? The effect of that money is now being felt. It started being felt in 1993. The effect of the supply of that money is that the interest rates in this country rose from 15 per cent to 70 per cent, and even to 80 per cent. The interest on Treasury Bills rose from 15 per cent to 80 per cent. Those two things; the interest on Treasury Bills and the interest rates charged by banks, ruined businessmen who took loans which they were supposed to pay at 15 per cent to 19 per cent. I can give an example of myself and my brother hon. Nyanja. We have suffered!

(Applause)

Mr. Nyanja: On a point of order, Mr. Speaker, Sir. How have I suffered? To the best of my knowledge, I have not suffered in any way!

Mr. Kajwang: Mr. Speaker, Sir, what I am saying is that businessmen were ruined because they could not pay interest rates of between 71 per cent and 80 per cent. Banks closed down because those same businessmen could not pay back their loans. Sometimes you say that hon. Members here cannot repay their loans. How can they be able to repay a loan which they took at 15 per cent, at the rate of 71 per cent? People have been ruined and that is why we cannot have money to build our roads; there are no drugs in our hospitals, and our people are dying because there is no food. This country has been killed by the act of one man!

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

Hon. Members: Sit down, Mr. Sankori!

Mr. Speaker: Order, hon. Members! Mr. Sankori is equally a Member of this House like Mr. Kajwang. What is it Mr. Sankori?

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, hon. Kajwang is not discussing the Motion. He is supposed to discuss the Vice-President and Leader of Government Business, but he is discussing other issues which are not related to the Motion?

Mr. Speaker: Order, Mr. Sankori! If he does not convince you, then he will not get your vote! Proceed, Mr. Kajwang!

Mr. Kajwang: So, this country was ruined because money flowed into the economy. One of the ways that money flowed into this country was by paying money for services not rendered. A lot of money was paid to Mr. Somaia without services rendered. Also, a lot of money was paid to Mr. Pattni without export of anything! Money has been paid to everybody everywhere without any justification, under the custodianship of a professor of mathematics,

who is a brilliant man in this country! Why should anything like this happen? It happens because somebody somewhere wanted to "eat" this money. If you sat somewhere and gave authority for payment of money without parliamentary approval--- We are now being told that some Ministers sat down---

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. Hon. Kajwang has touched on the moral authority and conduct of another individual! It is also equally important for us to say that hon. Kajwang, who has also been accused of stealing from 26 people, and I am prepared to substantiate, has no moral authority to accuse another individual of---

Mr. Speaker: Order! What were you saying hon. Mwenje?

Mr. Mwenje: Mr. Speaker, Sir, what I am saying is that hon. Kajwang has mentioned the moral authority and conduct of the Vice-President and Minister for Planning and National Development. It, therefore, follows that we must also mention the behaviour of hon. Kajwang and what he did! He conned 26 Kenyans and the matter is in court! I wish to table the list---

(Loud consultations)

Mr. Kajwang: Mr. Speaker, Sir, I---

Mr. Speaker: Order! Order! Your time is up!

Mr. Kajwang: Mr. Speaker, Sir, I beg to move!

Mr. Speaker: Very well!

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. We are discussing a very serious matter! You have heard hon. Members imputing bad ideas on hon. Kajwang, without bringing a substantive Motion! Is hon. Mwenje right to do so? We need your guidance!

Mr. Speaker: Order! Let me give guidance on this matter. We know that in our Standing Orders, you cannot discuss the conduct of a Member in a bad light, unless you bring a substantive Motion. But look at it the other way round! I do not have precedence, but you are asking me to think, and I must think. You are also asking me to rule, and I must rule. I cannot run away from this Chair. I am stuck to it. So, I must think very hard. Dr. Ochuodho, supposing you brought a Motion against hon. N. Nyagah here; that hon. N. Nyagah is a thief--- Sorry! I am just giving an example! But I apologise to hon. N. Nyagah!

(Laughter)

Let us say Mr. "X" instead of--- I do not want to offend hon. N. Nyagah. Supposing you brought a Motion against Mr. "X", and you said Mr. "X" has been misappropriating other people's goats, sheep, children, wives and everything! Now, supposing that other fellow, in his defence, says: "Yes, indeed, I did so, but I was with you!" Am I supposed to stop that Member? I think, in all fairness, there is the adage that if you want to throw stones, make sure you are not living in a glass house everywhere! But the nearest I can remember in the legal field, because, as I said, I have no rules to go by, taking into account that I have not been in practice since 1988; I may be a little rusty, and there are many other Members here who have been there of late, is that I do understand, from the field of criminal law, that when an accused is in the dock, you cannot bring evidence about his previous conduct. But if that accused puts the character of the witnesses into question, then automatically, the accused's character comes into question. I think that is the nearest I can get by analogy.

Mrs. Mugo: On a point of order, Mr. Speaker, Sir. Is it in order for Mr. Speaker to include wives with goats? I mean, wives are not the property of men!

(Laughter)

Mr. Speaker: Order! My absolute apology! Shall I substitute the word "wives" with "husbands?" Proceed, Prof. Anyang'-Nyong'o!

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I beg to second the Motion and crave the indulgence of the House in my seconding this Motion, because Prof. George Saitoti is a person for whom I have great respect. He has been a colleague of mine at the University of Nairobi. When a Motion like this is brought to this august House to discuss the career and role of the Vice-President and Minister for Planning and National Development, and my friend, Prof. Saitoti, it behoves us to speak by broaching facts, and not by appealing to a Motion. I do believe that on the other side of the House, we have several Members that will, indeed, want to find time to come to the defence of Prof. Saitoti, by adducing facts to this House, as to why the nation and House should have confidence in him. Hence, when I am moving to second this Motion and put my facts forth, I would like to crave the indulgence of this House, to give me a

hearing.

Mr. Speaker, Sir, the Vice-President and Minister for Planning and National Development and Leader of Government Business is like a messenger of the Government, who, quite frequently, has to take bad tidings to the public and bear the consequences. He is a messenger of the Government who, quite frequently, if approached by the public, even the Opposition, to bear some messages and he refuses to do so, he can, like Jonah of the Bible, be chucked out from the boat, so that the boat can survive. Jonah was asked to take a message to Nineveh and refused. He changed the course of action and boarded another boat. When the boat was being rocked in the sea, he had to be chucked out from the boat because he had refused to go to Nineveh. It is in that spirit that I would like to second this Motion because the Vice-President and Minister for Planning and National Development finds his position similar to that one of Jonah in the Bible.

Mr. Speaker, Sir, as Leader of Government Business, the Vice-President must have the highest respect from the Chief Executive of the Government and Head of State, yet, when the President re-appointed the Vice-President to the position, after his 18 months on sabbatical leave from that position, he did it on a roadside. He did it as if to spite the nation. The President went further to say that the appointment of the Vice-President is not going to add another ugali on our tables. The President demonstrated to the public that, indeed, my dear friend, Prof. Saitoti, should not grace the Republic by occupying that position, by the very manner in which the President himself saw that appointment. I, as a professor of political science, and a colleague of my friend, the Vice-President, find it very hurting that he should continue to occupy that position, when the manner in which he was appointed is a spite to the nation.

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

An hon. Member: You go and pay your debts!

Mr. Nyanja: I do not need your assistance. Mr. Speaker, Sir, you must protect me.

Mr. Speaker: Order! Order! Let us not get agitated over this issue. Mr. Nyanja, what is your problem?

Mr. Nyanja: Thank you, Mr. Speaker, Sir. Is the speaker on the Floor, Prof. Anyang'-Nyong'o, in order to mislead this House--- It is not important where the Vice-President is appointed because even Jesus Christ was born in a manger.

Mr. Speaker: Order! Let us be a little more serious on that. Proceed, Prof. Anyang'-Nyong'o.

Prof. Nyang'-Nyong'o: Mr. Speaker, Sir, confidence is something---

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! What is the name of that hon. Member next to Mr. Achola? Mr. Wanjala, if you behave that way, I may invent a new rule which gives the Chair the power to transfer a Member from a sitting place to another, and I may send you very far from [Mr. Speaker] there. Will you, Mr. Nyanja, proceed from where you are sitting to where you were before?

(Mr. Nyanja slapped Mr. Wanjala)

Mr. Speaker: Order! The two of you are treating this House like a kindergarten. If you are unable to sit together with hon. Members, please, take your leave now.

Proceed, Prof. Anyang'-Nyong'o.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, confidence is something which is very difficult to measure. But, indeed, in an economy like ours, occupying the position of the Vice-President can sometimes have serious indications. As soon as my friend, Prof. Saitoti, was reappointed to the Vice-Presidency, the shilling lost value. The shilling lost value from Kshs60 to Kshs74 to the dollar and it is heading to Kshs90 to the dollar. The Stock Market also started to shake. The business community was worried because, unfortunately, for hon. Prof. Saitoti who had occupied an extremely important position in Government, that is of the Vice-President and Minister For Finance, he cannot run away from his history. It is that history that makes it worrisome to the business community. After 18 months on a sabbatical leave, Prof. Saitoti came back to the Cabinet as Vice-President, a position that the business community did not expect him to come back to and, hence, the shilling lost value. We are told that the shilling will lose value further to hurt this economy.

Now, Mr. Speaker, Sir, I, as Prof. Anyang'-Nyong'o, I am only speaking facts---

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. Is it in order for Prof. Anyang'-Nyong'o to say that the shilling lost value when Prof. Saitoti was reappointed as the Vice-President when, indeed, it was not Prof. Saitoti who reappointed himself, but he was reappointed by the President? Is he questioning the President or the Vice-President?

Mr. Speaker: Are we ever not going to allow anybody to express an opinion? You can disagree vehemently

with him, but let us listen to his views.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I hope that the other hon. Members will find time to make their points, rather than argue with me as I am making a point.

So, Mr. Speaker, Sir, let us be serious. I said that there may not be something inherently wrong in Prof. Saitoti as a person, but when you occupy a position in the Government, in all democracies, you have to bear the responsibility which that position has in the society and in Government. Unfortunately, for my dear friend, he has occupied two positions in our Government which, indeed, from the point of view of our economy, leads to a hurt to that economy. So, it is extremely important that as we discuss the confidence, we look into that side.

Secondly, Mr. Speaker, Sir, hon. Kajwang has taken a great length talking about corruption. Now, the Ministry of Planning and National Development---

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Is it in order for hon. Prof. Anyang'-Nyong'o to continue referring to Prof. Saitoti as "his friend", when we know that Judas referred to Jesus as his friend and he betrayed him? Is he in order!

Mr. Speaker: That is frivolous!

Mr. Nyanja: Mr. Speaker, Sir, whom did they want as the Vice-President?

Mr. Speaker: Order!

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, unfortunately, in this House, we have to put up with that kind of thing. Nonetheless, let me proceed.

To be a Minister for Planning and National Development is to hold a key in Government. The Ministry of Planning and National Development embraces all the other Ministries. So, whether you like it or not, if the economy is not performing, the responsibility must be put at the doorstep of the Minister for Planning and National Development. One of the key persons who has held this Ministry in this Republic was hon. Tom Mboya. The reason why President Kenyatta gave hon. Tom Mboya that docket was precisely because of the importance of that Ministry. The nation must see a tremendous and dramatic change when such a person is named. If, indeed, the moment Prof. Saitoti got that post of Vice-President and that Ministry, the economy went down seriously in terms of the stock exchange and the value of the shilling, it means, therefore, that from the point of view of the business community in our economy, there is a lack of confidence in my dear friend, Prof. Saitoti. In any case, the Minister for Planning and National Development should advise the Government that the most important responsibility of the Government, at this point in time, is to improve the infrastructure. As we can see, since the Seventh Parliament to the Eighth Parliament, the infrastructure in this country has completely broken down. We do not see any plan or policy from the Government, to ensure that there is a rapid and dramatic change in the management of the infrastructure in this nation.

Further to that, Mr. Speaker, Sir, we saw publications of the National Policy on Food and the Eradication of Poverty. These are two important policies that should come from the Minister for Planning and National Development. And yet, where did they come from? They came from the Office of the President. This shows quite clearly that the docket of Planning and National Development, with Prof. Saitoti there as the Minister, does not even enjoy the confidence of the Head of State. Why then should we have confidence in Prof. Saitoti?

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

(Question proposed)

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, it is so unusual for failures in life to start criticising somebody who is successful in life.

Mr. Kajwang: Mr. Speaker, Sir, I am definitely more successful than Mr. Sankori!

(Applause)

Mr. Speaker: Order! Order! I hope that it does not come to that anymore. So, can we proceed?

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, I wish he knew how wealthy I am.

I would like to repeat that it is unfortunate for those who have failed in life to challenge people who are very successful in life. I am saying that because---

Mr. Sungu: On a point of order, Mr. Speaker, Sir. Are we really applying the rules of relevance? This is because we are debating on the Motion of the Vote of no Confidence in the Leader of Government Business, who is also the Vice-President and Minister for Planning and National Development. What the hon. Member is discussing now is irrelevant to the Motion which is before this House. Is it fair for the hon. Member to talk about failure in life as

far as the Motion before the House is concerned? That is an irrelevance.

Mr. Speaker: Order! Each one of you is canvassing to air his point of view, but as I said earlier on, let us not trivialise this debate. Therefore, let us be serious.

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, I do not know why hon. Members in the Opposition side are jittery. In fact, I have not mentioned anybody. Therefore, let them wait until I mention the name of a person and then they can defend him or her, if they so wish. Hon. Saitoti, is a renowned Professor of Mathematics and I think he is the best mathematician in the whole Republic of Kenya.

(Laughter)

Prof. Saitoti has been the Leader of Government Business for eight years. He has also steered the powerful party which is called "KANU" in this House, to crush all that has been brought by the Opposition. Is that what we call failure? Prof. Saitoti has won all the elections since he went into politics, unlike other professors who have failed.

Mr. Speaker: Order! Mr. Sankori, we are debating a Motion of no Confidence in the Leader of Government Business, who is also the Vice-President and Minister for Planning and National Development. I do not think you should give an obituary.

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, I am expressing confidence in Prof. Saitoti. Therefore, I am opposing this Motion. So, I am telling them what they do not know. I would like them to know from today, that Prof. Saitoti has been an hon. Member of Parliament (MP) for Kajjado North Constituency for nearly the last 20 years. The development that he has initiated in that constituency since he took over the leadership of that area is a lot and, therefore, one cannot consider him as a man whom people have no confidence in. Prof. Saitoti had been a Vice-President and Minister for Planning and National Development for eight years. However, there was no Vice-President in this country for 14 months, from 1998. During that time, everybody was saying: "We want a Vice-President," and they were given one. Today, some hon. Members are saying that they do not have confidence in the Leader of Government Business, who is also the Vice-President and Minister for Planning and National Development. What are they telling Kenyans? It is unfortunate that the people whom they wanted to be Vice-President were not appointed.

Mr. Sungu: On a point of order, Mr. Speaker, Sir. The hon. Member is talking about the Minister's appointment to the Vice-President's seat, and yet, it is only the other day at the Jomo Kenyatta International Airport (JKIA) when his Excellency the President said that he did not have a follower.

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, let me continue because my time is not yet up.

I am saying that Prof. Saitoti had been a Vice-President and Minister for Planning and National Development for eight years, and he has been re-appointed to that seat because his Excellency the President found that he was more suitable than anybody else on the Opposition side. As a Vice-President and Minister for Planning and National Development of this nation, he has travelled throughout the country to assist in various development activities, while the people who are saying here that they have no confidence in him have not even built a toilet in their rural areas. I doubt whether they have got a shed in their rural areas!

Mr. Maundu: On a point of order, Mr. Speaker, Sir. I admire the manner in which my hon. friend is making his contribution, but I think it is important to express decorum and decency in this House. He should not make assertions such as "some have not built toilets in their homes." Please, can the Chair restrain him from making such statements and also make him relevant?

Mr. Speaker: Mr. Sankori, if you ever said such a thing, I would be very upset. Can you desist from making such statements?

The Assistant Minister for Transport and Communications (Mr. Sankori): Thank you, Mr. Speaker, Sir.

Coming nearer home, Prof. Anyang'-Nyong'o said that the Kenyan shilling depreciated because of the appointment of Prof. Saitoti to the Vice-President's seat. It is very unfortunate for a political science professor, who could not even win a parliamentary seat in his own constituency because of his political ideas, to come here and challenge a man of Prof. Saitoti's calibre! The shilling has got nothing to do with the appointment of Prof. Saitoti to the Vice-President's seat. However, it has got something to do with their dirty politics. It is some of the hon. Members in this House who are scaring investors from coming to this country because of their dirty politics, such as what they have brought here today. I said, and I would like to repeat it, that the hon. Member who brought this Motion to this House should be the last person to do that. He is a thief with no parallel.

(Laughter)

Mr. Speaker: Order! Mr. Sankori, I warned this House about being emotional and using unparliamentary language. I now order you to withdraw that word forthwith.

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, I withdraw the word "thief" and replace it with the word "cheater". I can prove that he is a "cheater".

(Loud consultations)

Mr. Speaker: Order! Order! Mr. Sankori, once you are ordered to obey the Chair, you do that. By the way, there is no word in English language known as "cheater". So, you cannot use what is not there.

(Laughter)

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, he is a liar, if he is not a "cheater".

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Speaker, Sir. I am just wondering, because the Mover of the Motion started with the conduct of the Vice-President and Minister for Planning and National Development. When we want to show that he is a very dishonest man, we are not allowed to do so. Is it not in order for us to also discuss the conduct of the Mover of the Motion?

Mr. Speaker: Order! I think I had already given my views. I cautioned the hon. Member, and I will say it again, that I certainly will not allow hon. Members to use unparliamentary and insulting language in this House, from whichever political persuasion. I will be firm on this. You will debate the Motion and if you do not know how to debate within the rules, I am afraid to say that, that is your own problem.

The Assistant Minister for Transport and Communications (Mr. Sankori): Thank you, Mr. Speaker, Sir. What I am trying to bring out here is that somebody who has no confidence in others should know that it is him that people have no confidence in. There are 20 cases which are pending---

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. With due respect to the Chair, justice must not only be done, but must also be seen to be done. It seems that double standards are being applied here. If it was me who had said that, I would have long been thrown out of this House. Even today, I was being accused when I did not even talk. The Chair heard the hon. Member calling another one a thief. You requested a withdrawal of the remark and an apology, but that has not been forthcoming. Is that in order?

Mr. Speaker: I do not know what is wrong with a section of hon. Members of this House today. A section of Members of this House, for some strange reasons, have decided not to listen to what the Chair is saying today. If you think you can shift the blame on the Vice-President and Minister for Planning and National Development to the Chair, just go ahead. But, please, I would like to remind you that this House is listening. The House has listened to whatever I have said. You might lose your case by shifting blame to the Chair.

The Assistant Minister for Transport and Communications (Mr. Sankori): Mr. Speaker, Sir, with those few remarks I beg to oppose.

Mrs. Mugo: Thank you, Mr. Speaker, Sir. I rise to oppose this Motion. My reasons for opposing this Motion-- May I speak from the Front Bench, Mr. Speaker, Sir?

Mr. Speaker: Order! Order, Members. We must listen to the gracious Lady. So, give her a hearing.

Mrs. Mugo: Thank you, Mr. Speaker, Sir. May I speak from the Front Bench, Mr. Speaker, Sir?

Mr. Speaker: Order! In ordinary circumstances, maybe, I would have just used my discretion, but not today, because I am being accused of being partisan. Since I refused to give the hon. Kajwang the chance to speak from there, if I give you the chance now, I will be accused of bias.

Will you proceed?

Mrs. Mugo: Thank you, Mr. Speaker, Sir. I rise to oppose this Motion. I agree with the Mover that our economy is in dire straits and the people of Kenya are living under extreme poverty because of corruption, which we have continued to cry about. But I oppose this Motion because the Mover and the Seconder were contradicting themselves. The Seconder of the Motion said hon. Saitoti is his good friend; that he is capable, but he did not deliver. The whole system of Government is governed by collective responsibility. The Government of the day must be held responsible for any wrong-doing. Therefore, removing or blaming one person in this system will not help us improve this economy in any way. The whole of the Front Bench is responsible for what is happening today. If we throw away one of them, a similar one will be put in place and we are back to square one. My stand on this Motion is that if we

want to clean this Government or clean the economy, and if we want Kenya to get back to where it was, we must get rid of the whole Government. That is the only way we can tell Kenyans that Parliament has acted; otherwise, we are just marking time. My proposal is that we should put our efforts in changing the Constitution to include a provision where this Parliament can veto the appointment of Ministers, so that we can be able to remove them. The Ministers and the Vice President should be responsible to this House.

Mr. Speaker, Sir, I find this Motion personalised, selective and vindictive to one person. I do not want to talk of the tribe, because I do not like to attach important issues to tribal labels. This is a very important Motion to the people of Kenya, and as a Parliament, we should be amending this Motion. I was hoping there would be an amendment that we vote out this whole Government like we tried to do before. Had our friends in the NDP supported us, I am sure we would have been able to vote out this Government, and we would not be talking about an individual this morning. So, can we put our efforts together, those of us in this Parliament, who feel responsible to the people of Kenya; who feel that we want to clean up the mess; who feel that we want a better life for our people? This is because it is corruption which has made this country not able to create wealth, improve business and to employ our young school-leavers. Can we then put our act together and throw this whole Government out and, in fact, have a Government of National Unity where---

Mr. Ayacko: On a point of order, Mr. Speaker, Sir. I am sorry I had initially accused the Chair of bias, but the Chair was trying to correct hon. Kajwang when he mentioned Government. But I now see the Chair is reluctant to correct hon. Mugo when she is mentioning the Government.

Mr. Speaker: What is she saying?

Mr. Ayacko: She is mentioning the Government and talking about irrelevant things.

Mrs. Mugo: What is irrelevant about that? I am relevant because the person being discussed is the Leader of Government Business, and that is what we are discussing today. The Mover gave a whole list of reasons why the economy is down. I am trying to say the economy is not down because of an individual. It is down because of the bad management by the current Government, and removing one person is wasting time and the taxpayers' money. We would rather remove that whole Government. That is what I am saying and I do not think there is need for a point of order.

So, I would urge this House that we should not personalise issues. We must start thinking of the nation, instead of individuals or their tribes. We must look at what benefits this nation.

Mr. Speaker, Sir, I know many hon. Members want to speak on this Motion. I beg to oppose this Motion strongly.

Mr. Speaker: Hon. Biwott?

An hon. Member: Corruption!

The Minister for East African and Regional Co-operation (Mr. Biwott): You are the most corrupt of the corrupt. I am as clean as a white sheet.

(Mr. Obwocha interjected)

Mr. Speaker: Order! Order, Members. Every Member who is recognised by Mr. Speaker will speak. As I said, it is my business to ensure that there is order.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Noor): On a point of order, Mr. Speaker, Sir. I think you heard hon. Obwocha trying to impute improper motive against hon. Biwott.

(Loud consultations)

Shut up!

(Laughter)

Mr. Speaker: Order! Order! Mr. Noor, you cannot say that to hon. Members. Will you withdraw that command and apologise?

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Noor): Mr. Speaker, Sir, I withdraw and apologise.

Mr. Speaker: Now, sit down. Proceed, Mr. Minister.

The Minister for East African and Regional Co-operation (Mr. Biwott): I think hon. Obwocha was

reflecting himself. I will only speak for three minutes. First, the focus itself--

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. Did you hear hon. Biwott refer to me, and yet I have not said anything?

Mr. Speaker: Order, Mr. Obwocha. Even if I heard it, it is not out of order to pronounce the name "Obwocha".

Proceed.

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Speaker, Sir, I did promise that I would take only three minutes. Now I think I will take two minutes, so that the other Members can speak. First, the Motion is misdirected. It is talking about the Leader of Government Business. The Mover then talked about the economy. The economy is a subject of the current Budget Debate which is going on at the moment. That is the time when whoever has any ideas can raise them.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. The hon. Minister is misleading the House. The Government, through the Leader of Government Business in this House, is solely responsible for the management of the economy of the country. When we discuss the Government, we are also bound to discuss the economy. When we discuss the economy, we are also duty bound to discuss the Government. So, he should not mislead the House.

Mr. Speaker: Mr. Sambu, technically, that is not a point of order, but since you have already removed your pressure, I will let you go.

Proceed.

The Minister for East African and Regional Co-operation (Mr. Biwott): Secondly, this current Parliament has been sitting here for the last two years. The question of the economy, with respect to the money supply that flooded this country has been there since 1992 up to now. Therefore, it is not a new issue. The fact that it is being brought here today means that it is political, and it should be addressed as such. It has something to do with politics and not with the economy. Thirdly, the matter which relates to this case is before the court.

Mr. Speaker: Order! Mr. Biwott, you are superfluous and out of order. Nobody has talked about a case here. Proceed about the matter before here.

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Speaker, Sir, I will just skip that one.

Fourthly, the appointment of a Vice-president is a prerogative of the President. If somebody has any misgivings about it, he should address it to the President. He should go to the President and say so.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir. Is hon. Biwott not misleading this House when he says the appointment of a Minister or Vice-President is the prerogative of the President, when we know that he had to be denied a place in the Cabinet because the donor community demanded it in 1992?

Mr. Speaker: Order! Mr. Munyasia, you know that you have violated Standing Order No.74. You are absolutely wrong. Much more important, why should you mislead the House against the clear provisions of the Kenya Constitution? You are being frivolous.

Proceed.

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Speaker, Sir, I think what hon. Munyasia has said is in his own imagination. I do not think it bears any relevance whatsoever, to the process through which appointments are made. In any case, the reappointment of the Vice-President is a demonstration of confidence in the ability of Prof. George Saitoti to perform that job as a Vice-President. Lastly, the drop of the shilling was orchestrated. It had everything to do with the market process. If it had not, it would not have re-bounced back.

Dr. Ochoudho: On a point of order, Mr. Speaker, Sir. You heard hon. Biwott, who was a very good friend to Dr. Ouko, talk about competence. I remember the President said: "Hapa hakuna mtu anaweza". Is he in order to mislead us, while the President has said that none of them on the Front Bench is competent?

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Speaker, Sir, I beg your pardon. He has a childish mind. Do not use that particular phrase!

Mr. Speaker: Order! Mr. Biwott, you must withdraw that remark and apologise.

The Minister for East African and Regional Co-operation (Mr. Biwott): I withdraw, but I wish hon. Members could be serious.

Lastly, I said that the drop in the shilling was orchestrated just to give the impression that something had gone wrong with the reshuffle. It had everything to do with the market process. If it did not, it would not have reverted back to Kshs62 per dollar.

With those few remarks, I totally reject this Motion. It must fail and I oppose it.

Mr. Orenge: Mr. Speaker, Sir, I am grateful to have the opportunity to contribute to this Motion--

Mr. Speaker: Just before you begin, I would like to give you an indication of time. The debate began at 9.50

a.m., and it will end at 11.50 a.m. I will call upon the Government respondent at 11.20 a.m. I will call upon the Mover at 11.40 a.m. So, proceed.

Mr. Orenge: Thank you, Mr. Speaker, Sir, for giving me this opportunity to address the House on this very important Motion. I would want to talk on this Motion as it appears on the order paper. If one would look at the words used by hon. Otieno Kajwang, one would get the idea of what the thrust of this Motion is all about. The confidence is not on the basis of the personal conduct of Prof. George Saitoti, and that was made very clear by hon. Otieno Kajwang. It is in relation to hon. Saitoti as the Leader of Government Business. In fact, in so far as his position is concerned as Vice-President and Minister for Planning and National Development, the way the Motion has been framed can show that the thrust of the Motion is an account of his conduct as Leader of Government Business. This is why I want to pass my contribution as far as this Motion is concerned.

With a light touch, I want to say one thing. Probably, Mr. Speaker and the hon. Attorney-General know that when it comes to our criminal justice system, there are times when the Attorney-General should take 10 people to court, but he takes about four and the charge will read: "With others not before the court." In relation to hon. Kajwang's Motion, I want to say that in fact, as regards others who are not in this Parliament--- Again, with a light touch, if the appointing authority, in the presence of Prof. Saitoti, can say as my friend Dr. Ochuodho was saying here, that he really has no confidence in anybody in relation to the good governance of this country, who am I, the hon. Member for Ugenya, to go against the President who has already expressed no confidence not only in Prof. Saitoti, but in all of us as we sit here? We do not really count.

Mr. Speaker, Sir, I want specifically to go to those points raised by hon. Kajwang, because this is the response to which every one of us must direct his or her attention. These are the issues of the economy and the conduct of Prof. George Saitoti, as the Vice-President and Minister for Planning and National Development, and the Leader of Government Business.

The office of the Vice-President is a constitutional office. He is in that position as Leader of Government Business, not out of choice, but because he is an appointee of another authority who has seen it upon himself to appoint Prof. Saitoti as Leader of Government Business. In his functions as Vice-President and Leader of Government Business; by Section 15 of the Constitution, he is the faithful assistant of the President, and there is no doubt in our minds that whenever the Vice-President speaks in this House, and so long as he holds that post, he is the principal assistant to the President and we should disregard what hon. Biwott says on any matters of policy, but listen to Prof. Saitoti because he is the principal assistant to the President.

(Applause)

By virtue of Section 17 of the Constitution, he is appointed to the Cabinet, and the Cabinet of Kenya is described as: "The President, the Vice-President and other Ministers". So, in our system of governance, the President needs only to have one Minister to make a decision in the Cabinet. I think this is what happens most of the time, anyway. Decisions are made when a particular Minister is sitting with the President.

(Applause)

Section 23 of the Constitution says that, the executive authority of the Republic of Kenya is vested in the President. It is vested on one man. The legislative authority of the Republic of Kenya rests on us, the 220 hon. Members, collectively. But the executive authority of the Government rests on the President; one man. That is the position. When it comes to taxation measures, even the Budget that was read the other day, the rules of the House under the Constitution are that, he cannot bring any Bill or Motion to authorize the Government to spend money without the recommendation of the President. So, the day when hon. Masakhalia was moving the Motion on the Budget Speech here, he was just a "vehicle". He was not really "the man"; he was not even the driver. He had been sent to us by the President to make recommendations.

So, it is very difficult for me to vote and say that I have confidence in Prof. George Saitoti. That, in itself, would be wrong. If there were two thieves and you caught one but left the other one, because you were not sure of the other one, I think that would also be wrong. Even if you do not catch the principal thief---

Mr. Speaker: Order!

Mr. Orenge: Mr. Speaker, Sir, I am not talking about the thief. I am just drawing an analogy.

An hon. Member: Who is the principal thief?

Mr. Orenge: So, you cannot allow that and even our system of criminal justice does not allow that.

The Minister for Education and Human Resource Development (Mr. Musyoka): On a point of order, Mr. Speaker, Sir. Much as I hate to interrupt my learned friend, but is it in order for him to discuss the conduct of His

Excellency the President? He has referred to the terms of Section 23 of the Constitution, which deals with the Presidency in a roundabout manner, without bringing a substantive Motion. I find it difficult. I think I would demand your intervention in this matter.

Mr. Orengo: Mr. Speaker, Sir, I think, today, anybody who cannot read your lips will have a very difficult position in this House. The Chair has pointed out to us that the decorum of this House requires us to speak in a certain way and say things that we think are serious. But, certainly, hon. Musyoka, who is a brother as far as the legal profession is concerned--- But staying for 10 years without going to a court of law can sometimes bring that difference.

(Laughter)

The Minister Education and Human Resource Development (Mr. Musyoka): On a point of order, Mr. Speaker, Sir. I know I am not perhaps the only one because I do recall you saying that the last time you went to court was in 1988. But be that as it may, is it in order for the hon. Member for Ugenya to actually call the Head of State "a thief", or whatever language he used?

(Loud consultations)

Mr. Speaker: Order! Order! First of all, I certainly do not agree with the hon. James Orengo that if you have not been to court for 10 years, then you are rusty.

(Loud consultations)

I suppose you can read law without having to do it in court. But on a much more serious note, I do not think, in all honesty, he called the President a thief.

Hon. Members: No! No!

An hon. Member: He did!

Mr. Speaker: He made an analogy; I looked at him very sternly and he told me that he was not calling anybody any such word. Mr. Orengo, were you calling anybody that terrible word?

Mr. Orengo: No, no, Mr. Speaker, Sir. I have got very little time, but I think in his mind, he wished me to have said so, so that he could have something to report about later on.

Mr. Speaker, Sir, my position is this: The Chair could have allowed me--- You have communicated to me as to why my Motion cannot be put before the House. But if I was allowed, the correct position to have taken in this particular Motion, considering what hon. Members have said, including those from the KANU side--- Since we are talking about the economy and other things, we should have enjoined the President because, under the Constitution, he is the Chief Executive and he has got those powers absolutely. He does not share the power with anybody.

Mr. Speaker: Order! Mr. Orengo, he is not enjoined, so do not use that excuse for debating it. I rejected your amendments.

Mr. Orengo: Yes, Mr. Speaker, Sir. But I am making my point. So, since I had already given you that notice, I move that immediately after the words "no confidence", we add the words "President and Leader of Government Business", so that the Motion should read---

Mr. Speaker: Order! Order! Mr. Orengo, you have just told the House, in all sincerity, that you presented to me an intended amendment which I rejected. You appreciate the reasons why I rejected the amendment. With that appreciation and knowledge that your intended amendment has been rejected, now you want to shotgun it to the House, whether the Chair likes it or not? That is wrong!

Mr. Orengo: Mr. Speaker, Sir, I was just hoping that you have changed your mind.

Mr. Speaker: Time up! Prof. Saitoti!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Thank you very much, Mr. Speaker, Sir. As the person who is in the dock, I hope I shall not be interrupted. I think several things have been said. By the very time we leave here today, I hope we can go with our heads held high and say that we actually debated on a very important Motion. We can also search our conscience, whether we had good reasons, especially the Mover, to have brought this Motion before this House.

Mr. Speaker, Sir, indeed, several allegations have been made in this Motion on matters of the economy. Time does not permit me to give what would amount to a lecture on those who talked about the economy. There are about four of us here who are ex-Ministers for Finance. History is clear that since Independence, the economy has been subjected to a number of crises which have not been domestically created. They have come from outside. I can tell you

here very, very clearly, before I delve into other matters, that between 1963 and 1974, indeed, the economy did extremely well. It was an economy growing at 6 per cent, while it was a time when the prices of our commodities that were exported were extremely favoured. It was a time when the import prices were much cheaper. It was a time when donors all over the world wanted to come and assist the developing countries. That was the position. What happened in 1974? We had a major oil crisis. The effect of it was much worse than we are experiencing today. There were queues all over Nairobi. There was shortage of foreign exchange. We had major difficulties. Mr. Speaker, Sir, we also had a problem in 1979; there were problems of food. What happened to the economy? What happened to the GDP? It went further down. What happened when we had the *coup* attempt in 1982? Go back and see exactly where we were; we were in difficulties. When I moved to the Treasury, the first thing I did was to look at the economy that was in tatters during that time. I brought in Sessional Paper No.1 of 1986. I was the prime mover. My colleagues here are aware that I was the one who propounded the theory, and within a very short time, the growth rate of the economy was more than 5 per cent. The records are there between 1985 all the way to 1989. In 1990 the growth rate was 4 per cent. What were the major crises that happened in 1990? Do we forget that we had a crisis of political nature? Did we expect the economy to work? Did we expect that to create confidence in the investor? Did you expect that the tourism industry would grow? It could not grow. It was the time of the Gulf crisis. What happened? And because of the nature of the politics, there was very little flow in the economy, and that is where the problem lies. Mr. Speaker, Sir, I do not want to get into that. I want to rise up and say: Firstly, as hon. Members of this House, we now need to focus on the fundamentals of the economy which are going to help Kenya. I want to make an appeal here, that let us check the politics of division. When I was re-appointed the Vice-President, I said that I would totally avoid politics of confrontation which is what this Motion is trying to do. We need to look forward and think seriously about, what we are going to do with this economy. What kind of practical suggestions are we going to give? We were not elected to this Parliament so that we can keep pointing fingers at one another, and tell others that, they must go.

Mr. Speaker, Sir, if, indeed, the reasons presented today, were legitimate, I would like to ask a rhetorical question: During the hiatus of the 14 months when I was not a Vice-President, why was the question in this Motion not brought here? We should be conscious. We do not want hypocrisy. I do not want to go back into that. I think the issue which is at stake today is to find a solution to first unite Kenyans. My intention is to make the contribution to what I believe, should be the renaissance of making the Kenyan people stronger, to be able to embrace national unity and Kenyan identity. I wish to see that embraced in the 21st Century; that we are first and foremost Kenyans. That is the legacy that we should give to Kenyans, not the identity of tribalism which creates this phobia and impoverishes us more. I also believe that it is important that we now begin to understand the international order.

Mr. Speaker, Sir, as Vice-President, I want to say that I shall never bow low and sink in a tribal manner. I shall continue to champion the ideals of national unity.

Mr. Sungu: On a point of order, Mr. Speaker, Sir. Much as I like the note on which the Vice-President started, and we want to support that - I am most reluctant to interrupt him - but could he, at least, tell us which tribe he belongs to, because he is referring to tribalism?

Mr. Speaker: Order! Mr. Sungu, would it make any difference to your capacity and mentality if you identified what tribe you belong to?

Proceed!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I am a man of great intellect, and I will never bow to that kind of mediocrity. It is that mediocrity which is the enemy before us here.

Mr. Speaker, Sir, the challenges ahead of this nation---

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

(Loud Consultations)

Mr. Speaker: What is it?

Mr. Sungu: On a point of order, Mr. Speaker, Sir. I am an hon. Member of this House and I have a right to be heard. The Vice-President has called me mediocre. This has been heard by the whole House. Could he withdraw and apologise?

Mr. Speaker: Order! Order! I was consulting. He used the word "mediocre"! I do not know whether it is parliamentary or not.

Proceed!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Thank you, Mr. Speaker, Sir. As I said, I stand here---

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

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, the hon. Member standing is my former student, and I hope he understands the basis of what I taught him.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. The Chair said that this Motion was **[Dr. Ochuodho]** brought by a man of integrity. Now, we are talking of mediocrity. Are you telling us that hon. Members are mediocre?

Mr. Sungu: The people of Kisumu elected me!

Mr. Speaker: What are you saying?

Dr. Ochuodho: Mr. Speaker, Sir, the question I am asking is: Are you condoning the reference to hon. Members of Parliament as `mediocre'?

Mr. Sungu: I was elected by 26,000 people!

Mr. Speaker: Order! Order, Mr. Sungu! You will be surprised, there are hon. Members who were elected by 60,000 people.

Anyway, if you listened to me, and I advise you to do so, I put a question on "mediocre" several times in my mind. I do not just invent what is, and what is not, parliamentary. So, I put that question in mind: Is it parliamentary or is it not? Please, do understand on that line. Prof. Saitoti, I think I warned the Mover of this Motion to treat hon. Members of this House with courtesy and decorum. Indeed, you will also return the ball.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, my intention was not to offend anybody on the matter of mediocrity. But I did, really, refer to mediocrity in terms of attitude. I have no intention whatsoever, to offend hon. Dr. Ochuodho who was my student. I would like to say that, I would not wish to withdraw the high marks that I gave him as a mathematics student.

(Laughter)

But the only thing that he might have taught himself is a formula on an equation along tribal factors, and I hope he will get rid of it.

Mr. Speaker, Sir, I would like to leave this House with the following thought which is important for our country: One, we have the problems of poverty to address. This is a challenge to all of us. We have a challenge to create employment opportunities for our youth. This is not the way we will tackle poverty. This is not the way we will create jobs. We have the problem of eradicating poverty upon us, and this is not the way we are going to do so today. So, I would like to ask hon. Members to understand that we belong to one family.

I beg to oppose the Motion.

Mr. Speaker: Order! Order, hon. Members! Technically, we are now coming to the end of the debate because the Government Respondent, Mr. Sunkuli, has 20 minutes and Mr. Kajwang has 10 minutes to reply. I will first talk to the Minister, if he can graciously cede part of his time to the Leader of the Official Opposition, who we have not given time; what is your response? I would encourage you to surrender at least five minutes.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, indeed, I have 20 minutes and I would like to give five minutes to Mr. Ntimama and five minutes to Mr. Mudavadi. But in view of that, maybe, we can give three minutes to the Leader of the Official Opposition, and the other Members should also appreciate it.

Mr. Speaker: Order! Order! Actually, it was his time. I was seeking his indulgence which he seems to have given me. I think I would go a little further. You have 20 minutes, I will give him and your friend, Mr. Ntimama, five minutes each. You would be left with 10 minutes and, if you want to give five minutes to Mr. Mudavadi, you would remain with five minutes. So, that is fair enough.

Mr. Kibaki: Mr. Speaker, Sir---

(Mr. Gatabaki stood up in his place)

Mr. Speaker: Order! Order, Mr. Gatabaki! Mr. Kibaki has only five minutes. I plead to you, unless there is really fire in the Chamber, do not take away his five minutes!

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. I follow the Standing Orders of this House. I gave notice of an amendment to the Motion and you ignored my notice. Can you tell this House why you deliberately ignored my amendment to the Motion to include the Government of the Republic of Kenya; the President, the Vice-President, the Attorney-General and the former Minister?

Mr. Speaker: Very well. I do not think, Mr. Gatabaki, that is new. The minute I rejected it, you gave it to the Press. It is already known. If you want it to be known twice, I am quite happy with it. I rejected your intended amendment.

Mr. Kibaki: Mr. Speaker, Sir, you know that we had intended to move an amendment so as to bring forward the crux of the matter, namely: That the mismanagement the economy has suffered, since the period which has been mentioned by the Mover, has been the responsibility of the whole Government, and not the responsibility of just one person. I know that the whole nation believes that this Government cannot possibly manage its affairs for the reasons which have also been said; that, they allowed the increase in currency. In other words, they spent money which was not budgeted for. All those things are real.

Mr. Speaker, Sir, my point is that we need in this House, a motion such as the one we had last year; a Motion such as we intended to bring forward - an amendment - and a Motion that we are going [**Mr. Kibaki**] to bring which challenges the whole Government, because it is the whole Government that is responsible for the mismanagement of the economy. I think we would not be honest with ourselves if we say that one person mismanaged the economy as if it was a company that could be managed by one person. We know that what is passed by the Treasury receives Cabinet approval. Equally, we do know that the Cabinet was involved in the printing of additional currency and the misuse of money. Therefore, the rightful position would be to move a Motion which includes the whole Government. But since you ruled that it cannot be brought in an amendment, we intend to bring it as a full Motion at another time. Right now, our position is that we cannot participate in condemning one person and thinking that we have solved the problem. We would not have succeeded. So, in those circumstances, we shall abstain.

Mr. Speaker, Sir, we know that this Government is not yet even on the road towards anything. So, when the Vice-President and Minister for Planning and National Development appeals that we should give the Government more time, we cannot do so for people who have not yet discovered the way forward. The money is still being swindled, and embezzled by Ministries, Permanent Secretaries and other senior Government officials as is evident in the Public Accounts Committee (PAC), the Public Investments Committee (PIC) and other reports. Therefore, we will insist that the whole Government must be condemned, not one individual!

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir. I did that in good faith, but he is speaking the language of the Opposition using Government time. We gave hon. Kibaki time to say something constructive. Why should he not say something constructive?

Hon. Members: Sit down!

Mr. Speaker: Order! Mr. Sunkuli, there is no harm in being generous. You were generous; just leave him. Do not abuse your generosity.

Mr. Kibaki: Mr. Speaker, Sir, what I am saying is something which is known by all Kenyans because, even as we are sitting here, they are still licensing people to import sugar which will kill our sugar industry. The crimes which have been committed, and which continue to be committed, by this Government can only be removed by sweeping the whole lot out of this Parliament and out of the Government. It cannot be done by just picking on one person. If we are going to pick only one person, and if you look at this line, we could pick, at least, seven, whom we know have destroyed major industries or departments in this nation. We could name them in this list. We would be dishonest to pretend that by naming one person, instead of pointing at seven of them, that we would have solved any problem. We would not have solved any problem.

For that reason, Mr. Speaker, Sir, we will not be able to vote for the dismissal of one person or show no confidence. It does not mean that we have any confidence in the person we are talking about. We have not got any confidence in him. The answer to the problem has not been provided yet.

The Minister for Transport and Communications (Mr. Ntimama): Thank you, Mr. Speaker, Sir. I thank the Minister for giving me five minutes.

On the vote of confidence or no confidence, Section 15 of the Constitution of Kenya, sub sections (1) and (2) provide that the President shall appoint the Vice-President from among elected Members in the National Assembly. The President has no business to consult anybody over the appointment of the Vice-President, least of all, the hon. Member who moved this Motion. He has confidence---

Mr. Sambu: On a point of order, Mr. Speaker, Sir. The Minister is misleading this House in alleging that the President has no business to consult this House over the appointment of the Vice-President. After this House passed a vote of no confidence on Dr. Karanja, does he remember that the President did dismiss Dr. Karanja? Poor Karanja!

Mr. Speaker: Order! Order! Please, Mr. Sambu, for now take your seat. Proceed, Mr. Ntimama.

The Minister for Transport and Communications (Mr. Ntimama): Mr. Speaker, Sir, the President has confidence in hon. Prof. Saitoti. Even after 15 months of soul searching, he came back and appointed Prof. Saitoti the Vice-President again. It is because Prof. Saitoti is ultra-loyal and non-tribal. The President thought he was the only person who can be his assistant.

Mr. Ayacko: On a point of order, Mr. Speaker, Sir. The hon. Minister is speaking as if he is doing so on behalf of the President. Is he in order to speak as if he is quoting the President in the appointment of Prof. Saitoti?

Mr. Speaker: Well, he is a Minister of the Government! Proceed!

The Minister for Transport and Communications (Mr. Ntimama): Mr. Speaker, Sir, what I am saying is that I think this Motion is malignant, defective, faulty and irrelevant. It is because, as a matter of fact, I think, the Vice-President, Prof. Saitoti is the most loyal and efficient man who can assist the President. I know that even, originally, the Mover of this Motion intended to blackmail and intimidate Prof. Saitoti, and I think it is wrong to intimidate and blackmail the Vice-President for many other reasons. I am saying, as a matter of fact, that---

Mr. Sungu: On a point of order, Mr. Speaker, Sir. The hon. Minister has just talked about blackmail and so on. Does he have proof of it, and can he lay it on the Table of this House?

Mr. Speaker: Mr. Ntimama, I think you are treading on very dangerous grounds. I think the Motion was brought in good faith.

The Minister for Transport and Communications (Mr. Ntimama): Mr. Speaker, Sir, I did not intend to impute improper motives on anybody, but I thought that was the mood of this irrelevant Motion.

Mr. Speaker, Sir, I am saying that, what is more dangerous is that this Motion is by our co-operators.

(Applause)

Mr. Speaker, Sir, I am asking for your protection.

Mr. Sungu: On a point of order, Mr. Speaker, Sir. This is actually a departure. This is not a party Motion. This is a personal Motion brought by an hon. Member of Parliament.

Mr. Speaker: Order! You are right. In any case, I know of no party called "co-operators". Proceed!

The Minister for Transport and Communications (Mr. Ntimama): Mr. Speaker, Sir, I am saying that they have stabbed us in the back and, in fact, the Mover of this Motion is like he has detonated a very powerful device, whose effect is going to devastate the ill-fated co-operation. I think the most important thing is that we have to be together and work together, but it is challenging the whole Government.

The Minister for Agriculture (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. Indeed, I believe that I will not even take the five minutes that have been allotted to me. However, I just want to underscore one aspect. That is to say that, from the proceedings of the House today, although it really remains on the individual judgement of each Member, I am of the view that no sufficient justification has been given to vote against the hon. George Saitoti. I hope that for those of us who are here today, and bearing in mind the kind of focus that the country has in the National Assembly, we will live and be able to realise that this is a morning in which Kenyans will regard this House as having contributed, at least, to the serious issues that pertain to this country. There is no justification to pass a Vote of no Confidence in the Vice-President from the arguments adduced.

I, therefore, oppose that Motion and I hope that others will do the same.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I now wish to reply on behalf of the Government. The mere fact that Prof. George Saitoti was appointed by the President is, in fact, a show of confidence in the Vice-President. When he appointed Prof. Saitoti as his Vice-President, His Excellency President Moi must have recognised in him the excellent qualities of integrity, professionalism, dedication and of patriotism which are found rested in Prof. Saitoti.

Mr. Speaker, Sir, I stand here to tell the House that--

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. You heard hon. Sunkuli saying very well that the President has confidence in Prof. Saitoti. We are all aware, as Kenyans, of the manner in which the announcement was made by a roadside; but my question to the hon. Minister is: Can he explain then what the President meant when he said that he is looking around and cannot see anybody who is fit to succeed him?

Mr. Speaker: Order! Dr. Ochuodho, it is about time you knew the difference between a point of order and Question Time. This is not Question Time.

Proceed!

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I, therefore, appeal to the House to tell the hon. Mover of the Motion that his Motion is not true, and that this House does in fact, have confidence in Prof. George Saitoti.

Mr. Speaker, Sir, it has been said that the Mover of the Motion, and his Secunder, and, in fact, people who have spoken in favour of the Motion, have not adduced anything that goes to show that Prof. Saitoti is not capable of performing his duties as Vice-President or Minister for Planning and National Development. Indeed, the hon. Secunder of the Motion has said everything that actually means that as far as he is concerned, Prof. Saitoti, as an individual, is an excellent character. I concur with him and urge him that, in fact, the Motion that he is debating was the Motion which

was thrown away in October. It is not a Motion on Prof. George Saitoti at all, and the case rests that today; this House will vindicate the Vice-President and realise that he is, in fact, a sound and efficient son of this country.

Mr. Speaker, Sir, a lot has been said and the hon. Anyang'-Nyong'o has alluded to the fact that the National Poverty Eradication Plan used to be in the Office of the President, rather than in Prof. Saitoti's office. I want to correct the hon. Member and say that the National Poverty Eradication Plan was drafted by the Ministry of Planning and National Development, which is the overall policy Ministry, and handed over to the Office of the President for implementation. The fact that it is, in fact, a sound document must prove that in fact, the hon. Prof. Saitoti's Ministry did a good job. However, this Motion has nothing to do with the economy. It has nothing to do with all that the hon. Members have, said and I do not want to impute improper motives upon hon. Kajwang because he is an hon. Member. Hon. Kajwang has brought a good Motion here, but he has done it as a good advocate. He has done it as a good advocate and he has done it as an advocate with good intentions.

Mr. Speaker, Sir, but I know that his own clients may not have had the same good intentions that hon. Kajwang has had. This Motion has everything to do with politics and everybody in this country knows that this Motion has nothing to do with the economy. It has everything to do with politics, and I do not know why the hon. Mover did not come out and openly tell us his facts.

I beg to oppose.

Dr. Ochuodho: Mr. Speaker, Sir, I want to begin by saying that we seem to beat about the bush when we talk of reviving the economy, and do not go for the bull by the horns. You will find it an interesting analysis. The Vice-President and Minister for Planning and National Development claimed in tidy remarks that bank interest rates shot up when he was first appointed the Vice-President and Minister for Finance. That was also the time when the exchange rate of the Kenya shilling to major international currencies rose.

Mr. Speaker, Sir, we are also finding another interesting analysis. When he was recently re-appointed the Vice-President and Minister for Planning and National Development, we all know what happened to the Kenya shilling. Something happens whenever hon. Prof. Saitoti is put in a strategic position in Government. However, I want to address the issue of repatriation of foreign money that has been sent out of the country by looters in this country. Normally, when they intend to bring the money back, the exchange rates go up, so that they can make a kill. Of course, when the money comes into the country, and they want to take it out, the exchange rate goes down. I would want the hon. Members on the Front Bench on the Government side not to sabotage this country's economy by making kills.

I would also like to take issue with the Opposition side of the House, whose hon. Members seem to be saying that it is not enough to discuss an individual. I find it hypocritical--

(Loud consultations)

Mr. Speaker, Sir, could I be protected?

Mr. Speaker: Order! Order, hon. Members! The hon. Member is taking issue, particularly with hon. Members on my left. So, listen carefully.

Dr. Ochuodho: Thank you, Mr. Speaker, Sir. I find an element of hypocrisy on the Opposition side of the House. On the one hand, we are criticising corruption. On the other hand, corruption becomes an issue only when somebody else is involved in the vice.

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member, who belongs to the National Development Party (NDP), which has been "cohabiting" with KANU, to tell the House that he finds an element of hypocrisy in the stand taken by hon. Members on the Opposition side?

(Laughter)

Mr. Speaker, Sir, the NDP has been "cohabiting" with KANU. He has now come here to tell the House that there is hypocrisy on this side. Hypocrisy is on the Government side and the NDP, should have continued "cohabiting". Now, can KANU and the NDP stop "cohabiting"?

An hon. Member: You are wrong!

The Minister for Agriculture (Mr. Mudavadi): On a point of order, Mr. Speaker, Sir. We would like to understand what hon. Mwenje is saying. I think he talked of "cohabiting" or "combining"; I did not get it clearly. So, could he, please, be clear?

Mr. Speaker: I am also at a loss. I do not know what hon. Mwenje was saying. So, I cannot help; maybe, Dr. Ochuodho can.

Proceed, Dr. Ochuodho!

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

Mr. Speaker: Sorry, hon. Murathe; the hon. Member on the Floor has very short time. Proceed, Dr. Ochuodho!

Dr. Ochuodho: Thank you, Mr. Speaker, Sir. The point I wanted to make is that, to me, it is being hypocritical for us to distinguish when an issue involves corruption and when it does not. I am saying this because, if we are really concerned about a vote of no confidence in the Government, here is a case where hon. Kajwang has moved such a Motion against the Leader of Government Business, in Parliament. I thought that there is no better symbol of a Leader of Government than the Leader of Government Business as far as parliamentary proceedings are concerned.

In the past, there were claims of money having been poured here. Yes, some money was poured here, but not enough of it. Looking at the behaviour of some hon. Members in this House---

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. Unless hon. Ochuodho can prove that any money was poured here, he must withdraw that statement and apologise to the House.

Mr. Speaker: Order! Order! Dr. Ochuodho, this time round, you had better be more serious. You are making a grave allegation against the whole House! Now, will you prove here and now that the hon. Members who are present in this House have been bribed? Will you do that now?!

Hon. Members: Shame!!

Dr. Ochuodho: Mr. Speaker, Sir, "Shem" is my other name, but---

Mr. Speaker: Order, hon. Ochuodho! Will you do as directed by the Chair?

Dr. Ochuodho: I apologise and withdraw.

Mr. Speaker: Very well, proceed!

Dr. Ochuodho: Mr. Speaker, Sir, if the Chair understood that, that is what I meant, that is not so, but I would have been happier if Members behaved as if there were no emotions and no inducements as portrayed in some behaviour of certain Members of Parliament.

Mr. Kajwang: Mr. Speaker, Sir, I want to thank all the Members who contributed to this Motion most profoundly because they said that it is not Prof. Saitoti alone, but they acknowledged that he is involved. That is a major point; only that I brought him alone. But you see, I only had evidence against him and not against others. Section 99 of the Constitution provides that money shall not be withdrawn from the Consolidated Fund without approval of Parliament. It is for the Minister in charge of the Treasury to make sure that, that path is not opened, except with the approval of Parliament. But in 1991, 1992 and up to 1993, before a seizure of certain withdrawals, money was withdrawn. Prof. Saitoti himself came to this House the other day and said, "It was only Kshs255 million which was paid to Goldenberg".

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Speaker, Sir. I have two points of order. One is that he is bringing the matter of *sub judice*; two, may I remind him that there was a resolution of this House, by 19th April, 1995, clearing me of the issue. If you provoke, me you will get what you are asking for!

Mr. Speaker: Order! May I say this to Mr. Kajwang, ten minutes is right of reply. You reply to what has been said, basically by people who were opposed to your sentiments. It is late in the day for you to come with new evidence which, apparently, you do not allow the person you are accusing the chance to reply to, because you will have no further time of reply. So, please, do not get into new evidence!

Mr. Kajwang: Mr. Speaker, Sir, I raised a matter here of doubling the supply of money in 1991/92; a serious matter which affected the economy. I said that this House did not know where that money came from, although we will not talk about it now because some people say it is *sub judice*. But that is where the money came from and this is the money which destroyed this economy. Nobody has told me in answer to this proposition, where the money came from. The Minister, at that time, was in charge of Treasury. If money doubled in this economy, chasing no services and no goods, creating inflation and destruction---

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. We have a rule here that prohibits repetition. What the hon. Kajwang' is telling us---

Mr. Speaker: Order! He is replying to what the other people were saying! Order, the two of you! Order, hon. Kajwang, do not look back, but look at me, and Mr. Ndicho, look at me too. Both of you are forbidden to look at each other!

So, will you proceed, Mr. Kajwang'?

Mr. Kajwang: Thank you, Mr. Speaker, Sir. I have said before that the GDP of this country dropped in 1990 from 4.3 per cent to 0.4 per cent in 1992, the lowest since Independence when Prof. Saitoti was in charge. In fact, it dropped to 0.1 per cent in 1993 due to the effects of the other year. There was an unprecedented increase in inflation in 1992 alone of 35 per cent. The citizens of this country, 50 per cent of them, are hungry, malnourished and cannot

afford one square meal because of the effects of the money supply in this country.

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. Other people are going hungry and are malnourished because of Mr. Kajwang. He stole Kshs1.9 million from one person, and I beg to table today the document regarding that.

Mr. Speaker: Order, Mr. Mwenje!

(Mr. Mwenje laid the document on the Table)

(Applause)

Order! Mr. Mwenje, in all honesty, that is not how hon. Members behave. When Mr. Speaker is on his feet, it is very wrong for you to walk from your place and lay the document on the Table. Do you think that if you lay a document on the Table and I find that it is inadmissible, it will be honoured? You think that I cannot expunge it from the records of the House? I can! In any case, why should you use an unacceptable word on an hon. Member? Will you withdraw it?

Mr. Mwenje: Mr. Speaker, Sir, with all honesty, that is the document that was signed by his client in court. He is described as a thief by that client. I am not the one who is calling him a thief. am prepared to substantiate.

Mr. Speaker: Order! I will not let the issue go away like that. Mr. Kajwang, you are at liberty to raise that matter with me immediately we finish this debate, if you so wish.

Mr. Kajwang: Mr. Speaker, Sir, I do not wish to waste time with Mr. Mwenje.

An hon. Member: He is Councillor Mwenje!

Mr. Kajwang: Mr. Speaker, Sir, I have also said that this House is on trial.

Mr. Speaker: Order! Time is up! Hon. Members, it is time to put the question.

(Question put and negatived)

(Applause)

(Dr. Ochuodho and Prof. Anyang'-Nyong'o stood up in their places)

Mr. Speaker: Order! Are the two of you seeking for a Division? Do you have the prerequisite number? It is only the two of you who are seeking for a Division.

(Mr. Kajwang stood up in his place)

Order, Mr. Kajwang! It is apparent that the three of you cannot call for a Division. So, there will be no Division.

Hon. Members: Yes!

(Most hon. Members consulted loudly as they withdrew from the Chamber)

Mr. Speaker: Order! Order, hon. Members! Next order.

DECLARATION OF GOVERNMENT POLICY IN HOUSING CIVIL SERVANTS

Mr. Kihoro: Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the traditional role played by the Government in housing some civil servants in houses or buildings which the Government owned; cognisant of the fact that the Government is now committed to a policy of divestiture of residential properties in the public domain, which could lead to the sale of many of these houses; apprehensive that many of the employees aforesaid are likely to become tenants, of private landlords who will invariably raise their rentals and aware that the salary of the affected employees has not been adjusted to reflect the loss in the low rental accommodation,

this House recommends that no Government-owned residential houses should be sold until the Government declares its housing policy in respect of all public employees and more especially in respect of the affected employees.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, as I go down my presentation this morning, I will be presenting a list of many Government houses that have been taken over, many of them by people who are politically-correct and Cabinet Ministers, to show that in fact, we have come to a stage where, unless this process is checked, it is going to lead to the Government becoming a tenant in its own land.

Mr. Deputy Speaker, Sir, the Government, throughout the period Kenya has had Governments, has made big efforts to build houses to house its civil servants. The Government has gone further and rented some of the houses from the private sector and, indeed, by last year, it had rented 4,546 houses for civil servants. The purpose of the Government housing public servants is, firstly, to stabilise the Civil Service and to ensure that the members of the public--

QUORUM

Mr. Poghiso: On a point of order, Mr. Deputy Speaker, Sir. I do not think we have a quorum in the House.

Mr. Deputy Speaker: Indeed, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Deputy Speaker: There is quorum now. Proceed, hon. Kihoro!

Mr. Kihoro: Thank you, Mr. Deputy Speaker, Sir. The purpose of the Government housing the civil servants is, firstly, to ensure that the Civil Service remains stable. That ensures that wananchi are provided with the necessary services that are owed to them by the Government. The provision of Government housing stabilises not only the civil servants, but also their families. This is necessary because some of the work that is done by the Government is very technical. If the civil servants continue changing stations from time to time, it will become very difficult for technical work to be done. It will also assist in terms of stabilising the Civil Service in some of the adverse areas of the country. It will ensure that the civil servants will have a place to retire to. This will ensure that the Government gives services in those adverse areas.

Secondly, the provision of Government housing will enable the Government to attract high calibre civil servants. It is very clear that there is a lot of competition between the Government and the private sector. Providing Government housing will ensure that good calibre civil servants will also be employed. Thirdly, it will enable the Government to remain competitive *vis-a-vis* the private sector. The provision of houses by the Government will ensure that this is going to be a subsidy on the part of the civil servants. This is because, traditionally, the Civil Service remuneration has remained below the usual private sector remuneration.

Mr. Deputy Speaker, Sir, it is very clear that the Government, through the years, has maintained its salaries at very low levels. According to the Directorate of Personnel Management, through Personnel Circular No.16 of 27th of October, 1997, the present salaries of the Government are very low. If public housing is also taken away from the civil servants, it will make sure that civil servants will have a very raw deal.

Mr. Deputy Speaker, Sir, some of the lowest-paid civil servants in this country are in Job Group A. They earn a salary of only Kshs2,500 per month. That is the gross salary before taxation. It is very clear that if somebody is earning a salary of Kshs2,500 per month in Nairobi these days, or even in other parts of the country, it is very low. It is incredible that the Government is still paying this kind of salary. The highest-paid civil servant in the country, that is in Job Group U, is earning a salary of about Kshs40,000. The civil servants can be able, if at the higher level, to build their own houses. They get a generous house allowance to enable them rent properties in the private sector. If the Government houses are going to be sold, some of the civil servants who cannot be able to get houses in the private sector, because of their low salaries, are going to suffer! It is going to undermine the morale in the Civil Service. We want to ensure that Kenya, whether under the present or future Government, is going to continue in a way that the Civil Service will be stable as much as possible. It is very clear that some of the salaries that I have quoted at low level, or even at the higher level, compare very badly with salaries paid in the private sector. In fact, some of the comparable people in the private sector are earning four times as much as those in the Government.

Mr. Deputy Speaker, Sir, I would like to look into the question of how many houses we are talking about, and that have been built by the Government up to last year. By the end of the last financial year, there were 41,440 houses in the high, middle and low category housing of the Government. There were 10,000 houses in the general housing pool of the Government. There were 31,400 houses in institutions that are owned by the Government. Many of the houses that are in the high and middle category have been targeted for sale to politically-correct people and senior civil servants.

Mr. Deputy Speaker, Sir, 3,000 houses in the high category of Government pool or institutions are in Nairobi. They are in the Upper Hill sector of Nairobi and in Kileleshwa. There are about 10,000 Government houses in Nairobi. We also have about 11,000 houses in the middle category in Government pool or institutions. Out of these houses, 3,000 of them are in Nairobi.

Some of the houses that will be affected by the Motion before the House are under the Kenya Railways Corporation. There are also houses which have been built previously by the National Housing Corporation (NHC). Some of them are in places like Chuka, where I understand there are disputes because some individuals want to buy them and evict the tenants who have been residing there for so many years. Other houses fall under the Kenya Ports Authority (KPA), while others fall under the local authorities like Nairobi City Council and Kisumu, Mombasa and Nyeri municipalities.

Mr. Deputy Speaker, Sir, it is very clear that some of these houses in the Nairobi City Council are also earmarked for sale, for example, those in Joseph Kang'ethe Estate. About six months ago, there was a question before this House about the sale of houses in Joseph Kang'ethe Estate to some politically-correct individuals. That would have meant that the housing stock of Nairobi City Council would have dwindled.

Mr. Deputy Speaker, Sir, what is important in this Motion is to ensure that the Government housing stock remains intact. There is a new creed that has come, not only in this country, but in the whole of Africa, about privatisation of public property. My view on this matter of privatisation, especially of Government houses, is that, eventually, only very few politically-correct individuals will own them. It will be done at the expense of the public and deprive those people who are genuinely in need of them and are in the Public Service.

Mr. Deputy Speaker, Sir, I tried to get information about these houses we are talking about, [Mr. Kihoro] but some of the records of those houses have been destroyed, hidden or stolen. It is possible that some of the information I could give before this House might not be as up-to-date as it should be. I carried out investigations to find out how many of those Government houses have been sold to politically-correct individuals. I found out that, at least 600 houses have been allocated to individuals. I have a list of those people who managed to get those Government houses and made them their own at the expense of the Civil Service. This list has been prepared on account of a demand made by the Public Accounts Committee. It was prepared by the Permanent Secretary in the Ministry of Lands and Settlement, arising from the transfers that have been made of Government houses to individuals. Allow me to table this document.

(Mr. Kihoro laid the document on the Table)

Mr. Deputy Speaker, Sir, from that list that I have tabled before the House, it is very clear that some people are having it very easy in terms of acquiring public property. From that list, nine houses belonging to the Government have been allocated to the African Inland Church (AIC). The President is known to visit that church more frequently than other churches in this country.

Mr. Deputy Speaker, Sir, 3,000 houses in the high category have been allocated to a "Mr.-not-known". I submit that a "Mr.-not-known" is none other than President Daniel arap Moi. There is no way---

Mr. Deputy Speaker: Order! Mr. Kihoro, you are making a specific allegation about the President, who is also an hon. Member of this House. So, if you have a document to prove that, you can lay it on the Table or withdraw those remarks.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I find it incredible that in these days and time, property can be allocated to an individual who is not known.

Mr. Deputy Speaker: Hon. Kihoro, there is no argument on that issue. If you have a document to prove that, lay it on the Table, but if you do not have it, withdraw those remarks.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I will abandon that position and go to the next one. Unfortunately---

Mr. Deputy Speaker: Mr. Kihoro, withdraw those remarks first.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I do withdraw that a "Mr.-not-known" is actually President Daniel arap Moi, and I do apologise.

The next lot of houses that I would like to point out have also been allocated to a Mr.-private-developer". It is incredible that properties, especially Government houses which are so scarce in this country; people toil day and night

looking for them but they do not get them, can be allocated to a "Mr.-private-developer". It is surprising to note that 16 houses have actually been allocated to this "Mr.-private-developer".

(Mr. Kihoro laid the document on the Table)

I would also like to point out that some of the allottees of Government properties are actually sitting on the Front Bench of this House today. Unfortunately, we have just finished with the Motion on the Vice-President and Minister for Planning and National Development, but one of the allottees is him. In fact, he is on the list that I have just tabled. The other allottees are Doris Moi, J. Toroitich and Gedion Moi. That is an official list that has been prepared by the Permanent Secretary in the Ministry of Lands and Settlement. That is indisputable! It is incredible that the people who own properties in this country are the ones who are ending up acquiring Government houses and reducing the stock of Government housing.

Mr. Deputy Speaker, Sir, my submission before this House is that if these houses must be sold, then that should be done in an open market, and at a price that is justifiable in light of their value. It is very clear that the market price of some houses in some of the places that I have mentioned, for example, Upper Hill or Kileleshwa, is very high. Some of the houses that have been sold, and the prices are actually given on that list, have only been sold for Kshs60,000. Some of the houses which are in Kileleshwa go for Kshs20 million and Kshs30 million, and yet, these ones have been sold for only Kshs60,000 and Kshs52,000. In fact, they are just being given away. That is what has to be checked. One just needs to look at the classified page of the *Daily Nation* or the Digger Classified in the *East African Standard* to know that a house in Kileleshwa or Upper Hill goes for Kshs60,000 when they are actually selling for Kshs20 million or Kshs30 million. This is just another theft that is being perpetrated against the people of this country.

Mr. Deputy Speaker: Mr. Kihoro, the list you have tendered is not official. How do I know where it has come from? I mean that somebody could sit down and draw the list. There is no authentication.

Mr. Kihoro: Mr. Deputy Speaker, Sir, that list has been prepared officially for the Public Accounts Committee (PAC) by the Permanent Secretary in the Ministry of Lands and Settlement.

Mr. Deputy Speaker: Mr. Kihoro, you are a lawyer and you know very well that this cannot stand as evidence. If it is from the PAC, it should bear the stamp of Parliament as having been

[Mr. Deputy Speaker]

received and entered as part of their record. So, you should bring another list from the records of the PAC, which has been stamped and duly received, and I will accept it.

Mr. Kihoro: Mr. Deputy Speaker, Sir, the only unfortunate thing about that list is that the covering letter had to be removed for safety reasons.

Mr. Deputy Speaker: No, if it is in the PAC, it is the property of the House and you have access to it.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I am proposing that this Motion will be seconded by hon. Gatabaki, who is a Member of the PAC. So, even if I am ordered to withdraw the list, I know, most likely, he will present it, and the Chair will have the covering letter. In fact, Mr. Gatabaki has first-hand evidence about the document.

Mr. Deputy Speaker: For this list to be recognised, it must be authentic. There is no covering letter, no letterhead and there is no signature. If it is a document extracted from our records, a sample will have been applied to indicate that, in fact, it has been received back and we have no problem. But I cannot accept it.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I think it will be an impossible job for a person at my level in life and in the Opposition---

Mr. Deputy Speaker: The Motion is not ending today. So, you can bring it next week.

Mr. Kihoro: Mr. Deputy Speaker, Sir, if you allow me, I will follow it up when I do my---

Mr. Deputy Speaker: If there is a problem extracting the records, let me know.

Mr. Kihoro: Thank you, Mr. Deputy Speaker, Sir.

QUORUM

Mr. Poghiso: On a point of order, Mr. Deputy Speaker, Sir. I do not think it is in order for him to continue when there is no quorum in the House.

Mr. Deputy Speaker: Yes, indeed, we have no quorum. So, shall we have the Division Bell rung?

(The Division Bell was rung)

ADJOURNMENT

Mr. Deputy Speaker: Order! Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, Wednesday, 30th June, 1999, at 2.30 p.m.

The House rose at 12.30 p.m.