

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 24th April, 2001

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.003

ALLOCATION OF AIRPORT PARKING BAY

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

- (a) whether he is aware that Kenya Airports Authority (KAA) intends to allocate the vehicle parking area to a private operator who intends to impose parking charges on airport users and operators; and,
- (b) whether he could assure the House that KAA shall not impose any form of taxation on airport operators and users without the consent of Parliament.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the KAA intends to privatise the vehicle parking area. However, the private operator does not intend to impose any stiff parking charges on airport users and operators.

(b) I would like to assure the House that the KAA does not intend to impose any form of taxation on airport operators and users other than what is stipulated in the Act.

Mr. Donde: Mr. Deputy Speaker, Sir, on the 9th of March, this year, the private operator advertised, in the *East African Standard*, the rates at which he will charge airport users. The local taxi drivers, who can hardly afford to pay insurance premium of Kshs10,000, will be charged Kshs18,000 for parking at the airport---

Mr. Deputy Speaker: Is that for a day, a month or per year?

Mr. Donde: Mr. Deputy Speaker, Sir, that is per year. Some of us who pay Kshs200 when we fly to Kisumu and another Kshs200 when we fly back will be charged Kshs200 for parking our cars at the airport. I think this is misuse of position by the KAA. To collect money at the airport even my daughter, who is nine years old, since the airport is very small, can collect money as cars come in. We do not need to give it to a private user! Could the Assistant Minister tell us who these private users are and why they should be allowed to take money from an area that belongs to the Government?

Mr. Samoei: Mr. Deputy Speaker, Sir, the rates which this private operator is going to charge are not different from those charged in the past. Because of rampant theft of cars at the airport, we decided that this function be contracted out so that it can be managed efficiently in the interest of airport users and airport authorities. This was done through an open tender and the best operator was chosen. Through this privatisation exercise, we intend to raise more money to the Exchequer. In the past, people used to park their cars at the airport for about five days without paying anything. Our intention now is to make sure that a person who parks his car at the airport and comes back in two hours pays differently from a person who keeps his car there for a week or a month. That is only a way of making the airport more efficient.

Mr. Maitha: Mr. Deputy Speaker, Sir, could the Assistant Minister assure this House that contracting out parking services at our airports will not hamper the development in other provinces? I am sure that the Government is targeting the Coast people by contracting out these services. Having introduced the Visa fees again, and now introducing parking charges, will that not affect tourism? Most tourists come in with many cars and park them at our airports. Are we not chasing away tourists by introducing these kinds of things every day?

Mr. Samoei: Mr. Deputy Speaker, Sir, I am not aware of tourists who have many vehicles to park at the airport. However, the charges per car, per day, remains the same as in the past. All we are doing---

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

Mr. Deputy Speaker: Order, Mr. Mwenje!

The Orders of the day have not even begun!

Mr. Mwenje: Mr. Deputy Speaker, Sir, I am standing on a serious point of order! The Jomo Kenyatta International Airport is in my constituency and I know what it is!

Mr. Deputy Speaker: Order, Mr. Mwenje! Just catch my eye and I will give you time to ask a question. You cannot stand on a point of order and ask questions! You ought to know that! Proceed, Mr. Samoei!

Mr. Samoei: Mr. Deputy Speaker, Sir, any additional charges by this private operator will be subject to approval by the KAA as per the contract signed between the Authority and the private operator. The KAA is charged with the responsibility of managing our airports and they have chosen to contract out non-core opportunities at the airport; such as cleaning services and car parks. This is an endeavour to make KAA operate as a commercial entity as mandated by the Act.

Mr. Shidiye: Mr. Deputy Speaker, Sir, it is a well known fact that our airports are less busy. Therefore, contracting out parking services does not make sense. We know that some unscrupulous businessmen would like to make a "kill" out of it. Is this not discouraging tourism and businesses? The spillover effect here will be the loss of jobs. There is no rationale in this venture! In view of that, would the Assistant Minister consider cancelling this contract?

Mr. Samoei: Mr. Deputy Speaker, Sir, I do not have any intentions to cancel this contract because it was negotiated and signed by the KAA through an open tender. The KAA has agreed with the private operator that the private operator is going to pay KAA Kshs66 million per year which is way above what the KAA has ever managed to collect in terms of parking fees in the past.

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

Mr. Deputy Speaker: Order, hon. Members! As you have been told many times before, we have only one hour for Question Time. Today, we have 11 Questions on the Order Paper. That means each Question should not take more than five minutes. Mr. Donde!

Mr. Donde: Mr. Deputy Speaker, Sir, I beg to lay this document on the Table to show that what the Minister is saying is not correct. The KAA has already advertised the charges and taxi operators are supposed to pay Kshs18,000 per taxi operator. It is wrong for anyone to exploit the citizens of this country. I can weep if you want me to do so! The Government should know that this Government is here to represent the people of this country. They cannot do this kind of thing and get away with it. Before I table this document, he has not answered my question. Who is this private operator! Could you oblige him to answer that part of the question?

(Mr. Donde laid the document on the Table)

Mr. Samoei: Mr. Deputy Speaker, Sir, as I said earlier, this contract was given out through an open tender. Given the opportunity, I will provide the details of the private operator to this House. I have already stated that this private operator will not levy any charges that are not approved by the KAA.

Hon. Members: Who is this private operator? Tell us!

Mr. Deputy Speaker: Order, hon. Members! I am going to make a ruling on this matter! Let the Assistant Minister complete what he is saying! You should not try to do my job for me! Proceed, Mr. Samoei!

Mr. Samoei: Mr. Deputy Speaker, Sir, the Question I have here does not require me to give details. But if that is the wish of the House, I will provide the details.

Mr. Deputy Speaker: You will provide that information on Thursday afternoon.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister is talking a lot of nonsense!

Mr. Deputy Speaker: Order, Mr. Mwenje! You cannot raise a point of order on a Question! Mr. Mwenje, this is Parliament! I will now require you to leave the Chamber and the precincts of Parliament for the rest of this afternoon's sitting. Proceed to withdraw from the Chamber.

(Mr. Mwenje withdrew from the Chamber)

Hon. Members: Shame! Shame!

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Our concern is that the Assistant Minister says the KAA---

Mr. Deputy Speaker: Order, Mr. Ndicho! You cannot stand on a point of order and engage in an argument with the Chair! As I have said before, when you stand on a point of order, it must be on a breach of procedure or conduct! I will not allow any points of order during Question Time.

Next Question, by Mr. Musila!

Question No.029

NON-PAYMENT OF BENEFITS TO TEACHERS

Mr. Deputy Speaker: Mr. Musila is away and we will defer his Question to Tuesday, next week.

(Question deferred)

Next Question, by Mr. Shidiye!

Question No.064

PROVISION OF TELEPHONE FACILITIES

Mr. Shidiye asked the Minister for Information, Transport and Communications, when he will provide telephone facilities to the residents of Liboi, Banane and Shanta-abak divisions of Garissa District.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, I beg to reply.

Mr. Deputy Speaker, Sir, Telkom Kenya is making the necessary arrangements to serve Liboi Town, Banane and Shanta-abak divisions in Garissa District using a Line Concentrator Switch with a capacity of 180 lines. The transmission capacity will be provided through very small aperture terminals of (VSAT) in the course of the next financial year. Liboi Town used to be served by a magneto exchange with a capacity of 70 lines but these have been vandalised. I would like to take this opportunity to request the hon. Member, as well as the community, not to vandalise assets that have been installed at very high costs. Telkom Kenya lost about Kshs5.6 million through vandalism. It is my plea that the community assists Telkom Kenya when the VSAT and other gadgets are installed by ensuring that vandalism is stopped.

Mr. Shidiye: Mr. Deputy Speaker, Sir, though I appreciate the answer by the Assistant Minister, he has not told us when he is going to provide the service. Could he be kind enough and tell the House when these services are going to be provided?

Mr. Deputy Speaker: He said the services will be provided in the next financial year.

Mr. Shidiye: Mr. Deputy Speaker, Sir, could he give a specific date?

Mr. Keah: Mr. Deputy Speaker, Sir, the next financial year begins from 1st July, 2001 to 30th June, 2002. We have plans to provide the VSAT during that period. I am not able to give the exact date, week or month, but it will be during that financial year.

Mr. Shill: Mr. Deputy Speaker, Sir, there is a tendency by Telkom Kenya to deny people services under the pretext of vandalism. Is the Assistant Minister aware that recently telephone services in Buurra Division were cut off because a solar panel had been vandalised? Is it the policy of Telkom Kenya that if a facility has been vandalised, the whole community suffers?

Mr. Keah: Mr. Deputy Speaker, Sir, I am not aware.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, part of the reason why there are no telephone services in the areas mentioned in Garissa, is because of Telkom Kenya's inability to provide enough services and the Government's failure to license a second network operator, to the extent that cell phones are now beginning to provide land-line service through public phone booths.

Mr. Deputy Speaker, Sir, when does the Government intend to license a second network operator so that places like Garissa can have adequate phone services?

Mr. Keah: Mr. Deputy Speaker, Sir, we have answered that question before. The issue of a second operator in competition with Telkom Kenya Limited was a subject of policy by the Government, which was stated in this Parliament before. There is a timing we have given Telkom Kenya Limited during the liberalization process. We have given Telkom Kenya Limited, three years to operate independently before we get another operator. Discussions are underway to continue with that liberalization process and to get other operators, but I am not in a position to say exactly when.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House, knowing very well that the Kenya Communications Act, Section 5 states that there should be no monopoly? The Assistant Minister has refused to put that Section into effect. Is he in order to mislead the House that it is this Parliament that does not want competition in the telephone sector?

Mr. Keah: Mr. Deputy Speaker, Sir, those are his views. We have not refused anything in so far as that

aspect is concerned. But there is a programme that has been brought to this House, and we are following it as a matter of policy.

Mr. Mbela: Mr. Deputy Speaker, Sir, under what law is the Assistant Minister giving monopoly to Telkom Kenya Limited to provide service in those areas?

Mr. Keah: Mr. Deputy Speaker, Sir, I am not aware of any law; it is a Government administrative aspect. As a Ministry, we handle that aspect within our administrative purview.

Mr. Deputy Speaker: Next Question!

Question No.134

REVIVAL OF CHEPALUNGU WATER SUPPLY

Mr. Kimeto asked the Minister for Water Development:-

- (a) whether he is aware that Chepalungu Piped Water Supply Project stalled over 20 years ago; and,
- (b) what plans he has to revive the project so as to cater for Sotik Town and other parts of the Constituency.

The Assistant Minister for Environment and Natural Resources (Mr. Kofa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the project stalled, but my Ministry partially revived it in 1995.

(b) During the current Financial Year, 2000/2001, my Ministry has allocated Kshs975,000 to the water supply to be utilised in the construction of a well across River Nyangore, at the intake, repairs and lining of the gravity canal, patches of a new pump set and repair of the intake pump and operational pump set. A total of Kshs17,352,000 is required for the rehabilitation.

Mr. Kimeto: Mr. Deputy Speaker, Sir, the Chepalungu Water Supply Project can be started from River Nyangore to Ndanai in Sotik Constituency. In 1978 when Jomo Kenyatta died, the whole water supply system in Chepalungu collapsed. Could the Assistant Minister inform the House whether the Kshs975,000 is enough to cater for that water project?

Mr. Kofa: Mr. Deputy Speaker, Sir, the Kshs975,000 is for works during this Financial Year. It is also not correct to say that this project has stalled for over 20 years, because in 1995, the Ministry allocated Kshs2,120,874 for the project. This revived the project partially.

Mr. Kimeto: Mr. Deputy Speaker, Sir, it is not true that the Ministry gave Kshs2 million for the project because there is no water supply in Ndanai and some parts of Chepalungu. The Kshs2 million would have revived the water project. Last year, people in Chepalungu and Ndanai areas could not get water, yet we have River Nyangore.

Mr. Kofa: Mr. Deputy Speaker, Sir, the rehabilitation works on which Kshs2.1 million was used, included:-

- (a) The supply of a switchboard and control panel cables and pumping sets.
- (b) Delivery to site, installation, testing and commissioning of the above items.

Mr. Deputy Speaker: Next Question!

Question No.008

PLOT ALLOCATIONS IN MUMBI SITE/SERVICE SCHEME

Mr. Kihoro asked the Minister for Local Government:-

- (a) whether he could state under what circumstances 82 plots in Mumbi Estate Site and Service Scheme in Nyeri Municipality were allocated without holding an open and transparent ballot;
- (b) whether he could avail the list of the allottees and inform the House what criteria was used in the allocations; and,
- (c) whether he could nullify the allocations and order that an open ballot be held to allocate the plots among the 1,500 or so applicants who paid Kshs4,000 by 21st August, 2000 to participate in the ballot.

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

(a) The plots in Mumbi Estate Site and Service Scheme were advertised and allocated through balloting.

(b) The criteria used was balloting under the provision of Nyeri Municipality Plot Allocation Committee and I have forwarded the list of the allottees to the Questioner.

(c) In view of the answers in parts "a" and "b", there is no justification for the nullification of the allocated

plots.

Mr. Kihoro: Mr. Deputy Speaker, Sir, no ballot was held to allocate the 82 plots. The Assistant Minister has provided a list which is bogus, and he knows it. More than 50 per cent of the allottees are women married to VIPs in and outside Nyeri. I have not seen the name of the Minister on the list, although it is supposed to be there. Who are the members of the Nyeri Municipality Plots Allocation Committee? That Committee does not exist!

Mr. Sirma: Mr. Deputy Speaker, Sir, the Plot Allocation Committee is comprised of members appointed pursuant to circular No. Confidential/LNA15/2 Vol.2 of 2nd November, 1993. The majority of the allottees are women because, in balloting, you cannot differentiate between male and female.

Mr. Muchiri: Mr. Deputy Speaker, Sir, this matter has been highlighted in the Press for a very long time. How does the PC of Central Province become a member of the Plot Allocation Committee?

Mr. Sirma: Mr. Deputy Speaker, Sir, the Provincial Commissioner is the Chairman of the Provincial Plots Allocation Committee.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has totally misled this House. The Nyeri Plots Allocation Committee and the Provincial Plots Allocation Committee do not exist. Is the Assistant Minister not misleading the House when we know that the circular he is mentioning only provides for the District Plots Allocation Committee where the DC is the Chairman?

Mr. Sirma: Mr. Deputy Speaker, Sir, of course, there is a District Plots Allocation Committee, but if there is any appeal, the Provincial Commissioner takes charge.

Ms. Karua: Mr. Deputy Speaker, Sir, if, indeed, there was balloting, could the Assistant Minister lay on the table of the House the list of the applicants so that we can compare it with the list of the current allottees?

Mr. Sirma: Mr. Deputy Speaker, Sir, the list of the allottees is here with me. That is what was requested for.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister was asked to provide a list of applicants and allottees. I am glad to note that he has tabled a list of allottees. Could he provide the list of applicants instead of avoiding to answer the question?

Mr. Sirma: Mr. Deputy Speaker, Sir, as I had said before, the receipts were used as ballot papers and we can retrieve them from the official receipt books, although some of them have been sent back together with cheques for Kshs3,000 to the applicants.

Mr. Katuku: Mr. Deputy Speaker, Sir, Mr. Kihoro raised a question concerning names of members of that Allocation Committee. The Chair has heard the Assistant Minister say that the District Commissioner and the Provincial Commissioner were the chairmen of the Committee. Could the Assistant Minister table the list of the members of that Committee that he is talking about?

Mr. Sirma: Mr. Deputy Speaker, Sir, I cannot identify members of the Committee name by name. But, the Chairman of the Council, the District Commissioner and the Lands Officer and Members of Parliament from that area are members of that committee.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order!

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

Mr. Deputy Speaker: No! You do not have a point of order! Dr. Murungaru, ask your question because I know you do not have a point of order to raise.

Dr. Murungaru: Mr. Deputy Speaker, Sir, I am sure the Chair agrees with me that, that was a bubbling answer. Could the Chair order for the Question to be re-answered by somebody who is competent?

Dr. Deputy Speaker: Order! Order!

Mr. Wamae: Mr. Deputy Speaker, Sir, I think you understand that there is a big confusion here. There is no way the PC and the DC can be the chairmen of a Committee in the same district. Who is supposed to be the chairman of Nyeri District Plot Allocation Committee and who are the members of that committee?

Mr. Sirma: As per the circular which I referred to in this House before--- I wish the hon. Member could have requested to be given the names of individuals. Unless he does not agree with the people who sit in that Committee, I can bring the list.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order! Order, Mr. Assistant Minister! Order, Mr. Murathe!

Mr. Assistant Minister, they are asking you to identify members of that District Plot Allocation Committee. If

you have information, say so and give the names to them. If you do not have the information, ask for more time and I will give you.

Mr. Sirma: Mr. Deputy Speaker, Sir, I will bring the list of members of that Committee on Thursday. But I wish to inform Dr. Murungaru that I am a competent Assistant Minister!

Mr. Kihoro: Mr. Deputy Speaker, Sir, I am prepared to wait for the list, until Thursday because it is not very far. We would want to see the list of the members of the Committee. Indeed, since the Assistant Minister has promised, we would like to have a list of 1,500 applicants. Otherwise, the money should be refunded to them.

Mr. Deputy Speaker: Mr. Sirma, there is no question for you to answer; you will do that on Thursday. Next Question!

Question No.135

MARKET/BUS PARK FOR OYUGIS TOWN

Mr. Otula asked the Minister for Local Government what plans he has to put up a market stall within Oyugis Town Council, construct a bus park and improve the roads in the town.

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

My Ministry has no immediate plans to put up a market with stalls and bus park within Oyugis Town Council. As for the improvement of roads within the Town Council, the Ministry, in liaison with Council, will ensure that they are improved and maintained up to motorable standards.

Mr. Otula: Mr. Deputy Speaker, Sir, if you go round the country, you will find that most shopping centres are not provided with these kinds of structures by the Ministry of Local Government. Could the Assistant Minister tell this House the criteria being used to pick the market or town to be provided with these particular structures? What criteria does the Assistant Minister use to select the towns to be provided with those structures?

Mr. Sirma: Mr. Deputy Speaker, Sir, I do not think there is any criteria used to select the towns to be provided with those structures. But, of course, the donors have identified specific towns like Nairobi, Nakuru and Eldoret for rehabilitation. However, I do not think there is any criteria used.

Mr. Maitha: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House whether he is really in charge of the Ministry of Local Government, if he can tell this House that there were no plans? If the Ministry of Local Government is really in charge of identifying those who can bring up development within local authorities, why is he telling the hon. Questioner that there are no such plans? Could he now stand up and tell this House that the Ministry is not responsible for local authorities?

Mr. Sirma: Mr. Deputy Speaker, Sir, we do not control donor funds.

Dr. Omamo: Mr. Deputy Speaker, Sir, it is true that unless these market places and town councils are properly planned, they can develop into slums. Is the Ministry going to ensure that Oyugis Town is properly planned with bus parks and stalls well in advance when funds become available? This is because it appears to us that there are no plans and things are happening in an haphazard manner.

Mr. Sirma: Mr. Deputy Speaker, Sir, the planning process in every town is a must. I appreciate what Dr. Omamo has said that, without any proper planning, there would be slum development. Slum development is always as a result of poor political leadership within the town. If planning is wrong, then I do not think there will be any development.

Mr. Otula: Mr. Deputy Speaker, Sir, the Minister has said that, his Ministry is working in liaison with the Council to improve roads. How much money has the Ministry set aside to improve these roads?

Mr. Sirma: Mr. Deputy Speaker, Sir, the money which Oyugis Town depends on comes from their own revenue collections, money from the Local Authority Transfer Fund, which is released by the Ministry of Local Government and the Fuel Levy Fund because every local authority is a member of the Fuel Levy Fund.

Mr. Deputy Speaker: All right! This marks the end of Ordinary Questions. Shall we now go to Questions by Private Notice?

QUESTIONS BY PRIVATE NOTICE

REVENUE ALLOCATION TO
CONSTITUENCY-BASED PROJECTS

Eng. Muriuki: Mr. Deputy Speaker, Sir, I have not received a written answer, but nonetheless, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Is the Minister aware that on Wednesday 29th November, 2000, the House resolved that before the next Budget Statement, the Minister should table proposals for the appropriate mechanisms to ensure that 2.5 per cent of the Government revenue is allocated to constituency-based development projects?

(b) Could the Minister table the proposals before the presentation of the 2001/2002 Budget?

Mr. Deputy Speaker: Anybody from the Ministry of Finance and Planning?

An hon. Member: It seems there is nobody here!

Mr. Deputy Speaker: Eng. Muriuki, there is nobody here from the Ministry of Finance and Planning to answer your Question, so, I will defer the Question to tomorrow afternoon.

(Question deferred)

Eng. Muriuki: Mr. Deputy Speaker, Sir, we have agreed that we defer it to tomorrow afternoon. I want them to hear that because they are here.

Mr. Deputy Speaker: I am sorry. Eng. Muriuki, what have you said?

Eng. Muriuki: Mr. Deputy Speaker, Sir, it is normally procedural that the Minister confirms that he has the answer---

Mr. Deputy Speaker: Eng. Muriuki, there is nobody from the Ministry of Finance and Planning. So---

Eng. Muriuki: So, is it an order from the Chair?

Mr. Deputy Speaker: Order! What I will do is that I will wait until we go to the end of Questions by Private Notice, and if he will not have come, I will direct that it be answered tomorrow afternoon.

CARETAKER COMMITTEE TO RUN
MUGAMA/MURATA SOCIETIES

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware of the serious crisis prevailing between Mugama Union and Murata Sacco?

(b) Is he further aware of the tension which could result in loss of life and property between the two factions?

(c) Could the Minister consider the disbandment of the two management committees and the appointment of an independent caretaker committee to oversee the operations of the two organisations?

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of any serious crisis between Mugama Farmers Co-operative Union and Murata Farmers Sacco Society. However, I am aware that there is a misunderstanding between some members of Murata Farmers Sacco Society and the Society's Management Committee.

(b) I am aware that where there are strong differences between society factions, tensions can run high and this could culminate in loss of property and even life.

(c) I do not wish to, and I cannot order the disbandment of the two management committees and appointment of an independent caretaker committee to oversee the operations of the two organisations because there are no two legal entities involved in the squabbles; and even if it were, the current co-operative society legislation does not allow me to do so. The only legal body allowed to change the management of the society is its general meeting. However, under the existing provisions of the law, I have directed the Registrar of Co-operative Societies to conduct urgent inquiries into Mugama Farmers Co-operative Union and Murata Farmers Sacco Society to establish the cause of discontent in the two organisations. The reports of these inquiries will thereafter be brought to the general meeting of members of the two organisations.

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, I am very surprised by the answer given by the Minister in view of the fact that he has said that he is not aware of the crisis between the two organisations, when this matter has been written in the newspapers and announced on radio and television. I would like to inform this House that there have been demonstrations even before the President. The matter has even gone to court, and yet, the Minister says that he is not aware of it. However, is the Minister not contradicting himself when he says that there is no conflict between Mugama Farmers Co-operative Union and Murata Farmers Sacco Society, when in part "c" of his answer, he directs the Registrar of Co-operative Societies to institute inquiries in the two organisations? Then, why is the Minister asking the Registrar of Co-operative Societies to institute inquiries in these two organisations if there is no crisis?

Mr. Obure: Mr. Deputy Speaker, Sir, I said that there is no serious dispute between Mugama Farmers Co-operative Union and Murata Farmers Sacco Society. That is the fact as at now. However, I admit that there are squabbles in Murata Farmers Sacco Society between the members and the management. I have ordered this inquiry in

the two organisations because they are closely linked.

Mr. Deputy Speaker, Sir, I would like to say that you cannot carry out an inquiry in Murata Farmers Sacco Society without tracing the origins of that organisation to Mugama Farmers Co-operative Union. That is the reason why I have ordered that inquiry to be carried out.

Eng. Toro: Mr. Deputy Speaker, Sir, I think the Minister wants to be ignorant of the facts on the ground. The Minister is aware that the so-called "Murata Farmers Sacco Society" evolved from Mugama Farmers Co-operative Union, and the current squabbles between the two organisations arose from farmers' money; as to who will control the Kshs2 billion held by Murata Farmers Sacco Society. That is the gist of the matter. Who will control the farmers' money? Mugama Farmers Co-operative Union wants to control farmers' money and the same applies to Murata Farmers Sacco Society. The Minister should help the two organisations because if they are left the way they are, they will fight and kill one another. The Minister is aware that on 6th April, a section of Mugama Farmers Co-operative Union---

Mr. Deputy Speaker: Eng. Toro, ask your question!

Eng. Toro: Mr. Deputy Speaker, Sir, I will ask the question. Members of Mugama Farmers Co-operative Union, who wanted fertilizer, were asked to put down their names and sign---

Mr. Deputy Speaker: Order, Eng. Toro! Ask your question because this is Question Time!

Eng. Toro: Mr. Deputy Speaker, Sir, is the Minister aware that farmers were misled at the Annual General Meeting (AGM) which was held at Gakoigo on 6th April, this year, that they would be given fertilizer and signatures were solicited; and that the same signatures were used to purposely hold an AGM which ousted the management committee?

Mr. Obure: Mr. Deputy Speaker, Sir, I am aware that a meeting was held on 6th April, but I have not suggested that we have given recognition to the outcome of that meeting. This is the reason why we want to carry out an inquiry so that we can establish the facts and the state of the two organisations. I would like to make it clear that we are talking about two independent organisations which are registered separately and, therefore, they are legal entities.

Mr. Anyona: Mr. Deputy Speaker, Sir, I think this problem is common in all co-operative societies, unions and saccos. The Minister knows that we have a similar problem in Kisii, where union money was taken and invested in the so-called "Gusii Rural Sacco". Could the Minister tell us the legal arrangements which have been used to transfer farmers' money from their unions to the so-called "saccos", and the relationship, and how he will manage it?

Mr. Obure: Mr. Deputy Speaker, Sir, I understand the concern expressed by Mr. Anyona, but I would like to say that the circumstances of Mugama Farmers Co-operative Union and Murata Farmers Sacco Society are quite different from what we have in the larger Gusii at the moment.

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, this is a very serious matter, and I think the Minister is not serious in addressing what is happening on the ground because there have been demonstrations, counter demonstrations and even physical fight involving members of Mugama Farmers Co-operative Union and Murata Farmers Sacco Society who happen to be the same members. This is because these are farmers' organisations and the Minister is aware of this. If the Chair could give me one minute---

Mr. Deputy Speaker: No, I would like to give you that minute to ask your question.

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, is the Minister aware that Murata Farmers Sacco Society is a transformation of a Union Banking Section (UBS) of the Mugama Farmers Co-operative Union? It is very interesting that the Minister has gone back and registered another UBS. Is the Minister aware that on Friday, 6th April, this year, the Murang'a DC closed down all the branches of Murata Farmers Sacco Society, and subsequently two people who are signatories to this account signed a cheque of Kshs150 million? Was the DC party to the withdrawal of Kshs150 million from the bank, and was the Minister involved? How much of this money was to be transferred possibly to the Ministry, because this is farmers' money, and we are getting mad about it? What has happened to this money which belongs to the farmers?

(Applause)

Mr. Obure: Mr. Deputy Speaker, Sir, these are very unpalatable terms and completely out of order. I would like to seek guidance from the Chair on this matter.

Mr. P.K. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Could the Minister be requested to withdraw the last remark that he has made? He has said that these terms are out of order when the Chair had not ruled so.

Mr. Deputy Speaker: I think he realised that the Chair was not even hearing him. Proceed!

Mr. Obure: Mr. Deputy Speaker, Sir, I take exception to the allegations that the Ministry could be party to whatever is going on in Murang'a District. The Ministry, indeed, is not a party to that. This question of squabbles has ended up in several cases in court. One is an arbitration case No.1/99 which is underway and which has not been resolved. There is also a case before the Co-operative Tribunal on this particular matter. There is a third case where members of Murata Society took the Co-operative Bank of Kenya to court. This has been resolved by the court de-freezing the account. Therefore, I would like to assure this hon. Member that the Ministry is following up this matter closely, and has nothing to do with it in terms of manipulation. We hope that the squabble will be resolved following the normal process laid down under the law.

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

Mr. Deputy Speaker: Order! It is, of course, normally the practice that if an hon. Member is going to ask a Question that touches on another hon. Member's constituency, courtesy requires that the hon. Member from that constituency be informed. But this Question was put without a murmur from the hon. Member who now is raising that issue. Therefore, the Question has been properly put, answered and concluded.

Mr. Murathe: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to mislead this House that his Ministry, particularly the Registrar's Department, has not been compromised by the officials of Murata Sacco? He knows very clearly that the Ministry has registered illegal by-laws which have enabled Murata Sacco to make it impossible for Murata Sacco members to demand a meeting? It is only delegates who can demand a meeting. Government officials are helpless because their hands are tied. The Minister is telling us that he will stand by when the coffee sector is being destroyed by a few officials who have never allowed members to hold a meeting. What is the Minister doing?

Mr. Obure: Mr. Deputy Speaker, Sir, I am aware that the Registrar of Co-operative Societies has registered societies in the area under discussion. This House has enacted a law and that Registrar of Co-operative Societies is following that law to register these societies. When he was registering those societies, there are provisions in the law which anybody could have used to challenge the registration of these societies. That was not done. Therefore, the assumption was that everything was normal because the demand for registration was being made by farmers on a voluntary basis. I see nothing---

Eng. Toro: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! You know very well that when a Minister is responding to a point of order, you cannot, and must not, stand on another point of order. Proceed!

Mr. Obure: Mr. Deputy Speaker, Sir, I want to say that everything that has been done has been done in accordance with the law. This hon. Member, who has raised this Question, knows that there is a weakness in the law and that is why there is desire everywhere in the country to review that law. Hon. Members know that we are coming to this Parliament to review the Co-operative Societies Act in order to strengthen it so that we can avoid this kind of squabbles.

DISCRIMINATION BY OLTUKAI LODGE MANAGEMENT

(Mr. Parpai) to ask the Minister for Trade, Tourism and Industry:-

(a) Is the Minister aware that the management of Oltukai Lodge, which is situated in Amboseli National Park, discriminates against patrons of Maasai origin?

(b) Is he further aware that even those who can afford to meet the cost are not allowed to put up in the Lodge?

(c) What action is he taking against the management of the Lodge?

Mr. Deputy Speaker: Hon. Members, Mr. Parpai has told me that the issue he has raised in the above Question has been satisfactorily resolved. Therefore, he does not wish to raise it here.

(Question dropped)

Mr. Murungi: Mr. Deputy Speaker, Sir, there is a clerical error in my Question. The Sub-Location is "Gikui Sub-Location" and not "Gitui Sub-Location".

MALARIA OUTBREAK IN GIKUI SUB-LOCATION

Mr. Murungi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Public Health the following Question by Private Notice.

(a) Is the Minister aware that a malaria outbreak in Gikui Sub-Location in Igoji Division, South Imenti, has killed over 200 people in the last six weeks?

(b) What measures is the Government taking to bring this epidemic under control?

(c) What programme is the Government putting in place for prevention and control of malaria countrywide?

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

(a) I am not aware of malaria outbreak in Gikui Sub-Location in which 200 died. I am, however, aware of a malaria outbreak in January, 2001, in which six people died.

(b) The malaria outbreak was brought under immediate control through opening up of additional treatment posts within the Sub-Location and educating the people on preventive measures.

(c) The Government has put in place a national programme for prevention and control of malaria, which involves setting up of a disease outbreak unit for monitoring epidemics, provision of adequate anti-malarial and related supplies to all districts and education of people on vector-control activities.

Mr. Murungi: Mr. Deputy Speaker, Sir, this Assistant Minister lives in Meru District and he knows that the answer which he has given is not correct. This month alone, 103 people have died in Gikui Sub-Location from malaria. The Assistant Minister has said that the Ministry has opened up additional malaria treatment posts in Igoji Division, Gikui Sub-Location. Could he tell this House where these treatment posts in the Sub-Location are? Which are they? This is because they are not there.

Dr. Wako: Mr. Deputy Speaker, Sir, it is true that I live in Meru Town and I am aware of the malarial incidents. I know that they have just increased but there are no deaths so far. Seven treatment posts were established at Kieni/Kiandegge proposed dispensary to cater for the people in Mukuu, Katingira and Kithanga, and at Njerune Primary School to cover Njerune area including Gikuu area temporarily. The other treatment post is at Gikweni Primary School to cover Gikweni/Chikoro area. The other treatment posts are at Kathingu Dispensary, Mweru Chief's camp, Gitoo Pentecostal Church and Ichingiri Primary School. These treatment posts were closed down in January and when there were increased malaria outbreak incidents, we re-opened the Kieni/Kiandegge and Kienjeini treatment posts.

Mr. Kajwang: Mr. Deputy Speaker, Sir, what arrangement has the Ministry entered into with the Nairobi City Council to control the proliferation of mosquitoes in Nairobi? More people are now dying from malaria in Nairobi than in Meru District or in Nyanza Province.

Dr. Wako: Mr. Deputy Speaker, Sir, the Ministry has set up centres but unfortunately, Nairobi is not one of the malaria epidemic prone districts. But in Nyamira, Gucha, Kisii, Trans-Mara, Nandi, Uasin-Gishu, Mt. Kenya area, Kericho, Buret, Bomet and Wajir districts, we have already established monitoring units. Those units will take care of malaria epidemics. But, country-wide, we have supplied medicine and nets.

Mr. Sungu: Mr. Deputy Speaker, Sir, in view of the fact that malaria is now the number one killer of Kenyans, could the Assistant Minister consider, on humanitarian grounds, supplying free medicine to treat malaria country-wide?

Dr. Wako: Mr. Deputy Speaker, Sir, the Ministry knows that there is increased malaria throughout the country. We have ensured that there are malaria drugs in most district hospitals. The cost of acquiring the anti-malaria drugs is low. But, if there is an increase of malaria cases, we might consider that.

Mr. Murungi: Mr. Deputy Speaker, Sir, it is true that more people are dying of malaria than the HIV/AIDS in this country. The Government spends a lot of money and time fighting HIV/AIDS and not malaria. Could the Assistant Minister consider increasing the control measures to curb malaria to the same level as that of the HIV/AIDS?

Secondly, the make-shift treatment centres or posts are not sufficient. Could the Assistant Minister confirm to this House that the Government will support the opening up of a public health centre at Kieni Kia Ndege in Igoji, as a permanent way of dealing with malaria in that area?

Dr. Wako: Mr. Deputy Speaker, Sir, may I refute the allegation that not more people are dying from malaria than the HIV/AIDS. In our hospitals, malaria patients occupy about 19 per cent of the beds, and about 30 per cent of out-patients; compared to 50 per cent of HIV/AIDS patients. But, it is actually in the interest of Members to know that, Kenya is one of the World Health Organisation (WHO) funded countries for combating malaria. So, there are a lot of funds to combat malaria. I would like to tell the hon. Member that we will consider his request. If there is any increase in malaria cases, we will increase the treatment posts.

Lastly, for the African Malaria Day, we will organise it in Igoji to make sure that the people in that division are made aware.

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not talked anything about the health centre request at Kieni Kia Ndege. Is he supporting it or not?

Dr. Wako: Mr. Deputy Speaker, Sir, I said that we will consider that request.

ALTERNATIVE SITE FOR MOI NDABI RESIDENTS

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

(a) Is the Minister aware that former residents of Enoosupukia, who were settled in Moi Ndabi area of Ndabibi Location, are in the path of flash floods from Eburu and Maiella hills and are annually subjected to severe flooding with subsequent loss of homes and property?

(b) Could the Minister find an alternative site to settle those poor people before the onset of the long rains, to spare them from further suffering?

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that some of the former residents of Enoosupukia, who were settled in Moi Ndabi area of Ndabibi Location are in the path of flash floods from Eburu and Maiella hills, and are affected by floods during the rainy season.

(b) Due to scarcity of land, it is not easy to find alternative site to settle those people. However, I have initiated the necessary consultations, with a view to finding a possible solution to the problem.

Mr. Kihara: Mr. Deputy Speaker, Sir, I am worried by the second part of the Minister's answer! Those people are victims of ethnic cleansing from Enoosupukia. They started from zero at Moi Ndabi and cannot cultivate that land. What the Minister has told us, is really to condemn those people to a slow and painful death! Mr. Minister, why can you not find alternative land to settle those people, say for example, in the Ndabibi Agricultural Development Corporation (ADC) Complex, which is being given to politically-correct people in the Government?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, if I am allowed to allocate the forests, I will allocate land to some of them. But seriously, the problem we have with that particular group is because of the serious shortage of land. Every time we try to start a process of settling them, additional people keep on coming on board, and the number increases. That puts us in a very difficult position. So, one of the things that we are trying to do is to get a proper count of the exact number of those people. We are in very close consultation with our colleagues in the Office of the President, to see how we can settle them down, especially given that, some of the areas we had planned to settle them down have now become rather difficult.

Mr. Kamolleh: Mr. Deputy Speaker, Sir, the Minister is actually misleading this House. Is he, in any way, trying to say that the people should not give birth and increase such that, whenever he makes an arrangement and people increases, he cannot go on with the plans? I mean, if we go on like that, then those people will not have land at all! There are so many people in other areas who have the same problem!

Could the Minister go on with the people who are there now and, when they increase, look for alternative land?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, the sooner we accept that soon, it will be impossible to find land for Kenyans and think of other alternative plans, the better; especially, given the present constraints that we find ourselves in.

Mr. Gitonga: Mr. Deputy Speaker, Sir, the Member for Naivasha is worried about the people who are on the path of the flash floods. He has identified some land which belongs to the ADC, which he alleges that, it is being given to politically-correct individuals.

Could the Minister consider allocating those people some part of that land?

Mr. J. Nyagah: But, Mr. Deputy Speaker, Sir, it is my understanding that those people are settled in the Ndabibi ADC Farm. That is where we settled them! It is only that the land goes to the bottom of the valley, and it becomes difficult during the rainy season. But, in fact, we settled them in that particular shamba that the hon. Member has talked about.

Dr. Kulundu: Mr. Deputy Speaker, Sir, the Minister has been in the frontline in advocating for excising forest land, for the sake of settling people in the Mt. Kenya region. Could he tell us how many squatters the Government has considered for settlement in the Mt. Kenya region from the Enoosupukia area?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, as you are aware, it has become extremely difficult for people from one corner of Kenya to be accepted by a community in another area. That is one of the problems that I have.

But having said that, I wanted to settle some of those people in the forests that have brought problems. Until that matter is sorted out by the court, I have a problem. Some of those clash victims were to be settled in forest areas. In fact, 855 clash victims have already been settled near Elburgon, and have title deeds!

Mr. Kihara: Mr. Deputy Speaker, Sir, the settlement was done in a very discriminatory manner! The politically-correct community was settled on top of the hills and given 10 acres each! The less favoured communities were given five acres or less. The Kikuyus were given two-and-half acres in the flooded area. I am worried about the

next rains. What is going to happen to those people, if they are not re-located to a higher ground where they can cultivate? It will be futile to try to cultivate where they are now.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I am glad that the hon. Member accepts that my Ministry did allocate those people some land. I am now in serious consultations with the Provincial Administration (PA) with a view to moving them from that place. It has been established that, that site has a problem. In fact, the PA has had problems every season because of the nature of that land. We are now consulting to see if we can find an alternative place on higher ground.

Mr. Deputy Speaker: Hon. Members, we have now come to the end of Question Time. So, we shall proceed to the next Order.

MINISTERIAL STATEMENTS

MEASURES TO CURB INSECURITY

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, on 10th April, 2001, Mr. Adolf Muchiri rose on a point of order and requested me to make a Ministerial Statement on the steps taken to curb insecurity in the country, especially in urban areas. In this regard, I wish to state as follows.

Mr. Speaker, Sir, it is, indeed, true that criminal activities in our urban centres, especially in the City of Nairobi, are assuming a disturbing trend. Incidents of carjacking, bank robberies, robberies in business premises, muggings and other crimes perpetrated by thugs armed with firearms and crude weapons are creating fear and despondency amongst law-abiding citizens. The trail of destruction of property, injuries and even deaths of victims of crimes are a threat to the very fabric of our society.

Mr. Deputy Speaker, Sir, the causes of crime vary. They range from increased unemployment, rising levels of poverty, declining economic conditions, increased trafficking in illegal small arms from unstable neighbouring states, abuse of narcotic drugs and a general degeneration of moral values and decency, amongst a host of other problems. In view of the foregoing, it is clear that in spite of the fact that my office plays a leading role in matters of security, the fight against crime requires the full participation and support of all Kenyans. On its part, the Government has intensified foot and mobile patrol by security officers in all residential estates, urban centres and along the highways, streets and lanes where criminals are known to operate. The use of police dogs in these patrols has been emphasised and positive results are beginning to emerge.

As I mentioned earlier, the need for closer co-operation between security agencies and wananchi in the fight against crime is absolutely crucial. The police cannot succeed without the support of the Press, the corporate world, politicians, the business community and, indeed, the entire Kenyan population. In this regard, I wish to note with satisfaction that the close co-operation between security personnel and the Nairobi Central Business District Association (NCBDA) is a milestone in the fight against crime in Kenya. The NCBDA has assisted by creating police information centres at strategic locations within the City of Nairobi. These centres are manned by police officers on a 24-hour basis. This is a major step in the right direction and my office fully support this endeavour. May I call on other well-wishers and stakeholders to emulate the example of the NCBDA and do something to help in the fight against crime?

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Members, you are consulting too loudly for the rest of us to hear what the Minister is saying. So, could you consult in rather low voices?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, on the other hand, the Government is encouraging the introduction of community policing in the residential areas. Estate security committees and vigilante groups have been established, and are working closely with our officers to curb crime.

In response to the intricacies and the sophistication of crime trends in our urban areas, the Government has created special crime prevention units such as the Flying Squad, the Special Crime Prevention Unit (SCPU) and the Tourist Police Unit (TPU). In addition, the police have established hotlines, so that members of the public can avail urgent information on crimes to them. Instructions have been issued to ensure that information obtained from the public is treated with utmost confidentiality to ensure the safety of the sources and to also deter leakage of the same to the criminals.

Moreover, we are liaising closely with the media in order to pass and receive information on crime and wanted criminals. Recently, we asked for information on criminals through one of the local daily newspapers, and the results are very encouraging.

Mr. Deputy Speaker: Mr. Minister, how much longer is your Ministerial Statement?

The Minister of State, Office of the President (Maj. Madoka): I am just finishing, Mr. Deputy Speaker, Sir.

In addition to the above measures, a lock-up-area system has been introduced with a view to making it difficult for criminals, especially carjackers, to leave the scene of crime. Since its introduction recently, the system has contributed to an increase in the recovery of stolen motor vehicles. The provision of security is by all means an expensive undertaking. Modern equipment, including firearms, communication gadgets and vehicles, coupled with specialised training for special crime prevention units, are a basic requirement. With the prevailing economic hardships, we are doing our very best to upgrade the capability of our security forces in all these aspects to enable them cope with the prevailing crime trends. So far, according to available statistics, we have managed to prevent an increase of crime in the last three years. However, I realise that the level at which crime stands is still high and that we need to urgently bring it down.

In conclusion, let me also assure hon. Members that in addition to all the above measures, we are stressing to security personnel to ensure that extra care is taken to ensure that innocent Kenyans are not injured or killed during security operations. The cardinal duty of protecting the lives of innocent Kenyans and their properties must be upheld at all costs regardless of the complexity of the crime situation.

Mr. Muchiri: Mr. Deputy Speaker, Sir, I am glad that the Minister appreciates the fact that there is insecurity in this country. Could he liaise with the Office of the Attorney-General to recommend the amendment of the Firearms Act, so that if somebody is found in illegal possession of firearms he can be sentenced to death?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I am not sure whether we are going to amend the Act to provide for the death penalty, but we are certainly looking into the particular provision in the law with a view to providing for more stringent penalties.

ALLEGED FINANCING OF COTTON INDUSTRY BY WORLD BANK

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, I rise to make the following two Ministerial Statements.

Mr. Deputy Speaker, Sir, one of the Ministerial Statements I am going to make is in respect of an allegation during Question Time by Dr. Ochuodho regarding financing of the cotton industry by the World Bank. I have established that hon. Ochuodho's allegation was based on local media reports of 1st November, 1999. I would like to inform the House that the new and reformed Cotton Ginners Association (CGA) has not received the sum of Kshs300 million from the World Bank as stated in that report.

However, it is true that on 3rd October, 2000, the Cotton Ginners Association, and other stakeholders in the cotton industry, held a consultative meeting with officials of the World Bank here in Nairobi to discuss how the cotton industry could be revived. So far, there has not been any concrete follow-up on this issue by the World Bank, partly because of the suspension of the Economic Reform Programme with the IMF.

Meanwhile, I would like to further inform the House that the Government is committed to reviving the cotton industry as one of the strategies of reducing poverty in the medium and low potential areas of our country.

My Ministry held discussions with the cotton stakeholders and has now finalised the new cotton policy. Both the policy paper and the Bill have been forwarded to the Parliamentary Committee on Agriculture, Land and Natural Resources for further scrutiny. Meanwhile, the Ministry has given the initial boost to the revival of the industry, by providing free planting seeds to farmers in 28 cotton growing districts countrywide. While planting took place in October last year in the eastern zone of the country, the planting is now going on in Nyanza, Western, Rift Valley and Coast provinces.

THE STATUS OF THE SUGAR DEVELOPMENT FUND

Mr. Deputy Speaker, Sir, the second Ministerial Statement relates to the Sugar Development Fund. The Sugar Development Fund (SDF) was established by the Government way back in 1992. The Fund draws its resources from a 7 per cent levy on both locally produced sugar and imported sugar. The levy is meant for the development of the sugar industry and caters for the following components: Two per cent of the levy goes towards cane development, 3 per cent goes towards factory capacity rehabilitation, 0.5 five per cent goes to research and development, 1 per cent of that levy goes to roads and maintenance of infrastructure and 0.5 five per cent goes towards the administration of the Kenya Sugar Authority (KSA).

Since inception, the Fund has collected a total of Kshs7,041,345,140.45 made up as follows: From the levy on locally produced sugar, a sum of Kshs5.6 billion has been collected, while a sum of Kshs1.4 billion has been

collected from imported sugar. A total of Kshs6.6 billion has been disbursed from the Sugar Development Fund as follows: For maintenance of roads and infrastructure, a sum of Kshs111,652,404; for cane development Kshs3,995,555,946.15, for factory rehabilitation, Kshs2,220,000,000, a further Kshs330 million has been spent to repay Government of Kenya loans and a further Kshs1 billion has been spent on research.

Mr. Deputy Speaker, Sir, the balance of the money represents 0.5 five per cent Kenya sugar administration. There is a complete account showing that. The funds in the Sugar Development Fund (SDF) are regularly audited by the Auditor-General (Corporations) as provided for under Section 14(iii) of the State Corporations Act. The Government allocated the KSA a plot in Nairobi measuring 1.6 hectares at Kabete for construction of the KSA headquarters.

Between 1997 and 2000, this headquarters has already been constructed and is it called the Sugar Plaza, at a cost of Kshs212,435,479. The funds spent were from the 0.5 component meant for the administration of the KSA. The KSA has already moved into the new headquarters. Right now, the sum of Kshs13.8 million which could have been spent on renting premises is in effect the amount now being saved because the KSA no longer pays rent.

Mr. Deputy Speaker, Sir, the KSA is the apex body for the sugar industry charged with the articulation of policy matters, facilitation and co-ordination of issues pertinent to the sugar industry. The KSA acts as the liaison between relevant Government agencies and all the players in the industry, both locally and internationally. Nairobi is, therefore, a convenient and central position to house the authority's headquarters. In order for the KSA to effectively and continually be of service to the sugar industry, especially farmers and millers, it has stationed officers in the sugarbelt areas. It also has officers in Kakamega, Kisumu and the Kenya Sugar Research Foundation at Kibos as well as the plant breeding station at Mtwapa. It is in anticipation of further sugar cane development into the Coast region, especially in Kwale, Kilifi and Tana River that it was found prudent to build the KSA headquarters in Nairobi.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is, indeed, very unfortunate that despite that olive branch extended three years ago by the World Bank to provide Kshs300 million to assist cotton farmers, the Government has not found it necessary to pursue that amount. The excuse the Minister is giving of aid stoppage by the World Bank is not true. Even when that offer was made, aid had already been stopped by the World Bank. So, it cannot be a reason why the World Bank has not disbursed Kshs300 million to assist cotton farmers. Could the Minister tell us how much of the STABEX funds should have assisted the cotton farmers? How much money have they now put aside to assist cotton farmers? The Minister has said the Government is providing free planting seeds to cotton farmers. How much money has the Government put aside to provide cotton farmers with seeds?

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, the Cotton Ginners Association has been asked to renew the contact with the World Bank. So, it is not lost yet, we will be able to get that money, hopefully, for the revival of the cotton industry. I am not in a position to say anything about STABEX funds at this stage, particularly those funds allocated to the sugar industry because this matter is under discussion at the moment.

Mr. Anyona: Mr. Deputy Speaker, Sir, the Minister said the Sugar Development Fund was set up in 1992 and it has collected Kshs7 billion. Is that money the total sum collected in those years? How did the Minister arrive at that figure? Could he tell us how much they collect annually, then we can tell whether this figure is correct or not?

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, I can provide the annual figures because I have them here with me. But in response to Mr. Anyona's question, I would like to confirm that the sum of Kshs7,041,345,140.45 is the total sum of money collected from inception of the Fund in 1992.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I would like to tell the Minister that the total sum of money that has been collected is Kshs13.2 billion and not Kshs7 billion.

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, that sounds like a very serious statement. I am saying we have collected Kshs7 billion and not Kshs13 billion. As I said, this Fund is regularly audited by the Auditor-General (Corporations). If there was such a discrepancy, it would have been observed.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. The Minister talks about Kshs7 billion while Prof. Anyang'-Nyong'o says it is Kshs13 billion. This is serious! Perhaps, the Minister or Prof. Anyang'-Nyong'o is misleading the House. Would I be in order to ask Prof. Anyang'-Nyong'o to substantiate that the sum collected so far is Kshs13 billion, and not Kshs7 billion?

Mr. Deputy Speaker: Well, Prof. Anyang'-Nyong'o, what do you say to that?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I am prepared to substantiate tomorrow. I can bring my figures to the House.

Mr. Deputy Speaker: Order! Order! Substantiation does not just mean you bringing the figures. You have already given us the figures. We want you to disclose your source. Could you do that tomorrow?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, there are two ways by which the Kenya Sugar Authority

collects levy. One, is from the sugar-cane growers. The other one is from the sugar imported from outside. When Mr. Anyona asked the Minister to give us the annual figures, these should be in terms of the levy from the local producers and the levy from those people who are importing sugar. Where the Government distorts figures is when people import sugar and they do not levy it because it is in the high seas.

Mr. Deputy Speaker: Prof. Anyang'-Nyong'o, the Minister did, in fact, say that those are the two sources of the Fund.

Prof. Anyang'-Nyong'o: But he is giving us only one source!

Mr. Deputy Speaker: Order! Order! Bring your source tomorrow afternoon, so that we can see who is telling the House the truth. Next Order!

HARASSMENT OF WOMEN KIOSK OWNERS

The Assistant Minister for Local Government (Mr. Sirma): Mr. Deputy Speaker, Sir, I wish to apologise for not being able to provide the list of items last week, on the 19th April following your directions on 12th April. The goods were confiscated from the hawkers in Nakuru in a disorderly manner and so, a list could not have been made at that time. The Clerk to the Council has undertaken to surrender the confiscated goods to the claimants on positive identification. I would like to appeal to the kiosk owners to go to Nakuru Municipal Council and collect their goods.

Mr. Anyona: Mr. Deputy Speaker, Sir, I knew all along that there was no list and he knew as much. He was trying to cut corners and mislead the House. First of all, it is a breach of the law to confiscate people's property without taking an inventory. Even those of us who have sometimes been abducted and put in detention, at least, they record what was in your pocket like a watch and so on. In this case, they have broken the law. The Assistant Minister is then asking people whose property has been confiscated to go and identify it. If two people claim the same item, how will he determine whom it belongs to? In any case, I did table a document here with a list of the items which each kiosk owner lost, at least, some of them. He has not even been able to use that information to help himself solve the problem. I do not think it will be right for this Parliament to ask Kenyans who have been wronged to go back to the person who has wronged them and be screened in that manner. The very least this House can do is to require this Assistant Minister, and I am prepared to assist him to go to Nakuru Municipal Council with the kiosk owners and sort out this issue in whichever way and bring a report to the House. I would like him to tell us what arrangements he is going to make to do that.

The Assistant Minister for Local Government (Mr. Sirma): Mr. Deputy Speaker, Sir, the kiosk owners are not guilty of any offence. They [**The Assistant Minister for Local Government**] are at liberty to visit the Council and identify their items. However, if the case needs my assistance, and if Mr. Anyona knows the items himself, then we can go and identify them together.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. When I left Nakuru, I told the kiosk owners to go and make a formal report to the Council since I had gone there myself with one or two councillors, and also to go to the DC's office and report the matter. They were not allowed to come anywhere near the Municipal Council. So, how is it going to be possible? I am asking the House, through the Chair, that this Parliament must be seized of this matter because it is something that should never happen again; that the Assistant Minister is ordered by the Chair to go and sort it out himself with the kiosk owners. They are very gentle women. I do not know why he is afraid of old women like these. I have offered to go there and help them sort out the problem with the list we have prepared. I do not think we can expect anything less than that.

Mr. Deputy Speaker: Mr. Assistant Minister, have these people been charged?

The Assistant Minister for Local Government (Mr. Sirma): They have not been charged, Mr. Deputy Speaker, Sir, because they have never appeared there.

Mr. Deputy Speaker: Order! Order! Mr. Assistant Minister, this is a matter that concerns the property of Kenyans and you are informing this House that after nearly a month, they have not been charged and their goods have not been returned to them. You have not even explained to us on what basis their goods are being held. That is not good enough. You will now proceed with Mr. Anyona to make sure that those items are identified, and their owners equally identified and bring a report to this House.

(Applause)

SHOOTING OF A PCEA CLERIC

Mr. Ndicho: Thank you, Mr. Deputy Speaker, Sir. For the umpteenth time, the Minister in charge of Internal

Security was asked by the Chair on Tuesday to bring a Ministerial Statement today on the priest who was killed. When he was responding to Mr. Muchiri's request for a Statement, I thought he was going to read the second one. Now that he has not done it, what do we do?

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! He has just stood on a point of order!

Mr. N. Nyagah: We cannot hear anything from this side!

Mr. Deputy Speaker: Well, if you made less noise, you would probably hear a little! The attendants there have heard you, I think, they will adjust the public address system.

(Laughter)

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, it is true, but let us try Tuesday next week because I still have not received the ballistic report. My Statement will be incomplete until I get that report. I checked with the Director of CID and he told me that it might take another two days for his officers to finish what they are doing. I do apologise, but I will only make it when I have got that report, if I am to satisfy the Member.

Mr. Deputy Speaker: When will you be in a position to make that Statement?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, when I get the ballistic report.

Mr. Deputy Speaker: Order! Order! When will that be?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I cannot tell you when. I have said I have been given another two days, so we could try next week on Tuesday afternoon.

Mr. Deputy Speaker: Fair enough! Next Order!

Mr. P.K. Mwangi: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: I am sorry, you will not ambush me with points of order after Question Time! Proceed!

BILL

Second Reading

THE CONSTITUTION OF KENYA REVIEW (AMENDMENT) BILL

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir---

Mr. Orengo: On a point of order, Mr. Deputy Speaker, Sir. I have a serious matter to raise in relation to the Bill being read the Second Time. The matters I am raising are so basic to the constitutional order of this country, that if we proceed on the basis upon which this Bill had been brought, this House will not be complying with the Constitution. You are aware that the Speaker has made several rulings that any matter which is brought before this House that does not comply with the Constitution cannot be made subject of any debate or discussion in this House.

The point of order that I am raising, which is a subject matter of the Second Reading, seeks to amend an Act which is not a creature of this House. It is basic and serious; that, this House is being taken through a process where we are required to amend an Act of Parliament, or an Act which is purported to be an Act of Parliament, when it is not a creature of this House. It is something which has been manufactured in the office of the Attorney-General. I want to demonstrate to him that what is before this House - and which the Bill seeks to amend - is not the Constitution of Kenya Review Act as amended in 1997 and with the subsequent amendments that were made.

Mr. Deputy Speaker, Sir, the Bill that came originally to this House was Bill No.9, which appears in the *Kenya Gazette* Supplement No.30. It was introduced into the House last year. It read like this: "A Bill for introduction into the National Assembly; the Constitution of Kenya (Review) Amendment Bill, 2000." That is the Bill which this House dealt with, and it is upon which an Act of Parliament was legislated and it became law. What has happened in the process is that the Attorney-General, through some very devious device, and he has done that before---

In 1992, there was an Act of Parliament affecting elections, which provided that the nomination of candidates should be done within a period of not less than 21 days, but the Attorney-General went and changed it. He declared that what we passed in Parliament was that, the nomination process should take place in a period of not more than 14

days. That changed what the House passed. In the parent Bill - that is the Bill which was being amended by this Bill of 1997, which was published in December, 1998(?), and it was enacted in 1997(?)-

In fact, Parliament and the civil society had no role in that Bill, and it was a creature of the Attorney-General's office. Section 5 (iii), and I want the Attorney-General to look at it properly because if we conceive the debate, this House will be committing the gravest constitutional breach that any Parliament can commit, reads out as follows:-

"A person shall be qualified for appointment as a chairperson if such person:-

(a) Holds or has held office of the Judge of the High Court or Court of Appeal or;

(b) Is an advocate qualified for appointment as a Judge of the High Court under section 61

of the Constitution;

(c) Or has been engaged in the teaching of law in a recognised university in Kenya for at least 15 years.

Mr. Deputy Speaker, Sir, Parliament's intention was very clear; that they needed somebody with a legal background, who has taught law, or had lived in Kenya and, therefore, conversant with the constitution-making process. When the Bill came as Bill No. 2 of 2000, the Attorney-General - through clause 8 - tried to amend it. Indeed, some parts of the principal Act were amended; they were sub-sections 1, 4, 5, 6 and 7. There was no division; there were no amendments to the requirements of the chairperson of the Commission; that he or she should be an advocate of the High Court of Kenya. That remains intact in the Act. It was never removed. If I am wrong in that matter, and the Clerk has just given me a copy of the Act that we are seeking to amend, that amendment in so far as Section 5 was concerned, did not delete subsection 4 which gave the qualifications of the person to be appointed as Chairperson. It did not delete it at all. So, last year, when this Bill was passed, the law was that the Chairman of the Commission must meet the qualifications which were there in the primary Act. This is an Act of Parliament which some hon. Members, who did not like the review process, did not participate in. But in any case, even without our participation, those qualifications were not removed.

Then, Chapter 3 (a) of the Constitution which is now what the Attorney-General is trying to amend, and it came under the revision of Chapter 2 of the laws of Kenya, the Attorney-General has general powers to renumber sections of the law---

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

Mr. Orengo: Mr. Deputy Speaker, Sir, I am on a point of order.

Mr. Deputy Speaker: Order, Mr. Anyona!

Proceed, Mr. Orengo!

Mr. Orengo: Mr. Deputy Speaker, Sir, even without Parliament having moved an amendment to that Bill, because it was passed intact and it became law, Section 3 sub-section 3 of that Act was missing from the revised edition. So, we have got two sets of laws of Kenya. One, which this Parliament passed and another which the Attorney-General had passed.

(Laughter)

Mr. Deputy Speaker, Sir, I am telling you that if you went through this Act, you would find that there are many errors; there are so many things that the Attorney-General has sneaked in. But **[Mr. Orengo]** because of my respect for the current Chairman of the Constitution of Kenya Review Commission, Prof. Yash Pal Ghai, I do not want to go into it. What I am seeking from this House is that we should not proceed on the basis of unconstitutionality. In 1992, when the conduct of the Attorney-General was questioned in the High Court, the High Court ruled that the conduct of the Attorney-General in respect of amending that Act, because the court ruled that it does not have powers to amend any Act--- In fact, under the Constitution, the Attorney-General does not even vote. So, a person who does not vote is making the laws upon which we are now enacting. He is not allowed to speak; he is an *ex officio* Member. He is just like the Speaker who is also an *ex officio* Member.

Mr. Deputy Speaker: Order, Mr. Orengo! Do not debate now. You are on a point of order.

Mr. Orengo: Mr. Deputy Speaker, Sir, it is fundamental because we are being caught up in the courts every day; that Parliament consists of lawyers and we are allowing these things to go through Parliament. It is not a matter that we can deal with flippantly because under Sections 46 and 47 of the Constitution, it is only this Parliament which makes laws through Bills. In fact, you cannot enact a law through a Motion, or revision. You can only enact it through a Bill, like Mr. Oloo-Aringo and Mr. Donde have been doing here. But for the Attorney-General to sit in his office and change the laws of the land, and without the permission of Parliament, that is a grave breach of the Constitution. I am glad that, in 1992 in the High Court, the Judge described the conduct of the Attorney-General as being mischievous.

(Applause)

That is total mischief!

Mr. Deputy Speaker: Order, Mr. Orengo! Thank you.

Mr. Orengo: Mr. Deputy Speaker, Sir, so, I am seeking guidance from the House on the following: Can this House proceed to discuss an Act of Parliament which is not a creature of this Act? It is a creature of the Attorney-General. Or, the right procedure would be that the very process--- I am not even questioning the work of the Parliamentary Select Commission. I am not, and that is not the point here. But I am saying that even the good work that the Committee did, has been vulgarised by the Attorney-General, so that according to the Act which he has created, even Prof. Ghai's job is at risk. He can lose the job any time because every Tom, Dick and Harry can become the Chairman of the Constitution of Kenya Review Commission.

Mr. Deputy Speaker: Order, Mr. Orengo! I think you have made your point.

Speaker, Sir, what I am saying is this: In fact, the Bill and the Act, as they are, contemplates a situation where these people are going to be able to remove Prof. Ghai and, probably, put somebody of Mr. Shariff Nassir's calibre as the Chairman of the Commission!

(Laughter)

Mr. Deputy Speaker: Mr. Attorney-General, do you want to respond to that allegation?

Mr. Orengo: I have not finished, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order! I allowed you to raise that point of order because it was a point of order and not a debate. So, you have made it. So, I will now want to hear the Attorney-General's response.

Mr. Orengo: On a point of order, Mr. Deputy Speaker, Sir. I am saying that, as a matter of record, and this has come from the Clerk--- We must take this seriously. This Act is not from me; it is from the Clerk of the National Assembly and it is an Act of Parliament. This Act, which is coming from Parliament, is different from the law that the Attorney-General is seeking to amend under Chapter 3(A) which he revised and--- Can I show him the documents?

Mr. Deputy Speaker: But they are documents which are in the public domain. Proceed, Attorney-General!

(Mr. Orengo laid the documents on the Table)

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I beg to respond to the serious allegations made by Mr. Orengo. The points made would have been laudable except that they are touching on a very important issue. The important issue here if I may just go step by step--- Let me first of all speak about the 1992 incident which Mr. Orengo has referred to. It is true that a case was filed in court and it is also true that the court held that I had overstepped my powers of revision under Chapter 1 in amending the Act the way I amended it. That is true.

However, the hon. Members will also recall, and that is what is normally forgotten in this whole debate on this particular issue, that I did issue a Press statement because that judgment was *ex parte*. That is, the Attorney-General was not allowed to appear before the Judge at that time. My representative went to the court and outside it wanting to make submissions on that very point but the Attorney-General was not allowed to make the appointment.

Mr. Deputy Speaker, Sir, I then issued a strongly-worded statement in which I stated that I have an option to ask for a review or an appeal of that decision and, in which, I also stated that had I been allowed to make my submissions, I would have laid before the court the various drafts of that very Bill, the proceedings in this House in the course of that debate of that very Bill, and how the power has been exercised since 1963 to date. I know that the court would have seen that I exercised my powers under Chapter 1 correctly.

Why did I not appeal? This is because there are certain situations where you have to forego your own personal rights in the interests of the nation as a whole. What was that interest of the nation as a whole? Had I proceeded to file an appeal, it would have taken many months in court arguing over that issue and yet according to the Constitution, the elections were to be held within the next three weeks before the end of the year. So, I would have been tied up in court arguing this issue until the following year and that would have created even a worse constitutional crisis in this country.

(Applause)

Mr. Deputy Speaker, Sir, that is why, in order to safeguard the national integrity and the Constitution, I was prepared to sacrifice myself in spite of the mischief that had been made by the Judge in his judgment to say: "My personal interests are not as important as the personal interests of this country as a whole." That is what happened and I

am prepared today--- If I argue that case, I know I will make a point, that I exercised my powers correctly.

Now, let me now come to this particular issue. The Act that is sought to be amended is the Consolidated Act, the Constitution of Kenya Review Act, Chapter 3(A). This Act is a consolidation of the various Acts of Parliament which have been enacted by this Parliament. On 31st July, 1997, I published the Constitution of Review Commission Bill and then the IPPG came in. There were no amendments to that one. Then the Safari Park distractions came and there were more amendments to that Bill. Then the Raila Select Committee came and there were more amendments to that Bill. Now, this one is the fourth amendment we are carrying out to the original Constitution of Kenya Review Act. The Consolidated Act is a combination of all these three or four major amendments that have been carried out and have been enacted by this Parliament. Therefore, it is not right to say that the Constitution of Kenya Review Act, Chapter 3(A) is an Act of the Attorney-General and not of this Parliament. I wish I had the powers but I do not have the powers. I go by what this National Assembly decides and I have the powers. I have the powers under the Revision Act, Chapter 1, to consolidate all these various amendments that have been passed from year to year into one Act. I have the powers!

Mr. Deputy Speaker, Sir, I am talking at a disadvantage in that the hon. Member of Parliament never gave me notice that he was going to raise this issue, but I know the law so well and I am responding to him right now and on the spot.

Section 8(1), (C), states very clearly that:-

"The Attorney-General shall have the powers to consolidate into one law, two or more laws *in pari materia* making the alterations thereby rendered necessary in the consolidated law."

In other words, when I am consolidating the various amendments, Bills, I will make the necessary changes which will give effect in the consolidated law that was intended by Parliament.

(Applause)

That is why many advocates of experience go completely wrong when we constrain these simple Acts of Parliament. Many people when they read the Consolidated Act, and because it says: "25th January, 1999", then they jump and say: "In which case, the Commission ought to have begun on 25th January, 1999 and, therefore, it has expired before it begun." That is a complete misinterpretation and I am surprised to hear senior lawyers making that interpretation of our legislation.

Mr. Deputy Speaker, Sir, in consolidating this Act, I had to make sure that the various effective dates of the various amendments were preserved. So, the commencement date of the Constitution of Kenya Review Act, No.5, which said that the date of commencement was 4th October, 2000, and the Commission had two years to operate was preserved in the Consolidated Act, and rightly so, because the Attorney-General has the powers, not under any chapter of the law, but under Chapter 1 and not Chapters 200, 500 or 20 or 30 of the laws, but Chapter 1. That is the premier Act. I consolidated and I preserved the original intention of these Acts in the Consolidated Act.

The hon. Member raised the question of chairmanship, and I understand his feelings because he never participated in the Select Committee chaired by hon. Raila Odinga, the leader of NDP. Had he participated fully when the debate on that report was taking place here and when the Bill was brought in conformity with that report, then it would be very clear that the Attorney-General of the Republic was right when he said that it was never intended by the Raila Committee, and the recommendations, that the initial qualifications for the chairman must be maintained. There are two categories of members; lawyers and non-lawyers. It was quite clear that whoever qualifies to be a lawyer can also be the chairman. That was the intention of that Committee. Hon. Orenge, should, in future, participate in some of these things in a more constructive way.

Under Section 8 (1), the Attorney-General has the power to omit all laws or parts of laws which have been repealed expressly or by necessary implication. I repealed that because it was by necessary implication. That power is conferred to me under Cap.1 of the Laws of Kenya. Let me assure this House that this Bill is properly before the House and that I should allow it to proceed and move it.

Mr. Deputy Speaker: Order! Hon. Members, I am sorry that I have given him more time than that point of order deserved for this purpose. As far as the Chair is concerned, the Constitution of Kenya Review (Amendment) Bill is properly before the House. If there is need for further amendments, those can be submitted in the normal manner as your Standing Orders direct. The Chair will be only too glad to receive them before closure of business this evening because they will have to appear on the Order Paper as part of amendments to the proposed Bill. We shall now proceed with the Bill.

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I beg to move that the Constitution of Kenya Review (Amendment) Bill be read the second time.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I think we would be setting a very dangerous

precedent. We need clarification from the Chair. Does the fact that the Attorney-General has the powers to consolidate give him the right to substantially---

Mr. Deputy Speaker: Order!

Dr. Ochuodho: I want to refer you to a provision of the Constitution---

Mr. Deputy Speaker: Order, hon. Ochuodho! What is before the House is not the Attorney-General's powers, but the Constitution of Kenya Review (Amendment) Bill.

Proceed!

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I beg to move that the Constitution of Kenya Review (Amendment) Bill be now read a Second Time.

I will crave leave to refer extensively to my notes because of the nature of the Bill, the intricacies involved and the importance of the Bill. This is a Bill on which every word that I utter here matters, so I will refer extensively to my notes. This Act which is being sought to be amended has had a torturous history, full of twists and turns. Let me briefly outline the history. I am speaking in this way because this is the fourth time I am standing up to move amendments to this Bill. Each time I have risen here to move amendments after there has been a very protracted public, almost confrontational, debate going on in the country, which has resulted in those amendments. This is something with a difference, which I will outline later.

On 31st July, 1997, the Government published the Constitution of Kenya Review Commission Bill. On 14th October, 1997, I moved a Bill which had the input of the IPPG meetings. As you may recall, the IPPG meetings resulted in three Bills: The Constitution of Kenya (Amendment) Bill, the Statute Law (Miscellaneous Repeal and Amendments) Bill and the Constitution of Kenya Review Commission Bill. Those Bills, including this Bill, were as a result of IPPG recommendations which were accepted by this House. This House passed a resolution that these recommendations be translated into Bills and that a Drafting Committee be appointed to work with the Attorney-General so that the recommended Bills reflect accurately the recommendations of IPPG. That happened and that Bill was brought to this House where it was enacted.

For various reasons, which I do not need to go into, it was not possible to start the reform exercise in accordance with the Act. His Excellency the President, therefore, on the occasion of the State Opening of the Eighth Parliament, on 31st March, 1998, stated as follows:

"It is upon this House to assess the views of wananchi and decide whether the Act requires further amendment. I urge Members to move with speed to smoothen the way towards an orderly and peaceful debate of our Constitution."

That gave birth to the Inter-Parties Parliamentary Committee which convened at the Bomas of Kenya and also convened the various constitutional consultative forums at Safari Park Hotel. The final meeting at Safari Park Hotel was held on 5th October, 1998, and by resolution, a drafting committee was appointed. It was mandated to finalise the recommendations and introduce them straight to the National Assembly. I had occasion again to move for a second time the amendments of the Safari Park Constitution Consultative Forum. These were assented to on 24th December, 1998, and became operational on 30th December of that year.

For various reasons, which I do not have to go into right now, on 15th December, 1999, this House passed a resolution appointing a Select Committee comprising 27 Members to review the Constitution of Kenya Review Act, according to the wishes of Kenyans. The Select Committee Report was debated here and passed by Parliament. Once again, a resolution of this House called upon the Attorney-General to introduce a Bill to the House in accordance to the recommendations. This saw the birth of the Constitution of Kenya Review (Amendment) Act, 2000, which I moved on 19th July, 2000, and which was enacted. It was clearly stated that the date of commencement was 4th October, 2000. The current Commission, under the chairmanship of Prof. Yash Pal Ghai, has 24 months from 4th October, 2000 to complete their work.

The aim of the proposed amendments, which this House will debate, is to establish a common process of constitutional review. We are all aware that up to now there are two parallel processes, the legal one by this House, and the other one by the Ufungamano Initiative. Despite the fact that these two processes might produce some new constitutions, the real danger was that neither of them could muster enough votes in this House to enact those proposed new constitutions. The danger was that we had two constitutional review processes going on and the result would be nil.

Mr. Deputy Speaker, Sir, apart from the fact that it would not have been possible to enact the Bill because of the requirement of having a two-thirds majority in the House, in my mind, there was also a real danger of violence eruption as the two processes proceeded side by side, sharpening the existing political divisions even more, and further damaging national unity. As we know, it is really only through a common process of review, which is inclusive, participatory and democratic that we can be sure of having a Constitution which enjoys that degree of acceptance and legitimacy, and which has the prospect of enhancing national unity and securing political stability. It is because the

people of Kenya realise this important fact that they received the news of the agreement between the Parliamentary Select Committee (PSC) and the Ufungamano Initiative, not only with relief, but they embraced with joy. It is now up to this august House to translate the joy and relief that the people of this country now have that we can have one process put into reality by enacting the Bill which I am now moving.

Mr. Deputy Speaker, Sir, as we are all aware, the Constitution of Kenya Review (Amendment) Bill, 2000, and the Constitution of Kenya (Amendment) Bill, 2001, are as a result of long, detailed and intensive negotiations between the PSC and the Ufungamano Initiative, with the assistance of Prof. Yash Pal Ghai, who acted as a mediator throughout. If I may pause there, I would like, at this juncture, to pay tribute and to commend the efforts of Prof. Yash Pal Ghai, in bringing the two sides together.

(Applause)

Mr. Deputy Speaker, Sir, I reiterate that Prof. Yash Pal Ghai has the necessary experience, skills, competence and temperament to steer this course. He has handled these type of situations in other countries and he is a Kenyan. For one, let us first respect our own. Let us prove wrong that section of the Bible which says: "A prophet is not honoured in his own home area." I pay my special tribute to Prof. Yash Pal Ghai, because really, it is through his efforts that these Bills have reached the stage where we are today.

Mr. Deputy Speaker, Sir, when the agreement was reached on the issue of principles of the merger, a Drafting Committee of two lawyers from each side worked with my staff to convert it into legislative amendments. At this juncture, I want also to pay tribute to Prof. Hastings Okoth-Ogendo, who was the Chairman of that Drafting Committee; John Mutahi Kango, who was nominated by the PSC, and Ms. Abida Ali-Aroni and Dr. Oki Ooko Ombaka, from the side of Ufungamano Initiative. Of course, being the servants of the people, I put there two very able officers; Ms. Linda Mulira and Tom Mboya to help them in the process. I think we must also pay tribute to those drafters who converted the principles that had been agreed into legislation.

Mr. Deputy Speaker, Sir, I received the Bills on 21st February, 2001, and transmitted them to the PSC and also to the Ufungamano Initiative on 22nd February, 2001, so that they could read and satisfy themselves that they were in accordance with the joint principle that had been agreed on. We all know that they then approved the drafts and then the Bills were gazetted.

Mr. Deputy Speaker, Sir, the purposes and the highlights of the amendments are meant to provide for a merger of the two processes, to increase the membership of the Commission, to enhance the independence of the Commission in several ways, including giving it financial autonomy; to increase the guarantees of a fair process of review, to protect the constitutional rights and freedoms in the review process, and to provide for a compulsory referendum, thereby increasing the people's participation in the constitutional review process.

It is my sincere and considered opinion that the legislative framework for the review, which is provided for in this Bill, will lead to a constitutional review process which will respond to the needs of our country.

Mr. Deputy Speaker, Sir, the Bill contains a number of amendments in its scope. I will not deal with changes which are minor, grammatical or linguistic, although I must begin with one which, in my view, is linguistic. This is the addition in the preamble of the statement that the objective of the review is to facilitate a comprehensive review of the Constitution. The current Act, which we now have, does not have the word "comprehensive". So, we have now stated in the preamble itself, that, that is the aim of this review exercise; that, it must be comprehensive. In fact, it has always been the intention, as far as we know, that this review exercise must be comprehensive. If you read, particularly, the functions of the Commission, they are so wide-ranging, that it can be nothing less than comprehensive. So, although it appears linguistic, it just emphasises the point which we all know, that the constitutional review exercise must be comprehensive.

Mr. Deputy Speaker, Sir, there are changes to Section 3 of Clause 4 of the Bill. The first one is on the drafting process. We have repeated the words "and eventual alterations" because this does not really bring a substantive change. In fact, the words that we have deleted, to me, are redundant. The second change expands the scope of the review of State institutions, by indicating that the review will extend beyond the Executive, the Legislature and the Judiciary.

Mr. Deputy Speaker, Sir, as currently drafted, it appears to confine only to those three organs of Government. But now we want to extend that scope because there could be other organs. The third change is that, it adds four further objects of review and these are set out on Page 415 of the Bill. These are meant to strengthen national integration and unity. The current objectives, as set out in the Act, do not come out forcibly with the issue of national integration and unity. It has been thought that this should be clearly spelt out.

For example, the current Bill refers, of course, to those aspects of ethnic, regional diversity and communal rights, including the right of communities to organise and participate in cultural activities, and the expression of their identities. As we focus on those positive aspects of our ethnic and regional diversity, we must also bear in mind the

issues of national integration and unity.

Mr. Deputy Speaker, Sir, the other objective added is creating conditions conducive to a free exchange of ideas. As Chairman Mao once said, "Let one thousand flowers bloom"; in other words, "let there be as many ideas as there are, and the best ideas will win the day". So, a free exchange of ideas is the essence of a democratic society.

We are adding "ensuring the full participation of people in the management of public affairs". Here, what we are in effect saying is that it is not enough to state, as we had stated in the Act, that there must be a people's participation in the governance of the country through a democratic, free and fair election, and the devolution and exercise of power. This is respecting the people's participation only at election time, and when we devolve power to the local authorities. We are saying that even in-between elections - and again this is very important in a democratic state - once they have exercised their right to vote, the people have a right to participate fully in the management of public affairs, and in particular, they have a right to participate in those processes that may lead to decisions which will affect their lives in any given situation. If you are a farmer, you have a right to participate in those decisions that will affect agriculture. If you are an educationist, you have a right to participate in those decisions that will affect education in this country and so on.

We have also added " part(K) - enabling Kenyans to resolve national issues on the basis of consensus". The time has now come that when we adopt the Western type of democracy, we go back to our cultural roots on how democracy was exercised in our cultural and traditional manner. There, the guiding principle was the word "consensus". That is why we could sit under a tree until we agreed. I would like to come to that day when we can sit in this House as a elders of this community, and reach a consensus on number of issues or problems that confront this country. So, the objective of the exercise has been expanded to see how we can promote this idea of resolving our national issues on the basis of consensus, which is in true accord with our culture and traditions.

Mr. Deputy Speaker, Sir, I am confident that hon. Members will recognise the additional expanding overall views of objectives of the process as worthy objectives. This will help both provide for a better framework for review and a better Constitution, in my view. When we come to the organs of the review, Clause 5 adds to the list of organs of the review of the Constitution. It is not now just a Commission and the National Constitutional Conference; to these are now added the Constituency Constitutional Forum, the Referendum and the National Assembly. I would like to make it clear that these institutions, or their roles, are not new, but they have been added for the purposes of clarification and completeness. The consequential amendment to that is to preserve that Parliament will continue to exist even when this Act is no longer there. So, that is why there are some further amendments under Clause 5.

Clause 6 alters Section 5 of the Act to provide for the addition of a New Schedule - the Third Schedule. I would like to point out that Section 5 deals with the issues of accountability and responsibilities of the organs of review. To these responsibilities are added the principles for a democratic and secure process for the review of the Constitution. This is clearly set out in the Third Schedule which appears on page 436 of the Bill. If you read that Schedule, you will find that it covers a whole area of issues. For example, all organs of and parties to the review process have to recognise the importance of confidence-building; the importance of engendering trust and developing a national consensus for the review process; the importance of avoiding violence or threats of violence or other actions of provocation; the importance of respecting the rights and freedom of expression, assembly and personal liberty and conscience, and the importance of the independence of the Commission and that of its members. These provisions, which I am sure all parties will agree to, are very important.

If it comes to the status of the Review Commission, I would like to say that the Commission is now being established under Clause 7 as a body corporate. The Commission has been given various administrative and financial tasks, in addition to the review of the Constitution. These status will facilitate the Commission in the discharge of its functions. Although the Commission has been given the status of a corporation, the proposed Clause 1B provides that the provisions of the State Corporations Act shall not apply to the Commission. This is meant to secure the independence of the Commission. We do not want the Commission to be subjected to the State Corporations Act and to --- The Commission has to be independent and secure, and that is why it has been exempted from the provisions of the State Corporations Act.

(Applause)

Mr. Deputy Speaker, Sir, Section 6 is also amended to increase the membership of the Commission to 27, from the original 15 Commissioners. Again, here I speak against my interest. They are now clarifying because under the current Act, it was not very clear whether or not the Attorney-General, being an *Ex-Officio* Member, had a right to vote or not. They are now clarifying that. I would have liked it to remain as vague as it was, but it is now clarified that the Attorney-General, under a section of the Commission, will be an *Ex-officio* Member of the Commission, but shall

not have the right to vote. Hon. Members may wish to amend that Act to give the Attorney-General the right to vote.

(Laughter)

Hon. Members: We have the power!

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, Clause 8 amends Section 7 in consequence to the previous change, to increase the number of persons to be appointed to be 27 Commissioners and to remove the provisions of alternative members. Under the current law, we had a provision of alternative members so that if the existing member was either declared bankrupt or died, he would have been taken from the pool of alternative members. On a light note, by that provision, the alternative member could have a motive to ensure that the full-fledged member is either dead or declared bankrupt so that he, himself, can be appointed.

Mr. Deputy Speaker, Sir, again, the alternate members must have a role to play other than just waiting for that unfortunate day when a Commissioner will die, be declared bankrupt or be charged with an offence and sentenced to more than 12 month's imprisonment. So, we really think that they, at this time, serve no useful purpose as alternate members. The Commission membership having been increased to 27 members, having alternate members would be a bit too much. The provision for alternate members is now being deleted from the provisions of the Act.

Clause 9 also is amending section 8. This is again another consequential position resulting from the increase in the number of the Commissioners. The current provision states that seven Commissioners shall have at least five years' experience in constitutional law, and eight members shall have experience in public affairs. The proposal now is to increase the number of persons with experience in law from seven to eleven members, and those with experience in public affairs from eight to 16 members. Also, in the consequence of the increase, it is proposed that persons qualified in law should comprise two persons from each province as opposed to one person as of now, and that each province should not have more than four members as opposed to two members provided for at present. The minimum number of women has been increased from three to six. We will now have, at least, three Vice-Chairpersons, one of whom will be a lady. We hope that these changes will enable the Commission to be more gender balanced.

Mr. Deputy Speaker, Sir, a very important provision in this Section 8 is at page 419, at the bottom. We have a new clause there. I really want to emphasise this clause. It states:

"All Commissioners, once appointed, shall cease active participation in political parties or any other organisation, whether registered or otherwise, propagating partisan views with respect to the review process".

I really want to emphasise the importance of this clause. Part of the problem that we have had in the last three or four years with certain amendments has revolved around the issue of appointment of Commissioners. Although in the initial Bill it was made clear that once Commissioners are appointed, they act in their own personal capacities; in other words, they are not representatives of the organisations to which they belong; although in the oath of office, they undertook not to pursue the interests of those organisations from which they came, and although under the code of ethics it was also made clear that if they did that, they stood to lose their places on the Commission as a disciplinary measure; the type of debate that has gone on has been as if the Commissioners are there to represent either the political organisations or the Non-Governmental Organisations (NGOs) from which they have come, or they represent ethnic or tribal groups from which they come. This is not so and it has now been made very clear.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. It is not my intention to interrupt the Attorney-General. In fact, his presentation deserves commendation. The specific clause provides that once appointed, all Commissioners shall cease active participation in political parties or any other organisations, but we have witnessed some of the Commissioners being summoned to State House for whatever went on.

Mr. Deputy Speaker: Order, hon. Gatabaki! That, as you know, is not a point of order. Please, let us not disturb hon. Members when they are on the Floor making their presentations. You will stand up and get your opportunity to say what you have to say, but not now.

Proceed!

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, my appeal, now that we are bringing the two sides together, is that the Commissioners should not say that they are in the Commission to represent a political party, the Ufungamano Initiative, the Select Committee or to do this or that. Those who are already in the Commission and those who will come on board will be there in their personal capacities. They must cease forthwith active participation in political parties or any other organisation. That is the only way in which we can move forward. This is not a Commission to negotiate a new Constitution. If it was a negotiating Commission, then one would understand the fears that people have. This is because people would have to be there to sit round the table and negotiate. This is really a technical Commission to go round and collect the views of the people of Kenya and translate those views into the new Constitution for Kenya. The Commissioners should reflect the people's views correctly.

Mr. Deputy Speaker, Sir, I have already stated that we shall now have three Vice-Chairpersons, one of whom shall be a lady. Clause 11 relates to setting up of a Parliamentary Select Committee. The current position which gives the National Assembly the authority to set up the machinery for dispute settlement is now repealed. It is repealed because if you look at Clause 28 of the Bill, you will see that power to set up a machinery for settling any dispute that may arise is now vested in the Commission itself. So, once the National Assembly has set up the Select Committee, it will be up to it to decide how many members will be on it and what will be its functions. This is meant to recognise the issue of the separation of powers. In fact, it is up to the National Assembly to decide on the membership and the jurisdiction of the select committees that it appoints.

Mr. Deputy Speaker, Sir, Clause 12 merely states how a vacancy in the post of the Secretary will be filled, and Clause 14 explains what happens when a Commissioner or the Secretary resigns. Then we come to Clause 15, which talks about civic education. This is very important. Clause 15 amends Section 17 to redefine the functions of the Commission in relation to civic education. Currently, the Commission is supposed to:

"Conduct and facilitate civic education in order to stimulate public discussion and awareness on constitutional issues".

That is in the current Section 17(a). The function is also repeated and reinforced in Section 24, which provides, additionally, that in the performance of this function, the Commission shall license all persons or groups of persons providing civic education for purposes of the constitutional review process, subject to such terms and conditions as it may prescribe. The proposed amendments to this section limit, as it were, the role of the Commission to facilitating and promoting civic education, and removes the licensing powers that it currently has.

Mr. Deputy Speaker, Sir, I am told that the thinking behind that was: Firstly that, on the lasting powers, there was a possibility that they could be challenged on issues of constitutionality, particularly Sections 70, 79 and 80 of the Constitution, which guarantees freedom of expression, assembly and association.

The core function of the Commission is to produce recommendations for a new Constitution, after consultation with the people. A great proportion of its resources, time and effort will have to go into civic education. It has the sole responsibility to conduct civic education to the detriment of its core function, particularly now, when we have lost out on time. We have lost out more than a year on time. So, we need to move fast in all directions at the same time. The provision of civic education is a very highly specialised activity which the Commission, at the moment, may not have. So, the Commission, in its facilitative and promotional roles, will have some key functions. The civic education will be undertaken by civil organisations. But the Commission still has the overall responsibility on how that civic education is conducted.

For example, the Commission must ensure that there is a common syllabus which will be used by any organisation which wants to undertake civic education throughout the country. That is because there is a very thin line between civic education and what one may call advocacy for constitutional provisions or amendments to be put in the Constitution. It must be made clear that civic education is not advocacy. Civic education is aimed at educating the public on issues of the Constitution so that they can make an enlightened decision on the various options open to them, on a particular issue so that, for example, they can decide whether we should have an executive President, a ceremonious President, a Prime Minister or something in-between. But they must have that education to be able to make an enlightened choice on those particular issues. So, that is what civic education is. I see an urgent role of the Commission as that of ensuring that, first of all, there is a common syllabus so that, whatever is taught in Manderu by way of civic education, is the same thing that is taught in Busia and Narok. It must be the same everywhere. So, the common syllabus must be devised by the Commission. They may even go further and put something near a text book for civic education, so that the people could even read for themselves some of the issues that they are going to confront as we embark on the constitutional review exercise.

Mr. Deputy Speaker, Sir, I see the role of the Commission as that of ensuring that civic education is undertaken throughout the country. It should not just be in some areas and not the others. It should be undertaken in a very objective and fair way.

Mr. Deputy Speaker, Sir, as I foresee, the Commission and those organisations working in partnership, but with the Commission in charge, must see to it that everything is in order, as far as civic education is concerned.

Mr. Deputy Speaker, Sir, Clause 16 amends Section 18 by requiring the Commission to visit every constituency to receive the views of the people on the Constitution. It also restricts the powers of the Commission to summon only public officers rather than any person.

Mr. Deputy Speaker, Sir, Clause 17 amends Section 19 by clarifying that the Commission shall be deemed to be a meeting of the Commission, only when the Committee is established for the purpose of collecting the views of the public during the constitutional review exercise. As currently drafted, it means that any Committee of the Commission, whether it is the Finance Committee or Buildings Committee and so on, can meet, and can regard itself as a full Commission. So, it is to clarify that a Committee of the Commission remains a Committee of the Commission.

The only difference is that if the Committees are formed to go round the country; as they go round the country, they are acting as the Commission. That is very important. We have a very short time to undertake the exercise, and you can imagine 29 people, me and the secretary included, plus the apparatus and so on, going to all the constituencies of the Republic of Kenya within a very short time! Logistically, it is difficult and, therefore, it may very well be that the Commission, in the exercise of its independent powers, may feel that: "Okay, let us split ourselves! You Committee, go there and so on." That way, they can complete the whole exercise in the shortest possible time. So, the amendment to that Clause is to facilitate that process. The Committee in the process of collecting the views of the people, can be regarded as the Commission.

Mr. Deputy Speaker, Sir, Clause 19 deals with the rules of decisions by the Commission. Currently, it is a simple majority and now, it is being pushed up to two-thirds of the vote of all members, particularly when the issue is a proposal concerning the inclusion of any provision in the Constitution. I think that makes sense. Where the Commission now says: "This is the Clause that should be included in the Constitution", it is only fair and proper that the Committee's decision is carried, if not by consensus, by two-thirds of all the Commissioners. The ideal way is by consensus. But if they cannot get the consensus, then two-thirds of the Commissioners can take the decision.

Mr. Deputy Speaker, Sir, I am trying to go through the Bill in a hurry. Clause 20 deals with the use of the media. The major change here is to enable the Commission to negotiate with a print media for space and also, to negotiate with a broadcasting company for airtime. That is in recognition of the many broadcasting companies and media houses that have cropped up.

Mr. Deputy Speaker, Sir, let me jump to Clause 23, which amends Section 27, by clarifying the role of the National Constitutional Conference. The Conference is a key organ of the review of the Constitution. It shall have the power to debate and amend the recommendations of the Review Commission. Some alterations in its composition have been made by this Bill to increase the representation from political parties, religious organisations, professional bodies and civic education organisations while, at the same time, ensuring that the body does not become too unwieldy. The representation of religious, professional and civic education organisations will not exceed 25 per cent. Under the current Act, it is stated that they will not exceed 15 per cent. That has now been increased to 25 per cent. It is also made clear that the Members of the Review Commission itself will be *ex officio* Members and, as such, they will not be entitled to vote.

Mr. Deputy Speaker, Sir, I believe that the Conference as constituted, will enjoy wide legitimacy and it is a proper body to debate and decide on the recommendations of the Commission. Its quorum will be one-half of the Members and again, all decisions concerning a proposal for inclusion in the Constitution must be passed by two-thirds majority of its Members, in order to encourage decisions by consensus. Of course, the clause requires the Commission to revise its recommendations and the draft Constitution in the light of the decisions taken at the conference and submit them to a compulsory referendum within two months of the conference. Whereas, under the Act, the referendum was discretionary, it is now made mandatory.

Mr. Deputy Speaker, Sir, Clause 24 repeals Section 28. It requires the Commission to prepare for Parliament a final report on its work and the result of the referendum. It has also to prepare a final draft of the Constitution and submit it to the Attorney-General (AG) for publication in the Kenya Gazette in the form of a Bill to alter the Constitution and present the same to Parliament for enactment. In fact, instead of the 30 days provided for in the current Act, this clause provides that within 14 days of the receipt of the Commission's final report and draft Bill, the AG must publish the Bill. Thereafter, the Bill and the report must be laid on the Table of this House within seven days when Parliament sits next.

Financial provisions are also made in this Bill. A change has been proposed in this regard to ensure that the Commission has financial autonomy. The Commission's expenses will be charged on the Consolidated Fund. The Secretary to the Commission will now be the accounting officer instead of the Clerk of the National Assembly, as provided for in the current Act.

Mr. Deputy Speaker, Sir, Clause 28 amends Section 33, which deals with the powers of the Commission to make regulations. In order to promote its independence, the Commission has been given powers to make regulations. The current Act is not very clear on this issue. Various organs are mentioned in the current Act, but it is not very clear what will regulate those organs. Although the current Act is implicit that the Commission will regulate those organs, it is made clear in this Bill that the Commission will draft and enforce regulations for the establishment of the Constituency Constitutional Forum, as well as for the constitution and conduct of the National Constitutional Conference. Also, the Commission has to make regulations for the resolution of any dispute arising in the course of the review process. This is the power that has been vested in the Constitutional Review Select Committee. But, as I said earlier, this Bill seeks to vest this power in the Commission itself. We then have the issue of transitional provisions, which preserve the Commission's initial 15 Members.

Mr. Deputy Speaker, Sir, I would now like to, quickly, make some concluding observations. I am really

confident that, through these amendments, we shall have an excellent review process, in which all Kenyans will participate. They will have an opportunity to contribute to the work of the Constitutional Review Commission at various stages. The Commission is obliged to base its recommendations on the views of the public. In fact, the wording contained in this Bill is: "It must reflect accurately the views of the public". The amendments will also enable all important political, religious, social, professional and civic groups to co-operate in the making of our new Constitution. Such an inclusive process is an essential prerequisite in the making of a fair and legitimate Constitution. Let us not forget that the Constitution is a Constitution for the nation and all its people; it belongs to them. For the first time, the people are now being given this golden opportunity to re-shape their destiny, by ensuring that they have a Constitution that reflects their views. Therefore, I hope that this august House will enact this Bill into law.

I believe that the process we will go through after the enactment of this Bill will create a united nation. If we utilise that process properly, and be focused on making a good Constitution, so that we can rub shoulders and exchange ideas across the board, we should become a cohesive society. We have spent almost four years now, since July, 1997, just debating how the constitutional review process should take place. This has been wasted time and we should now begin this process. I hope that this is going to be the last time I am initiating debate on a Bill seeking to amend the law relating to the process. This Bill is a result of confrontations and hullabaloo throughout the country.

In conclusion, I would like to remind hon. Members of the very wise and conciliatory words uttered by His Excellency the President when he opened this Session on 20th March, 2001. In his Address then, the President stated as follows:-

"In this regard, I am pleased to see that a unitary constitutional review process is now underway. I urge the House to move with speed to make the necessary amendments to the Constitutional Review Act as soon as a merger document is approved, so that the Constitutional Review Commission can begin its work without further delay".

Mr. Deputy Speaker, Sir, as soon as the merger document was approved, the two Bills were published. Further, the President said in his Address:

"The Constitution is the right forum for Kenyans of all walks of life to contribute their views about the kind of society they would like to have now and in future. I urge hon. Members to support the Commission as it embarks on the difficult task of putting together a Constitution that reflects the wishes of majority of Kenyans."

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

(Applause)

Mr. Deputy Speaker: Mr. Attorney-General, who is seconding the Motion?

The Attorney-General: Mr. Deputy Speaker, Sir, being the Chairman of the Constitutional Review Select Committee, hon. Raila is seconding this Motion.

Mr. Deputy Speaker: He may proceed. He has 30 minutes.

Mr. Raila: Mr. Deputy Speaker, Sir, I rise to second the Constitution of Kenya Review (Amendment) Bill which has been ably moved by the Attorney-General. Today is a very important day for this House and the nation. It is a historical occasion because, once again, the National Assembly has gathered to debate the issue of reviewing our Constitution as a united House. Mr. Deputy Speaker, Sir, it is sometime since we last debated the Constitution of Kenya Review Bill here. Since that time, a lot of water has gone under the bridge. I would like to thank all hon. Members on both sides of the House because they have demonstrated that, as leaders, we can disagree on matters of principle and that we are able to dialogue and eventually come together when the national interest so dictates.

Mr. Deputy Speaker, Sir, I want also to thank the people who were involved in bringing us back together. I would like to join the Attorney-General in paying tribute to Prof. Yash Pal Ghai who has used his position to try to exercise shuttle diplomacy, which has resulted into this eminent merger.

I did say here last time when we were debating the Constitution of Kenya Review (Amendment) Bill that the Ufungamano Initiative was a very genuine attempt at resolving the stalemate that existed in the review process and that we should not try to criminalise it. Whereas they were trying on the other side, we were also trying on this other side.

Mr. Deputy Speaker, Sir, when we were trying to appoint a Chairman of the Constitutional Review Commission, we did spend quite a bit of time. There were a number of people who had applied to be appointed as the Chairman of the Commission. Most of them were eminently qualified, in terms of professions and academic qualifications, to be Chairman of the Commission. However, we wanted to create unity in this process because it is not every other day that you review a constitution of a country. We reasoned that it does not matter whom we appoint so long as he or she is resident in Kenya, and his or her qualifications will not matter at all because, ultimately, we would not escape the charge that particular person was either pro-KANU or pro-NDP. That is why we decided to shop

beyond the borders of our country. Fortunately, we found a Kenyan, resident outside Kenya, who has not been involved in the local politics and who can, therefore, be seen as truly non-partisan in these matters. We were fortunate to find him to be a Kenyan, an expert of international repute and a consultant with the United Nations and the Commonwealth Secretariat. That person is Prof. Yash Pal Ghai. He accepted the appointment on condition that he would try to negotiate a merger between the two reform processes. When he came over here, the relationship between Ufungamano and the Parliamentary Select Committee was fairly polarised. Instead of talking to each other, we were talking at each other and calling each other names. Through his initiative and a number of other people, whom I might not wish to mention here, we have managed to resolve the stalemate.

Mr. Deputy Speaker, Sir, I want to say that worldwide, a constitution review is an involving process. It is a time-consuming process and, therefore, we are not unique in Kenya. Over the last 20 years, many countries on the African Continent have reviewed their constitutions. I have been saying all the time that we should not behave as if we are the first country in the world to review our Constitution.

Constitution reviews have been carried out elsewhere and, therefore, we should not try to invent the wheel. The most important thing in this process is consensus-building, and also creation of trust. It is true that there has been lack of trust, which has been built up over very many years. That is the reason why every side was fairly suspicious of what the other side was doing. It is important that we should develop confidence in each other. It is because of this lack of trust that the Constitution of Kenya Review Act is now being amended a fourth time. It will now become a book if all these amendments are consolidated by the hon. Attorney-General because he has the powers to do so.

Mr. Deputy Speaker, Sir, by contrast, if you look at the Ugandan Act, a copy of which I have here, *The Uganda Constitution Commission Statute*, it is only a six-page document. Yet, using this document, they were able to set up a 21-man commission, a national constituent assembly, and they went through the Constitution review in a very elaborate manner. During our deliberation in the Parliamentary Select Committee, we had with us the former Chief Justice of Botswana, Justice Akinola Aguda, who is a Nigerian. He came and appeared before our Committee. When he looked at our Act then, which is now being enlarged further by this further amendment, he told us that: "Your Act is too descriptive. You are trying to tie the hands of the Commission because you are trying to define everything that the Commission should do. An Act is just an enabling instrument or document. It should not be too detailed or too descriptive because you will tie the hands of the Commission. You should allow some room for flexibility." I told him: "That may be so in Botswana, but this is Kenya." Kenya's specific conditions demand of us to be this descriptive.

Mr. Deputy Speaker, Sir, it is true, and I want to underscore the point made by the Attorney-General, that it is important to involve the people in the constitutional review process because, ultimately, it is their document. We are not writing this Constitution for this generation alone. We are not writing a Constitution for hon. Members or for the current Government, but we are writing a Constitution for posterity. That is the reason why, even if we take a little time, we should do it and do it right.

I want to quote here a very able authority, Prof. Anawangwethe(?) of Nigeria who, in his book titled *"Presidential Constitution of Nigeria"*, says:-

"To achieve this understanding and acceptance, a Constitution needs to be put through the process of popularisation with a view to generating public interest in it; that everybody has a stake in it; that it is the common property of all. The people must be made to identify themselves with the Constitution. Without this sense of identification and attachment, a Constitution would always remain remote and artificial with less real existence than the paper on which it is written."

Mr. Deputy Speaker, Sir, that is the reason why we decided to create various organs for the review. That is the reason why we decided to go down from the district to the constituency. We created constituency constitutional review forums. That is why we made provision for the Commission to go down to the constituency and talk to everybody, unlike in the previous Acts where people were being selected to represent locations and so on. We decided to make it open so that anybody, including religious leaders, village elders, women leaders, the youth and many others, will be able to appear before the Commission and tell them what he or she thinks about the Constitution.

Mr. Deputy Speaker, Sir, there is need for the involvement of the people in this process. This is again underscored by Jawaharlal Nehru; he says:-

"This cannot be done by the oasis of lawyers seen together in a conclave. It cannot be done by small committees trying to balance interests and calling that constitution-making. It can only be done effectively when political and psychological conditions are present and the urge and sanctions come from the masses."

That is why we want to create a Commission that will be able to travel all over the country and talk to people, so that they can get the feel of what the people think of the current Constitution. The people are the ones who have worn the shoe called "Constitution" for the last 38 years, and they are the ones who, therefore, know where it is

pinching them.

But, Mr. Deputy Speaker, Sir, I want to introduce another notion. There has been a call all the time here about a people-driven constitution review process. But there have been misconceptions about people-driven constitution review process. It is important that we agree and understand what we mean when we are talking about the people-driven constitution review process. The days of the ancient Greek states when the people sat together under a tree and jointly debated issues and made decisions are long gone. If we were to follow that route, then we would demand that the 28 million Kenyans gather somewhere in a football stadium and discuss their Constitution. It is not possible. That is why, these days, we speak about representative democracy. That is what gave birth to Parliament as an institution, where people can come and debate on behalf of the people who have voted them. As Members of this House, we should be proud that we are the few; 210 Members out of thousands who were vying to be elected, who were mandated by the people of this country to come here in this House and legislate on their behalf.

Mr. Deputy Speaker, Sir, in the days of the Germanic Assembly, they used to say; "About minor matters, the chiefs confer about major matters all". Even that which is decided by the common people is dealt with by the chiefs as well. They convened on regular days unless something accidental or unexpected befell them. Presently, a king or a chief is heard more on account of his persuasive influence than his power to command. If displeased with his views, the assembled multitude murmurs with disdain. If pleased, they brandish their spears. Those days are gone and, therefore, we must accept that Parliament as an institution, has an important role to play in legislation, and also in constitution making. It is a responsibility which we should not abandon or relegate or transfer to other authorities.

Mr. Deputy Speaker, Sir, I want to comment on the Bill before the House. If you look at the various Acts; the 1997, 1998, 2000 and 2001, there has been a progressive improvement in those Acts. Amendments that are now being proposed are an improvement on the 2000 Act, and everybody now agrees, even those who had actually condemned it, the 2000 Act was a major improvement on the 1998 Act. So, there are areas which we will look into and the Attorney-General has gone through them. I am not going to repeat that. But we are saying that the vacancies in the Commission should not be filled by the Commission itself, but that the appointing authority as contained in the Act be maintained, and that the Commission merely forwards the names to the PSC. It is important that we retain the PSC because I think Parliament has got a role to play in this constitutional review process. Parliament may require to receive a progress report from the Commission and it is only through the instrument of Select Committees that Parliament can request and receive that report. I have urged our colleagues, and I am sure the Democratic Party (DP) will speak for themselves, to join the Select Committee and take their positions which have remained vacant since the time that Committee was appointed.

(Applause)

Mr. Deputy Speaker, Sir, we have also said that the Commission should also, among other bodies, conduct civic education. But more important, they should facilitate and co-ordinate civic education. The importance of this being that there is need for a body to set up a syllabus for civic education, so that all the other bodies which are involved in civic education have a syllabus from which to work. This will ensure that somebody does not begin to engage in what he perceives to be civic education, but is contrary to what is required of civic education. It is also important that this House addresses this issue because the current Act runs from 4th October 2000. We had given the Commission a life of two years. This means that the Commission has a life of up to October 2002. We are now in April and we can see that we have a few more months left until the expiry of that time. There is need, therefore, to move with speed to complete the review process. But we also had said that a very important exercise like constitution-making should not be tied to an event where we say that this exercise must be completed before the general elections. We, as a people, should do the review in accordance with the wishes of the people of Kenya. If the people of Kenya can do it fast enough, well and good. But if they cannot do it in the remaining period, the process should not just be hurried because we are going to a general election. So, this House will have to decide on what to do in the circumstances.

Mr. Deputy Speaker, Sir, there is the issue of a referendum as an institution. If you look at the 1997 and 1998 Acts, there is no mention of the word "referendum". Why is it not there? It is not there because no consensus could be reached in the IPPG or at Safari Park about the referendum. Last year, however, in the Select Committee, we decided to introduce a referendum. We felt that a referendum is a very important tool when we are dealing with such an issue like constitution making. Some contentious issues may arise over which there may be no consensus, either at the constitutional conference or in Parliament, and we may want to put the question to the people. That is the reason why we decided to introduce a referendum. An issue like *majimbo* or federalism versus unitarism may arise. Some people would say they want federalism and others would say they want a unitary system. If no consensus is reached at the constitutional conference, then this matter should be put to the people, so that they can collectively decide whether they

want a federal or unitary system of government. But the issue of referendum has to be handled with a lot of caution because this country has not had that history and experience.

In order to ensure that we do not end up being divided along ethnic lines through the process of a referendum, we need to develop referendum laws, or, maybe, an Act of Parliament which will clearly specify how a referendum is going to be carried out. Therefore, that is not an issue that we need just to brush over by saying, "we are going to have a referendum." It is not that easy. That is the reason why the Ugandans left it out, several years after their Constitution was reviewed, because they wanted the debate to continue. Then, the question was put: Do we need multipartism or do we not need it? I am sure hon. Members are now conversant with the results of the referendum that was held in Uganda last year and how contentious the results still remain to date. So, I want us, as a House, to discuss that matter in a sober manner and devoid of sectarian, or partisan interests. That is an issue over which hon. Members should express themselves as hon. Members, so that we arrive at what is generally a consensus of the House and which is good for this country.

Regarding the independence of the Commission, it is important that it is independent because Kenyans are going to appear before it in order to express their views as to what kind of Constitution they want. So, the Commissioners should not be representatives of certain interest groups, political parties, religious groups or ethnic communities. They should be members of a national constitutional review Commission.

(Applause)

Then, we did specify the method of nominating the Commissioners, and we went to the provinces. That was just to ensure that there was a cross-sectional representation of the commissioners, but once they are appointed, they must understand that they are not representing their various provinces. We are not setting up a collision in the Commission; "that this set is representing Ufungamano Initiative, or the Parliamentary Select Committee." Once the Commission has come together, they must blend together as one national Commission. There has been a lot of controversy over the 12 Commissioners, but the understanding was as follows. Initially, we had agreed that we were going to expand the Commission by including ten more Commissioners. We said that we would give nine to Ufungamano, and one to the Parliamentary Select Committee on Constitutional Review Process, who would go to North Eastern Province, which had received only one Commissioner among the 15 Commissioners. However, in preparing the document, we talked of not more than 27 Commissioners, and that was a proposal which was made by Prof. Ghai in his draft memorandum. But when the drafting committee went and sat together, they fixed it at 27 Commissioners, then, we went back and negotiated with the people from Ufungamano Initiative who were negotiating with us. We told them that there were two additional Commissioners, and we asked them what we should do. We agreed that each side would share out equally; one each. I am sure that if Rev. Mutava Musyimi, a man of God, was around, he would confirm what I am saying here. Others who were in the meeting were Dr. Oki Ooko Ombaka and Abida Ali, and we agreed that ten Commissioners would come from the Ufungamano Initiative and two others from the Parliamentary Select Committee. But because they were going for a crucial vote at Ufungamano, we were asked that we should be silent about it; we should not mention it.

Mr. Deputy Speaker, Sir, to summarise all that, there is need now to move with speed over that matter because we are already in May, and if we want to give the Commission sufficient time to do its work, we should pass the legislations as quickly as possible, so that the Commission can begin its work. Prof. Ghai says that because there will be 27 Commissioners, they can divide them into groups so that they can quickly go around the constituencies in order to collect the views from the people and do the drafting. I am confident and optimistic that if the House passes the laws as quickly as possible, and the Commission is expanded quickly, and it begins its work by the beginning of next month, this work can be completed before we go to the next general elections. But I have said that we should not hurry in this process merely because election is imminent. I have said that we should allow sufficient time for that work, and we should create an enabling environment for the review process to take place. Let us now move from talking about legislation or the process to adopt, and go to the proper constitutional review process.

Mr. Deputy Speaker, Sir, let us now engage each other on the kind of Constitution that we want for this country. I think that, that is going to be more productive for us. We want to know from political parties and religious groups what they think about that.

In conclusion, I want to say this: That there has been misunderstanding among various interest groups over these matters. I said that, for example, religious groups represent a number of people who go to the churches to listen to them. But those people go to the churches for purely spiritual reasons. Those are the very same people who are members of the DP, NDP, KANU, SDP and other parties. So, the religious groups do not represent a different constituency, separate from that represented by political parties. We should not be told that this church has got so many followers. Those same people follow them and they also follow us as politicians. Therefore, we should not think about

double representation. Those groups are included in the process to represent those sectoral interests, but they are not there to represent the various political interests.

With those remarks, I beg to second this Motion.

(Applause)

(A number of hon. Members stood up in their places)

Mr. Deputy Speaker: Hon. Members, what is wrong with you? You are over-hasty!

(Question proposed)

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Bill. I would like to join hands with my colleague, the Attorney-General, and my friend, hon. Raila Odinga, to pay tribute to Prof. Yash Pal Ghai, Dr. Rev. Mutava Musyimi, the entire Ufungamano Initiative team, the Parliamentary Select Committee and all those who have participated in making this day a great success.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, we, in DP, have always said that we are going to support a constitutional review process which is democratic, all-inclusive and people-driven. We are supporting this Bill because we think that it contains an adequate legal framework for a truly people-driven and comprehensive constitutional review process.

(Applause)

Over the last ten years, we have been haggling over the process, the forms and procedures of the constitutional review process, and we think that Kenyans are now tired with the debates. So, it is time to move on and get into substance. Let us debate on other issues like *Majimbo*, and let us know what kind of local authorities, land tenure, President and Prime Minister people want in this country. Let us get to those issues, and we think the time is ripe now.

The Democratic Party of Kenya participated in the negotiations which led to the publication of these two Bills. We were ably represented by our Chairman, hon. Mwai Kibaki, and we are part of that agreement. We believe there was a consensus on all the issues between the Ufungamano stakeholders and the Parliamentary Select Committee and these Bills are products of that agreement. So, having participated in those negotiations and reaching this agreement, we think it is a matter of honour and we cannot go back on what we have already agreed on. We are not the kind of people to take a lady to the altar in the church and say that "I do", and then in the next few minutes we say "I do not."

(Applause)

Even the Bible says: Your word should be aye for aye and nay for nay. The word of DP for these two Bills is "yes".

Mr. Temporary Deputy Speaker, Sir, having said that, I must say that we are not supporting the two Bills foolishly or blindly. We are part of the history of the negotiations of the constitutional review process in this country since the 1990s. We have gone through similar frustrations as the Attorney-General has gone through, having to come to the House four times to move the same Bills. I think I have, at least, on three occasions, also been here supporting those Bills. So, the frustration is mutually shared and the question we ask ourselves is: What has been frustrating us?

We think the main problem in this entire constitutional review business has been that there are some people who do not keep their word. There are some people who say this today, and then tomorrow they say that. This is our experience all the way from IPPG through Safari Park and we hope this will not happen again this time. This is because there appears to be a cycle where we are all excited and then somebody punctures the balloon. We hope this time there will be no puncturing of this balloon and this excitement is going to continue.

Mr. Temporary Deputy Speaker, Sir, there seems to be some fatal curse in the constitutional review process in this country. Those who have read the Greek classics know about the myth of Ciciphas(?). This man was so clever that he cheated death itself, but then he was condemned by the gods to the punishment of rolling a stone up the cliff. Every

time he gets near the top, somehow the stone escapes and rolls down to the bottom of the valley and for eternity Ciciphas was condemned to rolling up the stone and it rolls back down the valley. We have this feeling, that every day we are trying to push up the constitutional reform stone and when we think we have reached the top, it rolls down all the way back to the bottom. We are again near the top and we hope it will not roll down, back to the bottom any more.

Mr. Temporary Deputy Speaker, Sir, Raila Odinga is a man of great experience, especially in the recent past, and I have heard him talk of pythons. In my own analysis, it is these pythons which have been "eating" the constitutional reform process in this country. These pythons, who have immensely benefited from the oppressive and unjust constitutional structures, have been fighting tooth and nail to roll back the constitutional reform in this country. The constitutional reform process has been a victim of the pythons' power games. Pythons are not bothered about bad governance, lawlessness and insecurity, unprecedented poverty and suffering of our people in this country. These pythons are not even worried about popular discontent, unprecedented corruption and institutional decay. They have only one worry - themselves; their own personal survival.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the Nobel Prize Winner, Prof. Wole Soyinka, recently said that African leaders would rather set their own countries on fire than give up power. I believe the pythons would rather destroy this country than peacefully give up power. I think these pythons will never permit a truly people-driven constitutional review process in this country because it threatens their power. All the tricks that we are seeing around, say the media propaganda against Prof. Ghai; all this hype against DP; the campaign of lies and disinformation and some petty fogging amendments and legal cobwebs are all part and parcel of a broader strategy to block truly people-driven constitutional reforms in this country. However, I must say today that I am very happy that the days of the pythons are numbered.

(Applause)

The Assistant Minister for Information, Transport and Communications (Mr. Keah): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Murungi to refer to Kenyans as pythons because he can only be talking about Kenyans who are heartless? Who are these pythons?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Keah! That is not a point of order.

Continue, Mr. Murungi!

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir. I think I would like to announce here that we, Kenyans, have to move on with or without the pythons in this country.

(Applause)

We also have some people in this country, especially in the academia, who do not quite understand a constitutional review process. They have reduced this whole constitutional review process into an academic debate. It is a quarrel about grammar, commas and full stops. The constitutional reform process is a much more complicated exercise. It is not merely a question of grammar, academic pass-time and abstract armchair philosophy. We are dealing with real-life situations, and this has to be a process of give and take. It is a question of building confidence and trust in each other, however difficult the exercise is. It is also a question of building a national consensus of what kind of country do the Kenyans want to live in.

Mr. Temporary Deputy Speaker, Sir, it is not possible to have a comprehensive reform through permanent, cynical, pessimistic and negative critique. Similarly, we do not understand the anarchist celebration of chaos, doom and gloom in this country, and there are some quarters which seem to be celebrating when things do not seem to work, but they do not come up with any constructive views on how we can move forward. I do not want to use this forum to reply to such people because they are not here. We have seen some of them, like Apollo Njonjo, behaving like a small child who is trying to walk in the shoes of his father. As academics, some of them still suffer from a hangover which Lenin called infantile communism and the leftist disorder. We cannot expect to move forward with such a mentality and culture. We have to be more constructive. As the way forward, this country should not stretch its luck too far.

We seem to be living on borrowed time and Kenyans are getting disillusioned with all these funny games that we have been playing. They are disillusioned because they are living in extreme poverty and they are suffering. If we do not do something today, very soon they will express themselves in more violent and militant terms. This is the last chance we have for a peaceful transition in this country. If we do not stop fooling around this time and stop our cat-and-mouse games, constitutional change will come to this country, but not through the constitutional review process

that we have in mind. It will come through the barrel of the gun and a violent armed conflict. I believe this is not what we want, and I would like the "pythons" to consider that.

With regard to the Bills, we, in the Democratic Party--

The Assistant Minister for Environment and Natural Resources (Mr. Kimkung): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Hon. Members: Ahh! Sit down!

The Assistant Minister for Environment and Natural Resources (Mr. Kimkung): It is my right! Could the hon. Member tell us who these "pythons" are so that we are able to go and tell them what he wants us to tell them? We have to know them!

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Kimkung, if he has not mentioned you, why do you feel guilty about "pythons?"

Hon. Members: Yes! Why are you worried? Are you one of the pythons?

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir. I went to Alliance High School with hon. Kimkung and I know he knows what "pythons" are. Pythons do not understand human language. So, even if you try to talk to them, they will not understand you.

As the Democratic Party of Kenya, we have looked at and compared the 1997 Act, the 2000 Act and the 2001 Bill, and we have done an analysis which we will share with the House by tabling it. As hon. Raila said, a comparison of these three laws and draft laws clearly shows a progression. The Bill we have today is the highest stage in this progression. In terms of incorporating principles of people-driven comprehensive constitutional review process, this is the farthest we have gone. There is no need to go beyond this point. We now have adequate legal tools within which we can do that constitutional review process.

We are supporting the Bill, but we would like to do so with certain very minor amendments which do not affect the bargain between the two parties, and which we have discussed with the Chairman of the Parliamentary Select Committee at County Hall this morning and an agreement was reached with them. When they introduce it on the Floor, we shall also support them. Clause 2 of the Bill which contains the new long title clearly shows that the purpose of the Bill is to produce an Act of Parliament which will facilitate comprehensive review of the Constitution by the people of Kenya. Those who have been criticising us by saying that we are not supporting a comprehensive review process have not read this Bill. They have not read its objects and purposes. They are just saying that the DP is a liberal wing of KANU. They have not actually read the Bill, otherwise, they would have seen that we are supporting a Bill for a comprehensive constitutional review.

The principles which are set out in the Third Schedule also make this absolutely clear. They have had every opportunity to participate. If there was anything left out, there was the opportunity to include it. I think it is wrong for people to stay out of the building process, then once the house is complete, they come and say the foundation is wrong. You should be there when we are building the house so that we can build it together. We are also happy with the organs of the review which are the Commission, the constituency forum, the national constitutional conference, the referendum and the National Assembly. We believe that all these organs will make it possible for the maximum participation by the people of Kenya in both expressing their views and writing their own Constitution.

We had a discussion regarding at what point of this process should we have the referendum. There was expression of opinion that the referendum should come at the tail end of the process. We felt that if there will be contentious issues after the national conference they should come to Parliament first, and then we can proceed to the referendum. We thought that, that system is not appropriate. We would like to retain the referendum in the order in which it is in this Bill, where the referendum comes before Parliament. As we know, Parliament is the only institution in this country which has the finality in law-making. Some contentious issues will arise during the national conference. Issues like *majimbo* should not be taken lightly. We could go to the national conference and find very strong views being expressed on the issue of *majimbo*. When the draft comes back to Parliament, it is complete and under the Constitution we cannot even change a comma in a Constitutional Review Bill. Once the matters are resolved through a referendum, the Bill can be redrafted and brought to Parliament for final approval into law. I am happy that those of us who met at County Hall today agreed that the referendum should come before Parliament and not after Parliament.

There is also the question of the 12 commissioners, and we said we will give and take.

Mr. Temporary Deputy Speaker, Sir, it is not all of us who participated in the negotiations. Mr. Raila Odinga seems to speak with some authority on the Referendum as if those disputes can only be resolved through a Referendum. So, it might be good to refer them to the Referendum immediately after Dr. Mutava Musyimi and Dr. Oki Ooko Ombaka have given the assurance that only 10 Commissioners would come from Ufungamano Initiative and not 12.

Mr. Temporary Deputy Speaker, Sir, we come from the Ufungamano Initiative and we had our own negotiators, including Rev. Mutava Musyimi and Dr. Oki Ooko Ombaka. Nobody in Ufungamano Initiative has been told that our Commissioners will be 10 and not 12. Fortunately, that matter as to how many Commissioners should

come from where is not directly part of this Bill, because the Bill mentions that "not more than 27 Commissioners". So, to that extent we support the Bill. But when the time comes for us to appoint Commissioners, we shall then sit down again so that we can find out whether it is Mr. Raila who is telling the truth or it is Rev. Mutava Musyimi and his team who are telling us the truth. But we believe, with goodwill and interest in this country, it will also be possible for us to agree on that small number of Commissioners.

Mr. Temporary Deputy Speaker, Sir, we should not be divided. We have gone through this game of numbers before. During the whole of 1999 we were not doing anything else; we were talking about the number of Commissioners who should be selected by KANU or by the Opposition Parties. Please, let us not let this country down again by bogging ourselves down on a stupid game of numbers. We are supporting the Bill on the understanding that there will be 12 Commissioners from Ufungamano.

(Applause)

Mr. Temporary Deputy Speaker, Sir, Clause 11, with regard to the establishment of the Parliamentary Select Committee (PSC), states that the Constitutional Review Commission should comprise not more than 27 Commissioners. We have read this Section with interest because our view was that, the whole purpose of the Parliamentary Select Committee was to create the Commission by breaking the deadlock which we have and create the Constitutional Review Commission. After the passage of this Bill, we are hoping that a Commission is going to be put in place. The role of this Parliamentary Select Committee was not clear. But when Mr. Raila was talking here, he talked about events which might arise and he was foreseeing events which--

An hon. Member: You should refer to him as "hon. Raila" not just "Raila".

Mr. Murungi: He is my friend and we call each other by our first names. Okay, hon. Raila said that there might arise unforeseen situations and there might be need for a Committee of Parliament to consult on the way forward with regard to the constitutional review process. So, in principle, I must say that we are not against the Parliamentary Select Committee. When it is constituted, DP will take its position in it. But I would like us to look at the wording of that Section because it says: "The establishment of a Parliamentary Select Committee--"

There is no provision in the Bill saving the current Parliamentary Select Committee. So, it is going to be disbanded and then Parliament is going to constitute afresh a Parliamentary Select Committee.

(Applause)

It is in this new Committee that Democratic Party of Kenya will participate. We are going to form the Parliamentary Select Committee in accordance with the Standing Orders of this House. The rules for forming Committees are well known. So, we support the establishment of a Parliamentary Select Committee in accordance with the Standing Orders of this House.

Mr. Temporary Deputy Speaker, Sir, the other issue, which is not directly in this Bill, is the question of entrenchment of the Bill, which we are going to pass into the Constitution itself. Of late, Parliament has been greatly frustrated. When we tried to form the District Roads Committees to ensure that the roads resources are equitably distributed in this country by making sure that Members of Parliament are also members of District Roads Committees, we were frustrated after one person went to court to prevent the formation of such Committees. We were frustrated when one person went to court and Section 17 of the Kenya Roads Board Act was declared unconstitutional. We were similarly frustrated when the Kenya Anti-Corruption Authority (KACA) was declared unconstitutional. I think every time we pass some laws here, we should have one eye looking at the court because what we have seen is that the court can nullify the effort of 224 Members of Parliament by just a single stroke of the pen.

Hon. Members: Shame! Shame!

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, that is why we think it is important to entrench the Commission that we are creating, the Constitutional Review Commission of Kenya, into the Constitution.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we are doing that because we do not want, after this Commission has worked for 23 months, in September, 2002, somebody to go to court and say that, that work was useless because the Commission was unconstitutional, and find a judge in a mood to declare it unconstitutional irrespective of what the law says. So, I urge all my colleagues on both sides of the House to support the effort to entrench this Bill in the Constitution, if we are serious about the Constitutional Review Process this time.

Lastly, I would like to thank the hon. Members in this House for the mood in the House today. Sometimes we

are too focused on ourselves, and Kenyans have been asking: How come, when we are increasing our salaries, we are always voting together? How come, when we are increasing our allowances, there is no person who is dissenting and abstaining?

Mr. Temporary Deputy Speaker, Sir, as we work together to promote our interest, I think we should also work together to promote the interest of this country by supporting this Bill.

(Applause)

Thank you very much, and with those few remarks, I beg to support.

**MOTION FOR THE ADJOURNMENT
UNDER STANDING ORDER NO.18(1)**

UNSATISFACTORY REPLY TO QUESTION:
WITHDRAWAL OF MONEY FROM GUSII SACCO

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, hon. Members! It is now 6.30 p.m. and as you are aware, there is notice of Motion for the Adjournment at the end of normal sitting day pursuant to Standing Order No.18(1). So, I would like to ask the Minister who is moving the Motion to proceed, to enable Mr. Anyona to raise his issues.

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Information, Transport and Communications (Mr. Mudavadi) seconded.

Mr. Anyona: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to commend hon. Murungi for being able to observe that the mood of the House is really as it should be when we are discussing important matters of this nation. This is one of such matters that arise from that kind of mood.

I stand to give a brief story of an issue that came up in this House as a Question to which the answer was not satisfactory. I would like to start by saying that clearly, the Minister, in his corporate status, because I do not want to personalise, was actually misled by his officials. Consequently, the Minister also ended up misleading the House.

My own belief is that the National Assembly of the Republic of Kenya should operate as such. I do not believe that our role as the Opposition is to under-cut, in a demeaning manner, our colleagues on the other side of the House and, indeed, the other side of the House has a responsibility to Kenyans to respond to issues that are raised by this side of the House on behalf of the people in a truthful manner as possible. In that sense, I think the House may have to consider in the future, when it is misled in this manner, whether or not we should not apply the sanctions that are provided for under Standing Order No.88, but that should be the exception rather than the general rule. We expect Ministers to be very thorough and firm with their Ministries and to make sure that the House is properly served.

Mr. Temporary Deputy Speaker, Sir, this is a clear case of fraud because members of this society did not consent to the withdrawal of the money. They did not even know of the withdrawal of the money.

The Temporary Deputy Speaker (Mr. Imanyara): Just on a matter of procedure, Mr. Anyona. For how long do you want to speak on this issue? This will enable me to give some guidelines on this debate. I propose to give you ten minutes and then the Minister should take five minutes to respond. Is that okay?

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, normally it takes ten minutes to move a Motion like this one. I would like to even take a shorter period so that hon. Members can contribute to this debate.

The Committee that was elected by the members did not know of the withdrawal of the money. At least, the Chairman and the Treasurer who are two of the signatories of the account did not know about it. Clearly, any withdrawal of money in those circumstances is fraud. The money was withdrawn through a conspiracy involving five committee members, including the Secretary Manager and the honorary Secretary. The conspiracy was hatched and carried out by the District Co-operative Officer (DCO). I want the Minister to listen to this. The conspiracy was hatched and executed by the District Co-operative Officer, the District Officer, Ligoma Division, where this matter occurred, the General Manager of Kisii Farmers Union, the Chairman of the Gusii Rural Sacco and the Secretary Manager. They conspired to have this money withdrawn.

On 26th February, 2001, the officers whom I have mentioned organised a coup against the Chairman and the Treasurer. The coup was carried out. The next day, on 27th February, 2001, the money was withdrawn with the authority of the DCO. Even if the officers were to receive an approval, when was it received for that withdrawal? On 28th February, 2001, the Chairman reported the matter to the DO and the DCO and nothing was done. It is in those circumstances that a special general meeting was called on 2nd March, 2001, to make a decision and it was decided

that, first, coffee would not be transported until this money had been traced, and secondly, the members would have to replace the members of the committee involved in the fraud. They then wrote a notice to the DCO, informing him of the intended general meeting. In the process, the DCO asked for transport and was given Kshs1,000 for his transport cost to the co-operative society's grounds. In the event, he did not turn up at the meeting although he had taken the money. It was then decided that there would be another meeting to regularise this matter. On 16th March, 2001, another meeting was convened. The DCO said that he was going to attend the meeting, but he did not and he still kept the money that he had been given by the farmers.

Mr. Temporary Deputy Speaker, Sir, it is at that point in time that the farmers sent the Chairman to come and tell me about the matter. He came here and told me, not about the money as such, but about the goings-on in the society. I filed a Question for an answer in this House. On 6th, the same people went and organised to transport the coffee. When the farmers heard about this, they raised an alarm and dug trenches around the societies' grounds. This is one of the fruits of the democratisation in the constituency; people should run their affairs in their own constituencies. I was not even there. They did the right thing without being violent. I spoke to the District Commissioner (DC) and he went there on 11th April, 2001, had a meeting and there was an agreement that there would be a meeting on 27th April, 2001, so that members could elect a new committee and sanction the transportation of their coffee. I would like the Minister to investigate where this money is because it is not true that workers have been paid. We want the Minister to investigate the role of the DCO, the DO, the Kisii Farmers Union and the Gusii Rural Sacco in this matter. What role did each one of them play? We want the Minister to discipline the DCO and the Secretary Manager, who were involved in this fraud.

In fact, we want them transferred because they have messed up a lot of things in this area. We also want the Office of the President to discipline and transfer the DO. He is notorious. He was in Kitutu Chache Division and messed up the coffee industry there, and the Minister is aware of this. Now, he has come to Kitutu Masaba Division, but unfortunately Kitutu Masaba Division is different from these other divisions. He cannot succeed. We want him to be removed from this division in order for us to operate properly.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to ask the Minister to ensure that fresh elections are held and that, the coffee is delivered and transported so that the farmers can realise the benefits of their sweat.

Mr. Temporary Deputy Speaker, Sir, to help the Minister, I would like to lay on the Table, two vouchers. I laid one voucher last time, showing the signatures. I have now got the normal one with the signatures. You will see that there is a difference. You can use that to prosecute those people.

(Mr. Anyona laid the voucher on the Table)

Mr. Temporary Deputy Speaker, Sir, I also want to lay on this Table, two sets of Minutes which tell the whole story. I was told that the Minister laid some minutes in this House, but I cannot find them! I do not know where they are! But those are fake minutes. These are the real minutes of the proceedings of the committee meetings that took place.

(Mr. Anyona laid the minutes on the Table)

Since I would like other Members to contribute because it is an important issue, I beg to move.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, in seconding this Motion, I want to make very brief comments. I do not know the story about Girango Coffee Farmers' Co-operative Society, but I want to ask fundamental questions which the Minister must address himself to! We all know that to be able to withdraw money belonging to either a co-operative society or a company, we have what we call mandate at the bank. Now, as hon. Anyona has said, if, indeed, the purported elections were held one or two days before, and the money was then withdrawn the following day, when was the mandate changed? That is because you must have the Minutes and certain documents so that the bank can change the mandate. We would like to know from the Minister how the mandate was changed, and who actually authorised the change of the signatories.

Mr. Temporary Deputy Speaker, Sir, a fundamental question which arises again is the *bona fide* officials of the society. As we know, when an election is held in a co-operative society, there are certain officials of the Ministry who are supposed to be present. There is supposed to be the necessary notification of the meeting, which should be advertised. Were all those procedures followed? Or are we being told that some people held a secret meeting, drafted minutes and used them to change the bank's mandate?

Mr. Temporary Deputy Speaker, Sir, when the issue was raised here by hon. Anyona, I personally asked the Minister to lay on the Table of this House the documents he purports to have been used to pay the workers. One of the reasons he gave to this House is that the money was used to pay workers. So, I would like the Minister to table all the

documents he is using to defend his case when he responds to the Motion. We do not want the Ministry or Parliament to be used to cover up the misuse of farmers' money.

Even in Nyabomite Co-operative Society, to which I belong, we have had officials who have embezzled farmers' money. We have requested the Ministry to look into the matter, it has auditors. As farmers, we neither have auditors nor money to hire private auditors. The Ministry is the one that has auditors. We would like the Minister to lay on the Table the documents he is using to defend this case, and provide auditors to audit those accounts. We do not want farmers' money to be misused in the way it has been misused in other societies. I would also like to inform the Minister that there are cases of this nature in other co-operative societies in that area, such as Nyabomite Co-operative Society, which I mentioned earlier.

Finally, we would like the role of the officials, whom hon. Anyona said have messed up the farmers, investigated. Those officials should not be allowed to "kill" the already dwindling coffee sector in that area. If anything, we should improve that sector. I am happy that the Minister who is going to respond to this debate is a son of that area. So, he actually knows the problems on the ground. The coffee and tea sub-sectors are our saviour. They are the sectors we depend on, and we would not like to "kill" them.

With those few remarks, I beg to support.

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, I would like to congratulate hon. Anyona for bringing this Motion. The issue raised in this Motion is a classic example of what is happening in the coffee industry.

There are some people who have arrogated themselves the power to loot farmers' money, especially in the coffee industry. A similar case was raised here this afternoon regarding Murata Farmers Co-operative Society and Mugama Farmers Union. The Minister tried to answer the questions raised on the two entities, but he did not do so satisfactorily. It is as if the case I am referring to is parallel to that raised in this Motion. It appears as if the two co-operative societies are related, and that those involved have planned to fleece farmers of their money.

If the Minister does not streamline the Co-operative Development Department in his Ministry, we will keep on bringing these issues to Parliament. While responding to the issues relating to Murata Farmers Co-operative Society and Mugama Farmers Union, the Minister said that the operations of the former have been going on in accordance with the law. I did not have a chance to ask him to clarify his reply then, but I would like to inform him that the particular co-operative society, which is now in problems in spite of having banked Kshs2 billion of coffee farmers' money, has not held elections for four years. The Minister should be aware of this fact. What happens to a sacco that does not hold annual general meetings? What does the Minister do? Is he aware that some co-operative societies are flouting their own constitutions? For example, you will find that a big sacco, with about 66 members and a lot of money, has only two signatories to the account; that is the chairman and the managing director. We know that the Managing Director is not a member of the society. So, the only member who is a signatory to the account is the chairman. Is the Minister satisfied that such a sacco should be allowed to operate with only one member being a signatory to withdraw any amount of money he wants? Recently, when that co-operative society opened an account in Kenya Commercial Bank (KCB), its chairman wanted to withdraw Kshs150 million from the Co-operative Bank and deposit it with the KCB without even the authority of members.

Mr. Temporary Deputy Speaker, Sir, we have problems across the country with regard to co-operative societies. I would like to appeal to the Minister, because I know he is capable of streamlining this industry, that he takes a keen interest in whatever is happening. Most of the problems started when the Ministry created two offices: The office of the Registrar of Societies and the office of the Commissioner of Co-operatives. Since these two offices came into operation, a lot of things, have gone haywire because the Registrar of Societies has his own way of doing things, which are in conflict with the Commissioner of Co-operatives. If the Minister does not streamline those two departments, we will continue having these problems. When farmers are aggrieved, sometimes they look for a solution to their problems in the office of Registrar of Societies or the office of the Commissioner of Co-operatives. There is a direct conflict.

Mr. Temporary Deputy Speaker, Sir, as long as the Co-operative Department is not streamlined by the Minister, we will continue having these problems. I would like to appeal to the Minister because the coffee industry has declined. Since we are talking about reviving it, he must be involved and know clearly which co-operative officers, especially the District Co-operative Officers, are fleecing farmers' money. He should not spare them. We are talking about retrenching people. Those officers have to be retrenched in order to save the coffee industry.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I want to contribute also to this Motion of Adjournment because I think it is a very important Motion since it affects the co-operative movement in this country. I want to thank hon. Anyona for drawing the attention of this House to something that he was dissatisfied with when the Minister replied to his Question.

My contribution will be on a general basis, and not necessary on the coffee industry, but on co-operative societies as a whole. This is because co-operative societies are major contributors to the Gross Domestic

Product (GDP) of this country. Therefore, it is an important economic sector that must really operate effectively. The co-operative movement is particularly very rural based where, perhaps, expertise and professionalism is lacking.

In my view, we need to say something about the co-operative movement. At this juncture, I would want to recognise the fact that the Minister or the Ministry is doing something in order to review the Co-operative Societies Act. I believe most of the problems come about simply because the law is deficient in some aspects. I would like to appeal to the Minister that in reviewing the Co-operative Societies Act, he should not only use legal officers and officials of the Ministry, but he should go round the countryside and take stock of what people feel about the co-operative movement. At one time, this was this biggest vibrant economic unit in the country and it was probably contributing about 40 per cent of the GDP. But somehow, over the years, it has tended to go down. We must rectify this situation. Additionally, I would call upon Kenyans to have moral integrity and make sure that they perform their duties with integrity. They should respect the funds entrusted upon them by the community, and embezzlement of funds should totally be gotten rid of in our society.

Mr. Temporary Deputy Speaker, Sir, it is painful to note that people save their hard-earned money through the co-operative movement only to be embezzled by others. That is wrong. As the Minister reviews this Act, he should ensure that this review is all-inclusive and all the loopholes should be sealed. For purposes of audit, for me, I would go for private auditors rather than leave it to the Ministry's auditors because private auditors are qualified.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): The remaining time is for the Minister to respond.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Khaniri): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to respond to this Motion for the Adjournment. Just before I do that, I would like to take this opportunity to thank all those Members who have contributed to this particular Motion.

Mr. Temporary Deputy Speaker, Sir, at the very onset, I wish to confirm and maintain that the answer I gave to this House on Wednesday, 18th April, 2001, was factually and materially correct. I just want to assure this House that I have handled this matter with the importance it deserves.

The Temporary Deputy Speaker (Mr. Imanyara): Order! You cannot say that. The Deputy Speaker gave authority for this Motion to be brought because he ordered that the answer was unsatisfactory. Your burden now is to give a satisfactory answer.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I just want to assure this House that, I handled that matter with the importance that it deserved.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought that the Assistant Minister, having answered the Question in its original form, as hon. Wamalwa would put it, "why grill the monkey when the organ grinder is just seated next to him?"

(Laughter)

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Obwocha!

Proceed, Mr. Khaniri.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I will ignore that.

I was saying that I have handled that matter with the importance that it deserves because I know that it touches on the finances and property of farmers, and it is my duty in the Ministry is to protect and defend them.

Mr. Temporary Deputy Speaker, Sir, when hon. Anyona raised that matter on Friday, I sent a senior officer on the same day to gather the facts, and I have come with the facts to defend my answer. Regarding the issue that hon. Anyona raised - about the authority of the officials to withdraw money - I want to state that the signatories who signed on the withdrawal voucher are those who are recognised by my Ministry as the *bona fide* officials of that particular Sacco.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to tell the Assistant Minister, by the way, that our people are very angry. I want hon. Obure to listen; that our people are very angry---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Anyona! If you let the time run away---

Mr. Anyona: Yes, Mr. Temporary Deputy Speaker, Sir. The point is this: When the farmers heard that issue on the radio, they sent their chairman to me. They brought two sets of signatures to prove it, but the Assistant Minister wants to

maintain that, that is correct. That is misleading the House. Secondly---

The Temporary Deputy Speaker (Mr. Imanyara): Order!

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, he is referring to documents. Mr. Khaniri, already, the position is that a document was prepared and given to your officer. It was prepared somewhere else, but not in the office. That is what he is going to produce here.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I just want to assure the House that I have verified the signatures that were used to withdraw that money, and they are the right signatures of the *bona fide* officials of that particular Sacco. As the Assistant Minister---

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

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! There is no time. Proceed, Mr. Khaniri!

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, as the Assistant Minister, I have carried out my investigations, and I have evidence that the money that was withdrawn was used for the intended purposes.

Mr. Temporary Deputy Speaker, Sir, because of time limit, I will lay on the Table the master roll, which shows that the employees were paid, the receipt from the National Social Security Fund where they deposited the contributions from the employees, and other relevant documents and receipts to support that position.

(Mr. Khaniri laid the documents on the Table)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! On that note, we come to the end of our proceedings for today. It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday 25th April, 2001, at 9.00 a.m.

The House rose at 7.00 p.m.