

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th June, 2002

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.181

FUNDING OF ARID ENVIRONMENTS TRUST

Mr. Obwocha asked the Minister of State, Office of the President what led to the cessation of funding of the Rehabilitation of Arid Environments Trust by the Royal Netherlands Embassy, in 1993/94, for its activities in Baringo and other areas; and what agreement was reached in funding the facilities left behind by the Embassy.

Mr. Deputy Speaker: Is there anyone from the Office of the President here? We will come back to that Question later.

Next Question!

Question No.249

DESTRUCTION OF CROPS BY HIPPOPOTAMI

Mr. Deputy Speaker: Dr. Oburu is out of the country, so that Question will be deferred.

(Question deferred)

Question No.254

PAYMENT OF INTEREST TO TB HOLDERS

Is Mr. Kihoro not here? We will come back to that Question later.

Next Question!

Mr. Anyona: Mr. Deputy Speaker, Sir, I have not received a copy of the written answer.

Question No.184

REHABILITATION OF KISII HIGH SCHOOL BUILDINGS

Mr. Anyona asked the Minister for Education:-

- (a) whether he is aware that Kisii High School buildings are in a dilapidated state since the demolition of the tuition block in 1982,
- (b) what happened to the Kshs42 million that was raised at a Presidential *Harambee* in June, 1984, for the rehabilitation of the school, and;
- (c) if he could institute investigations into the manner in which the money was utilised and also ensure the rehabilitation and completion of the stalled buildings.

The Minister for Education (Mr. Kosgey): Mr. Deputy Speaker, I thought we had sent the answer to Parliament, but we will supply it.

However, I beg to reply.

(a) I am not aware that Kisii High School has been in a dilapidated state since the demolition of the tuition block in 1982. Ten classrooms have been constructed on the ground floor of the ground on which this block stood and are in use. There are six on the first floor while the administration block is nearing completion.

(b) The *Harambee* that was presided over by His Excellency the President took place in 1986 and raised Kshs3.6 million which has been used in laying the foundation of the storey building.

(c) The investigations into the manner in which the money was utilised were carried out by the Efficiency Monitoring Unit in 1998 and they did not find anything wrong. The Kshs42 million which was raised by His Excellency the President in 1984 was for all the primary schools in the whole district, which at that time comprised of the present Kisii, Nyamira and Gucha Districts. This has nothing to do with Kisii High School.

Mr. Anyona: Mr. Deputy Speaker, Sir, I can understand why the answer was withheld because obviously they know it cannot stand scrutiny. In all honesty and truth there has never been a Presidential *Harambee* held for all primary schools in Kisii, Gucha and Nyamira. This was specifically meant for Kisii High School. The Minister is talking about a report made in 1998. Where is this report? Could the Minister table a current report of the audit investigations of how those funds were used and not the one for 1998?

Mr. Kosgey: Mr. Deputy Speaker, Sir, this *Harambee* which was conducted in 1984, that raised Kshs42 million was meant for primary schools in the wider Kisii District at that time which has now been split into three districts. In 1986, another *Harambee* was conducted where Kshs3.6 million was raised for Kisii High School. There was also another *Harambee* in 1999, where Kshs3.3 million was raised for Kisii High School. There have been quite a few *Harambees*, but we must delink the *Harambee* conducted in 1984 which was meant for primary schools in Kisii from the other ones which were conducted for Kisii High School. I can avail the audit report which was conducted by the Efficiency Monitoring Unit in 1998.

Mr. Obwocha: Mr. Deputy Speaker, Sir, this is my former school. I actually attended this *Harambee* in 1986 and it is true that we raised Kshs3.6 million. This money was not used immediately and those buildings that they started constructing have stayed for many years without completion until we conducted the *Harambee* in 1999. There was a request from the school to the Ministry to subsidise the completion of the building. What happened to this request? Could the Minister consider giving some money to this school to complete those buildings that have remained for a long time without completion?

Mr. Anyona: Mr. Deputy Speaker, Sir, there may have been many *Harambees* conducted, but my question is about the Presidential *Harambee* in 1984. Please, do not hijack the issue!

Mr. Kosgey: Mr. Deputy Speaker, Sir, let me deal with Mr. Obwocha's question first. I am not in a position to know how much money is required to complete the present block which in any case is in use. There may be a few things still to be done, but I can promise to make a token contribution in appreciation of the efforts made by the people of Kisii in building that magnificent block. Two *Harambees* have already been conducted specifically for that school. On the issue of the Kshs42 million raised during the 1984 *Harambee* I insist that this amount was meant for all the primary schools in Kisii, Nyamira and Gucha Districts.

Mr. Muchiri: Mr. Deputy Speaker, Sir, could the Minister table documents indicating how the Kshs42 million was distributed to all the primary schools in the larger Kisii District?

Mr. Kosgey: Mr. Deputy Speaker, Sir, this was in 1984. You will reckon that it is almost running into 20 years since this *Harambee* was conducted. However, I think we can go into the record of the details and come up with how the money was utilised in all the schools. The larger Kisii has close to almost 1,000 primary and secondary schools, a very large number as well.

Mr. Maitha: Mr. Deputy Speaker, Sir, now, you can see how the public of Kenya are being swindled their money through *Harambees*. As you have seen, and as it is evident, the Minister cannot even explain how Kshs42 million raised for the whole of Kisii Primary Schools was utilised. Could he now come up with a full report of all the *Harambees* raised in schools in the whole country and how they were utilised? This is because he is in charge of that Ministry. Could he be asked by this House to come up with a report of all *Harambees* because *Harambee* money is voluntary and the public would like to see how it is being spent? **Mr. Kosgey:** Mr. Deputy Speaker, Sir, the money for *Harambee* has not been subject to audit. However, realising that a lot of that money is being misused, we have recently instituted an audit system that covers primary and secondary schools. Our department is a small one and does not cover or is not in a position to cover the whole country. So, we will do random audit from time to time and we will also authorise the Board of Governors (BOGs) to engage private auditors. But that will be something that we have to start.

However, regarding the question of the Kshs42 million which I know is a subject matter of this Question, I repeat that, that was meant for all primary schools. I also say that the Efficiency Monitoring Unit (EMU), Office of the President, did conduct investigations in 1988 and, as I said, they did not find anything wrong, and I can avail this

report.

Mr. Deputy Speaker: Order! But, Mr. Minister, surely, my contribution to a Harambee may be voluntary, but once I give it for a public purpose, it must be properly accounted for. I mean donor money comes into the country, and you do not care whether it is audited or not?

Mr. Kosgey: Mr. Deputy Speaker, Sir, I said that the Harambee money has not been subject to audit, particularly in primary schools in the past. Regarding secondary schools' audit, because of the large number of secondary schools and the small staff that we have in the Audit Department, the auditors are a little behind but they have been going on. With effect from this coming financial year, we will do auditing of all primary schools on a sample basis. In future, we will request or authorise the committees and BOGs to engage private auditors. We do realise that money given in a Harambee is a very important contribution by wananchi and their money ought to be properly utilised.

Mr. Anyona: Mr. Deputy Speaker, Sir, really, this is most amazing. Maybe, I will go back a little. In 1984, personally I was in detention in Shimo La Tewa. I got to know about this Harambee. In 1984, Mr. Nyachae became the Chief Secretary. He is an old boy of Kisii High School. This Harambee was held in honour of--- And the school was started by his father. The Harambee was held on the grounds of Kisii High School. I would like to seek the indulgence of hon. Dr. Omamo who was in that meeting so that he could confirm that this is correct and that the Harambee was not for all primary and secondary schools in Kisii. It was for Kisii High School alone. In view of that information, could the Minister now produce the full details of the Harambee? This is because there must be a record of how much money was raised and how much money each school got. Could he do that? If not, I will beg that this Question be deferred until we get the proper answer.

Mr. Kosgey: Mr. Deputy Speaker, Sir, before I go into those details, I would like to inform Mr. Anyona that I actually attended this Harambee while he was in Shimo La Tewa Prison. So, I am more informed than him on that matter. I was there!

Mr. Deputy Speaker: Order! But, Mr. Minister, you can provide the information that they are seeking without necessarily deferring this Question. Would you undertake to do that, if the records were available?

Mr. Kosgey: Mr. Deputy Speaker, Sir, I said that I can dig into the records and provide how the Kshs42 million was utilised. I have also said that I will provide the audit report of the EMU which was conducted in 1998.

Mr. Obwocha: Mr. Deputy Speaker, Sir, the truth of the matter is that Kshs42 million was raised for primary schools in Kisii. But the authorities in primary schools went and valued buildings and quoted what they have. We want to know how this money was distributed---

Mr. Deputy Speaker: Order, Mr. Obwocha! What is your point?

Mr. Obwocha: Mr. Deputy Speaker, Sir, my point of order is: Could the Minister tell this House about the Kshs42 million---

Mr. Deputy Speaker: Order! He has already undertaken to do that!

Mr. Anyona: Mr. Deputy Speaker, Sir, could the Minister explain when he is going to bring those figures, not just imaginary figures? We want him to produce the names of schools and how much money they got from the three districts. But could he explain why that school is still a "ghost and an eyesore" on the main road?

Mr. Kosgey: Mr. Deputy Speaker, Sir, I can provide this information in about two weeks' time. But there is about Kshs8 million that has been raised specifically for Kisii High School, for the building of the tuition block. That money went into building that tuition block and administration block. I admit that it is not fully complete, but it is a nice building. It may look like an eyesore because it is not complete. But I have said that we will chip in. I have also asked Mr. Anyona and other old boys of the school to---

Mr. Anyona: I am not an old boy of that school!

Mr. Kosgey: But you are a resident of that area!

Mr. Deputy Speaker: Order!

Mr. Kosgey: Mr. Deputy Speaker, Sir, I would request Mr. Anyona and other old boys to participate also in completing this magnificent building.

Mr. Deputy Speaker: Mr. Minister, in two weeks' time?

Mr. Kosgey: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Okay. Next Question, Dr. Kituyi!

Question No.258

SUPPLY OF TEXTBOOKS TO SCHOOLS IN TONGAREN

Mr. Deputy Speaker: Dr. Kituyi is also out of the country on an official business. So, his Question is deferred.

(Question deferred)

Question No.138

RECONSTRUCTION OF WIGWA BRIDGE

Mr. Sungu asked the Minister for Roads and Public Works:-

- (a) whether he is aware that the contractor assigned to reconstruct Wigwa Bridge on Road C85 (Kisumu - Dunga Beach) in the year 2001, is about to abandon the project without completing it;
- (b) what the contract sum for the project was and how much money has been certified/or paid to date; and,
- (c) when this project will be completed.

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

- (a) I am not aware that there was a contractor assigned to construct the flood damaged Wigwa Bridge on Road C85 - (Kisumu - Dunga Beach) in the year 2001 and is about to abandon the project without completing it.
- (b) There was no contract awarded for this project by my Ministry, hence no money has been certified or paid to date.
- (c) There was no bridge contract, hence no completion date.

Mr. Sungu: Mr. Deputy Speaker, Sir, I am shocked to hear that the Government used about Kshs9 million to gravel three kilometres of road up to Dunga Beach. That is too exorbitant because the Assistant Minister has told us that the said amount did not include the cost of the bridge. What is a road without a bridge? It is going to be useless if there is no bridge on it! How could he exclude the cost of the bridge? Could he explain that?

Mr. Mokku: Mr. Deputy Speaker, Sir, it is true that the Government has awarded Kshs9.72 million to gravel the 5.6 kilometres of Road C85. By the time this contract was awarded, the bridge was intact. So, the contract did not include the bridge. But when the contractor was already on site, the bridge collapsed and there was an understanding between the Government and the contractor that something temporary be done, so that the public and the contractor could use the road. The contractor, therefore, used Kshs700,000 to put up a temporary bridge. So, it is true that Kshs9.72 million was spent on that road, but it did not include the bridge.

Mr. Mbela: Mr. Deputy Speaker, Sir, according to the figures given by hon. Sungu, it appears that over Kshs3 million was spent on every kilometre in gravelling the road. Is that not exorbitant by any standards?

Mr. Mokku: Mr. Deputy Speaker, Sir, it depends on the terrain and other logistics involved. So, it is true that the money was spent but it is not exorbitant as the hon. Member puts it.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that gravelling costs depend on the terrain when this is an already existing road? They are not shaping the terrain because the road is already existing. Terrain is a factor when it comes to the construction of a new road but not an old one!

Mr. Mokku: Mr. Deputy Speaker, Sir, I am not misleading the House. It is true that terrain is a factor when it comes to the construction of a new road. But being aware of the *El Nino* phenomenon that affected this country, the murrum on that road had been washed away by the time the contractor came on site.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, now that the Assistant Minister has accepted that there was an agreement with the contractor on site to rehabilitate the bridge which had collapsed, how much money has been set aside to construct that bridge?

Mr. Mokku: Mr. Deputy Speaker, Sir, if I may revisit the point raised by hon. Sambu, the road which was gravelled is actually 5.6 kilometres long but not three kilometres. On the issue raised by Mr. Mwakiringo, I had said earlier on that Kshs700,000 was used by the contractor to put up a temporary bridge. But in April, 2001, the Ministry set aside Kshs500,000 for the construction of a bridge on that road, by the Provincial Bridge Unit. But this amount is not enough to complete the construction of the bridge. In January, 2002, another Kshs1 million was set aside for the same work which is now on-going. The permanent bridge is estimated to cost Kshs2.5 million.

Mr. Sungu: Mr. Deputy Speaker, Sir, with a paltry Kshs3 million per constituency, we have done a lot more than the Ministry is doing with Kshs9.8 million that was allocated to this short stretch of road. This bridge is impassable. Could you confirm to the House that this bridge will be completed this financial year? How did you do this

without consulting the District Roads Committee, of which the Chair is the Chairman in Kisumu?

Mr. Mokku: Mr. Deputy Speaker, Sir, I would like to request the hon. Member to involve himself actively in the affairs of the Kisumu District Roads Committee. I have stated that we have already spent Kshs500,000 and Kshs1 million respectively, on that bridge. By the time we will be allocating the remaining Kshs1 million, I wish to assure the hon. Member that the bridge will have been completed.

Mr. Sungu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House? I have attended every meeting of the District Committee chaired by the Deputy Speaker himself. I have never seen this particular contract being discussed there. Could he tell us where he made the decision?

Mr. Mokku: Mr. Deputy Speaker, Sir, I did not say that the contract was awarded at the District Roads Committee level. This project is being undertaken by the Provincial Bridge Unit. Since this bridge is situated in the hon. Member's constituency, he has the right to supervise the progress of that project!

Mr. Maitha: On a point of order, Mr.

[**Mr. Maitha**]

Deputy Speaker, Sir. Hon. Sungu has been talking about the "Chair in the Chair." Could we have a clarification on that? What does he mean by "the Chair on the Chair"? The Chair has no constituency!

Mr. Deputy Speaker: Order, Mr. Maitha! That is simple English. If you cannot follow it, I cannot help you!

Question No.233

PRIVATIZATION OF BISHOPS ROAD BY ISRAELI EMBASSY

Mr. Deputy Speaker: Mr. Muite is not here? We will come back to the Question later.
Next Question, Mr. Maitha!

Question No.156

ALLOCATION OF PLOTS IN TEZO/ROKA SCHEME

Mr. Maitha asked the Minister for Lands and Settlement:-

(a) whether he could table the list of the original allottees of the following plots in Zowerani Sub-location, Tezo/Roka Settlement as follows:-

Plot: 13, 14, 15, 16, 17, 34, 38, 39, 41, 44, 45, 46, 47, 52, 72, 75, 77, 78, 0.19, 0.34, 79, 80, 85, 86, 88, 89, 105, 107, 108, 109, 110, 111, 927, 903, 882, 883, 876, 901, 905, 904, 880, 906, 933, 934, 935, 931, 932, 92, 113, 41, 114, 115, 145, 116, 84, 194, 124/B, 123/B, 144, 139, 138, 939, 902, 283/B, 73, 55, 315/B, 173/B, 143/B, 174/B; and,

(b) whether he could explain why he has not issued ownership documents for the plots.

The Assistant Minister for Lands and Settlement (Mr. Tarar): Mr. Deputy Speaker, Sir, I beg to seek the indulgence of the House that I be given more time to get the answer to this Question.

Mr. Deputy Speaker: How much time do you want?

The Assistant Minister for Lands and Settlement (Mr. Tarar): Mr. Deputy Speaker, Sir, I require two weeks.

Mr. Deputy Speaker: Mr. Tarar, this Question has been with you for at least, three months! If you could not find this information in three months, then you should give me reason as to why you think you can find it within two weeks!

The Assistant Minister for Lands and Settlement (Mr. Tarar): Mr. Deputy Speaker, Sir, it is true that this Question has been there for the last three months but I have been pushing my people on the ground and they have assured me that they will provide that answer in two weeks' time.

Mr. Deputy Speaker: Are you comfortable with that, Mr. Maitha?

Mr. Maitha: Mr. Deputy Speaker, Sir, we do work closely with the Assistant Minister and he has persuaded me that he is going to get that answer. So, I accept the two weeks. But if he does not bring the answer, I will go ahead and table the names of those allottees.

Mr. Deputy Speaker: Order, hon. Maitha! Our Standing Orders state that if you have an answer to your Question, do not ask it. Well, I will give the Assistant Minister two weeks as he has requested. But be careful.

(Question deferred)

Question No.181

FUNDING OF ARID ENVIRONMENTS TRUST

Mr. Imanyara, on behalf of **Mr. Obwocha**, asked the Minister of State, Office of the President what led to the cessation of funding of the Rehabilitation of Arid Environments Trust by the Royal Netherlands Embassy, in 1993/94, for its activities in Baringo and other areas; and what agreement was reached in funding the facilities left behind by the Embassy.

Mr. Deputy Speaker: Is there anyone here from the Office of the President here? Well, I will have no choice but to defer the Question. A message should be sent to the Office of the President to make sure that there will be somebody to answer the Question when it comes up again next week.

Mr. Maitha: On a point of order, Mr. Deputy Speaker, Sir. The Leader of Government Business is in the House!

Mr. Deputy Speaker: Order, Mr. Maitha! There is a lot of difference between you and the Leader of Government Business. You cannot purport to speak for the Government. I will defer the Question to next week.

(Question deferred)

Mr. Deputy Speaker: Mr. Kihoro's Question for the second time.

Question No.254

PAYMENT OF INTEREST TO TB HOLDERS

Mr. Deputy Speaker: He is not here! The Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Mr. Muite's Question for the second time.

Question No.233

PRIVATIZATION OF BISHOPS ROAD BY ISRAELI EMBASSY

Mr. Deputy Speaker: He is not here! The Question is dropped

The Assistant Minister for Local Government (Mr. Kiangoi): Mr. Deputy Speaker, Sir, I just want to report that I am present as the Ministry's representative.

Mr. Deputy Speaker: You were not present when the Question was asked. The Question is dropped!

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

ARREST OF MESSRS. KAMAU AND KAGWANJA

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

(a) Why were Messrs Peter Kamau Wangari and Moses Kagwanja detained at Kiriani, Murang'a, Gigiri and Kasarani police stations from 30th March to 23rd April, 2002?

(b) Why were they not charged within the stipulated time after their arrest?

(c) When were they charged?

Mr. Deputy Speaker: Is there anyone here from the Office of the President? Mr. Muchiri, I am afraid I will have to defer this Question to next week.

Mr. Muchiri: Mr. Deputy Speaker, to which day have you deferred the Question?

Mr. Deputy Speaker: I have deferred the Question to Tuesday next week.

(Question deferred)

INCREASE OF ARMED ROBBERIES IN MARMANET

(Mr. Mbitiru) to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that

on 12th April, 2002, armed gangsters terrorised villagers in Marmanet, shot two people dead, raped several women, and stole goods worth thousands of shillings?

(b) Could he confirm that over the last two years, at least twenty lives have been lost in the area as a result of armed robberies?

(c) How many people have been apprehended for the atrocities meted out by thugs in the area?

Mr. Deputy Speaker: Is Mr. Mbitiru here?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, you know that sometimes I act for the hon. Member for Laikipia West. I have been requested by my fellow hon. Member to ask the Question on his behalf.

Mr. Deputy Speaker: Order, Mr. Kiunjuri! You have been here long enough to know that Questions by Private Notice are not transferrable. The Question is dropped.

(Question dropped)

REPAIR OF MOI HOSPITAL MORTUARY EQUIPMENT

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that coolers at Moi Hospital Mortuary at Voi are faulty and that dead bodies have to be transferred to Wesu Hospital in Wundanyi, 28 kilometres away?

(b) What action is he taking to ensure that the mortuary equipment is in working condition?

Mr. Deputy Speaker: Is the Minister for Medical Services here?

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. Today is only the second day since the House resumed from recess. Is this going to be the trend of attendance on both sides of the House, especially during this serious Budget season? Could a word go out from the Chair that hon. Members and the Ministers must take the business of the House seriously? This is really not good enough!

The Office of the President has not answered Questions this morning, yet it is in charge of the Government. I know that the Vice-President and Minister for Home Affairs is here but he will not be crucified for acts of other people.

The Vice-President and Minister for Home Affairs (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. Looking at both sides of the House, I suppose that many hon. Members may very well be under the spell of recession syndrome and, hopefully, tomorrow the spark will be there because of the Budget Speech. So, we hope that they will all be present. In fact, they should be here this afternoon too.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir, now that the Leader of Government Business has spoken, you will recall that during the last sitting of this House, he assured this House that he would give a Ministerial Statement on what action would be taken against Ministers who fail to come to the House to answer Questions. I remember that, on two occasions, you reminded him about this assurance. Maybe, he can tell us when he will issue that Ministerial Statement as the Leader of Government Business. There was an undertaking by him in this House to do so.

The Vice-President and Minister for Home Affairs (Prof. Saitoti): Mr. Deputy Speaker, Sir, I am not in a position to comment on that issue because I will need to refresh my memory by reading the relevant copy of the HANSARD. I do not remember having given an undertaking that I would come and issue a Ministerial Statement on the action to be taken against Ministers who do not turn up to answer Questions. If anything, I said that I would follow up the matter within the Government.

Mr. Deputy Speaker: Hon. Members, quite frankly, I cannot understand what the problem is because the Chair has spoken on many occasions on the need for hon. Members to take their work in this House seriously. When an hon. Member fails to turn up to ask his Question, that Question is dropped. When a Minister fails to turn up to

answer a Question, that Question is deferred. I do not run the Government, but I must say this: In a Ministry where there is one, two or three Ministers, and three Assistant Ministers, there should be no reason whatsoever for it not to be represented in this House at any particular time. Unfortunately, the rules do not allow me, but if they did, I would bar those Ministers from ever speaking in the House again.

So, Mr. Vice-President and the Leader of Government Business, could you please convey the frustrations of the House due to Questions going unanswered, particularly when it is only the second day of the new sitting?

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir, I apologise because I came to your Chambers to seek your indulgence to allow me to seek a Ministerial Statement, but you were busy preparing.

Mr. Deputy Speaker: I was late in coming. Please, finish making your request.

Mr. Anyona: Mr. Deputy Speaker, Sir, I have not been able to communicate with you yet. So, I do not know whether you could allow me to seek a Ministerial Statement.

Mr. Deputy Speaker: Yes, do it quickly.

Mr. Mwakiringo: On a point of order, Mr. Deputy Speaker, Sir. You have not ruled on my Question by Private Notice.

Mr. Deputy Speaker: I will defer the Question to Tuesday next week.

(Question deferred)

POINT OF ORDER

DISSOLUTION OF KFF

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. You are one of what people might call "eminences" in this country, East Africa and in Africa when it comes to matters of soccer. You have done this country very proud, both by participating in soccer and managing it for many years. So, I believe that this is a matter that would be very close to your heart; maybe even more close to your heart than to the hearts of most people.

On Wednesday, 17th April, 2002, in the afternoon sitting, there was a Question by Private Notice, seeking from the Minister for Heritage and Sports, the dissolution of the Kenya Football Federation (KFF) for corruption, fraud and mismanagement. The Question also demanded that the Minister table two reports, namely, the audit report and another report by KFF itself. Apparently there were some investigations by the Anti-Corruption Police Unit.

The feeling of the House then was that dissolution of the KFF should have taken place long before. But the Minister said that he did not want to do that until he had gone through the recommendations in the reports, which we thought was a very sensible approach. But the House demanded that sooner rather than later, the Minister should digest the recommendations of these reports, and come up with a decision. The House asked for the dissolution of KFF because soccer is in complete chaos in this country.

Subsequently, there was a Ministerial Statement to the effect that the KFF Chairman, and also the Chairman of the Kenya Cricket Association (KCA), had been suspended from office and caretaker Committees set up in their place. There has been some wrangling and disputes about this particular issue. The House and the country would like to have a candid Ministerial Statement on this matter, particularly on three issues. Could the Minister, now that he has digested the recommendations of the reports and actually taken action on them, table those three reports? These reports are the audit report, the KFF probe report and, if it does not compromise investigations and plans to prosecute, the report from the Anti-Corruption Police Unit.

Two, could the Government undertake to prosecute people who will be found guilty of mismanagement, corruption and fraud; without fear or favour?

Three, could the Minister tell this House when he intends to hold elections of KFF and KCA in order to put cricket and football on a proper footing?

The Minister for Heritage and Sports (Mr. Nyenze): Mr. Deputy Speaker, Sir, I wish to respond to the issues raised by the hon. Member by saying the following:-

Mr. Deputy Speaker: Mr. Minister, are you responding by way of giving a Ministerial Statement or are you giving promises to give a Statement?

The Minister for Heritage and Sports (Mr. Nyenze): Mr. Deputy Speaker, Sir, let me make a general statement and then a Ministerial Statement will follow later. On the issues that have been raised, I wish to tell this House that soccer standards have fallen as the hon. Member has said and there is a lot of chaos.

Mr. Deputy Speaker: Order! Order, Mr. Minister! Just address the two issues that Mr. Anyona has raised! If you want to make a Ministerial Statement now, please go ahead and make it. If you are not ready, just give it, by way

of a preliminary response; what your thinking is and give us the date when you must bring that authoritative Ministerial Statement to the House.

The Minister for Heritage and Sports (Mr. Nyenze): Mr. Deputy Speaker, Sir, I will give a Ministerial Statement on Tuesday next week. But, I wanted to make a preliminary statement to the House so that hon. Members can know the current status of the issues raised.

With regard to the issues that have been raised by Mr. Anyona, it is true that soccer standards have fallen very badly in this country. As you have been reading through the media and other sources, Kenyans have every time been demanding for the dissolution of the KFF and the KCA because of mismanagement and the falling standards of both football and cricket games. I did order a probe on the advice of the Kenya National Sports Council, and we did get true reports which showed that there has been mismanagement of finances and, as a result, the money that is meant to develop the two sporting bodies; the athletes and so forth was not reaching the intended people because of corruption. I did take a step by dissolving both bodies on the basis of that report, but they went to court and I was ordered not to interfere with sports matters. Because Parliament had expressed their very strong desire to see these bodies dissolved--- According to me, I thought that Parliament was the supreme body.

Mr. Deputy Speaker, Sir, after giving these people all the chances to improve their house and to put everything in order, there was nothing doing and, therefore, I took very realistic steps. So, when I took that decision, unfortunately, I was barred from interfering with sports affairs, and up to now, I am at a loss because my hands are now tied by the court; when you can still see that there is corruption, malpractice, mismanagement going on in both soccer and cricket. I thought I had taken the right decisions for the well-being of soccer and cricket in this country.

Thank you.

Mr. Khamasi: Mr. Deputy Speaker, Sir, I was the one who actually raised the Question which Mr. Anyona referred to and I was very clear in it. Indeed, I was advising the Minister that FIFA will not allow national governments to interfere with football associations in any country. I had asked the Minister specifically to consult those bodies so that we can have a way forward in dealing with the people who are running football in this country. We have received reports that these people are corrupt; money has been stolen and they do not care about the game. So, I would like the Minister, when he will be issuing the Ministerial Statement on the issue, to indicate how he will resolve the problem of the court vis-a-vis what FIFA rules are on sports.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. Arising from the preliminary statement made by the Minister, is it in order for him to claim that his hands are tied, when we know that the decision of courts can be reviewed? We also have the Attorney-General who ought to have rushed to court the following day with an application to seek the discharge of that injunction. Why has the Government, through its legal advisor, not assisted the Minister to get that order discharged? Could the Minister also tell this House why there has been no prosecution when there has been evidence of a criminal offence? The prosecution does not depend on any reports from the committees of FIFA! The Attorney-General can issue instructions for prosecution! This issue should not depend on foreigners!

Mr. Deputy Speaker: Order, hon. Members! I think we are now debating! What you were asking for was a Ministerial Statement! If I were you, I would have tabled a Motion on this issue so that these issues can be discussed in full! I am involved in football, as hon. Anyona rightly pointed out. I have got a position and that is why I would like to participate in the debate so that my position can also be known. But for the time being, the Minister has been asked for a Ministerial Statement, so all those concerned, as hon. Members have expressed, I do hope the Minister will take them into account when preparing his statement which he has now undertaken to give on Tuesday next week.

Next Order!

MOTIONS

ESTABLISHMENT OF GUARANTEED COFFEE MINIMUM RETURN PAYMENT

THAT, in view of the Government's commitment to eradicate poverty; and noting that coffee was once the number one foreign exchange earner; aware that coffee production has deteriorated over the years due to farmers incurring high losses due to their inability to meet production costs; and further being cognizant of the fact that there is an urgent need to revive and sustain the coffee industry; this House urges the Government to establish a Guaranteed Coffee Minimum Return (GCMR) payment for every coffee produced and sold in the Coffee Exchange.

Mr. Deputy Speaker: Eng. Toro not here! The Motion is deferred!

(Motion deferred)

Next Order!

INTRODUCTION OF POLITICAL PARTIES FUND BILL

THAT, in view of the need to enhance multiparty democracy in this country; and realizing that most political parties are faced with serious organizational, management and financial crisis, this House do grant leave to introduce a Bill for an Act of Parliament entitled The Political Parties Fund Bill to provide for public funding of Parliamentary Political Parties.

Mr. Deputy Speaker: Mr. Muskari Kombo not here! The Motion is deferred.

(Motion deferred)

Next Order!

BILL TO PROVIDE FOR INCREASE OF CONSTITUENCIES

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled The Constitution of Kenya (Amendment) Bill to amend sub-sections 2 and 4 of Section 42 in order to increase the number of constituencies and also to reduce the period for review of the constituency boundaries respectively.

The period for review of constituency boundaries is normally ten years, according to the Constitution. The last review of boundaries was done less than ten years ago. The purpose of this Motion is to request the House to grant leave so that the period can be shortened or to introduce a Bill whose effect would be to shorten that period.

Mr. Deputy Speaker, Sir, the problem we have had in this country is that the number of people in constituencies vary from one region to the other. In other words, there is no border equity.

Mr. Deputy Speaker, Sir, you will find that some constituencies have as many as over 100,000 voters, while others have as few as 5,000 voters, and yet the weight attached to representation of those constituencies is the same. You will also find that where there are more than 100,000 people who are registered as voters in a particular constituency, and in another constituency the number of registered voters is 10,000 many of those people are not treated in the same manner. When they have a single Member in the House speaking on their behalf, those people are definitely under-represented, if we were to look at scientific or mathematical logic. So, this Motion is very important and it will give voters and the Kenyan population what we call "political justice".

You will find that a constituency where the registered number of voters is 7,000, it is allocated the same Kshs5 million for roads that is allocated to a constituency that has 200,000 or 300,000 voters. So, if the consideration is population, then this Motion is timely especially, when we are debating reforms in all sectors. This is a Motion that this House should debate now.

Another aspect which should be considered is the manner in which the boundaries are drawn. Those people who drew the boundaries in the past gerrymandered and considered factors other than human population, and you will find that there is need to harmonise this. I will give you an example. If you go to the former Kisumu District, you will find that half of Nyando Constituency is in this district and the other half resides in Nyando District. In fact, I wonder which District Development Committee (DDC) the Member of Parliament of that constituency attends. So, there is need to harmonise the boundaries with the existing administrative regions.

You will also find that these boundaries have also occasioned difficulty in terms of traversing the constituency; moving from point "A" to point "B" in order to reach wananchi and mobilise them to fight their common enemies known as ignorance, disease and other forms of things which voters have a problem with. So, there is need to generally look at the boundaries and draw them in such a manner that people with a common aspiration are put together and regions which are manageable to Members of Parliament are also put together. This is against the background - I know that it is the unspoken rule - that Members of Parliament are the vehicles of development in this country. The Government has left development unto the hands of hon. Members. In fact, you will find that if there is no initiative on the part of a Member of Parliament, then that constituency stagnates in terms of development. So, it is very important to look at the boundaries, review them in such a manner that they are manageable by the Members of

Parliament who will be elected to represent those regions, so that those regions do not lag behind in terms of development. Nowadays, you will find that the trend is that this House desires that the revenue collected by the Government is distributed equitably among constituencies. So, it is important to review boundaries because in future, this House may pass a legislation that will enjoin the Government to distribute a certain percentage of revenue, for instance bursary, to all constituencies. So, if we have a situation where some constituencies have more wild animals than human beings, then the monies might go to the wild animals and the human beings may not benefit from that kind of scenario. So, I think the consideration of population is paramount and that will put this country into the best gear in terms of development.

This Motion has come at the right time. It has come when the issue relating to the succession of the current Head of Government is being debated, and I think we need a new constitutional order whose spirit is justice and fairness to all Kenyans and regions. This is because if you look at the manner in which this very good House has been operating lately, you will find that many issues on development will be discussed here. So, if you come from a region where you represent a large number of people but you are alone, the voice or the weight attached to your voice will be less and that will amount to scientifically or sadly disenfranchising those people.

I would like to ask the hon. Members on both sides of this House to join me in supporting this Motion because we have sworn to defend justice, and this Motion calls on us to do what is just to all. This is a self-supporting Motion. So, I do not want to speak *ad infinitum*. I would like to ask my colleague, Mr. Imanyara to second this Motion.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to move.

Mr. Imanyara: Mr. Deputy Speaker, Sir, I rise to second this very important Motion that is timely in the context of the current constitutional reforms. Had we been assured that the Ghai-led Commission would be able to perform its task and complete it before we go to the elections, I would have been persuaded by the arguments which have been proffered in this House previously when Motions seeking to amend the Constitution have come, that we wait or refer them to this Commission. But we know that the constitutional review process which is currently going on is going nowhere and, on 4th October, this year, when their term expires, we will have no Constitution in place and we shall not have amended any Constitution. It is, therefore, incumbent upon this House to take such measures as will go towards levelling the playing field in the coming elections.

The number of constituencies and their distribution in this country is truly a relic of the one-party era when constitutional offices were all subordinated to the Head of State. During that era, it was the President who determined when to call Parliament and determine the number of constituencies which would be in place, who would be Commissioners of the Electoral Commission of Kenya (ECK) and what their terms of reference would be. They were definitely acting on instructions given to them on appointment. So, this Motion comes in at an opportune time for us to re-examine the composition of this House, bearing in mind that there are areas of this country that are totally under-represented while others are over-represented.

Mr. Deputy Speaker, Sir, the Constitution of the country sets out the criteria that ought to be followed in delineating the number of constituencies of this country. The two provisions that seek to be amended are very clear.

Section 42(2) that is sought to be amended says:-

"Parliament may prescribe the minimum number of constituencies into which Kenya shall be divided (which shall not be less than 188) or the maximum number of constituencies (which shall exceed the minimum number by at least twenty), and until Parliament has so prescribed the minimum number of constituencies shall be 188 and the maximum shall be 210."

Mr. Deputy Speaker, Sir, we have actually reached the maximum. The spirit of the Constitution is to give this House the authority to determine how many other constituencies should be created. So, when the Mover introduces this Motion, he is following the spirit of the Constitution which says "until Parliament has so prescribed". So, we are being asked to perform our constitutional obligation to prescribe the number of constituencies and to bear in mind that there are areas in this country that do need increased constituencies. This has been acknowledged even by this House itself when we were passing the Constitution of Kenya Review Commission Bill. In certain areas like Nairobi, we increased the number of constituencies for the purposes of appointing commissioners. So, it is clear and self-evident that there is great need to increase the constituencies of this country so that there can be fairness in the manner in which the people of Kenya are represented.

Mr. Deputy Speaker, Sir, Section 42(4) which also seeks to be amended says:-

"At intervals of not less than eight and not more than ten years, and whenever directed by an Act of Parliament, the Commission shall review the number, the boundaries and the names of the constituencies into which Kenya is divided, and may, by order, alter the number, the boundaries or the names, subject to and in accordance with this section to the extent that it considers desirable in the light of the review."

Mr. Deputy Speaker, Sir, again, you will see the spirit of the Constitution is to empower this House, when circumstances or times demand, to intervene and set in motion procedures to ensure that elections in this country result in fair representation of the people of this country. That is why I said this Motion is very timely. As the Mover says, it is self-supporting and we should pass it unanimously. We should not really seek to postpone debate on this important Motion.

For those reasons, Mr. Deputy Speaker, Sir, I am happy and I beg to second this Motion.

(Question proposed)

The Assistant Minister for Education, Science and Technology (Mr. Ojode): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this Motion. I do agree that there is need for us to increase the number of constituencies. You will also agree with me that there are some constituencies which do not have more than 10,000 registered voters. Our main job is to lead wananchi. It is important for us to consider the population.

Mr. Deputy Speaker, Sir, we should not only consider the population, but also the geographical features while dealing with constituencies review exercise. Another factor to be considered is infrastructure. We know, of course, that this factor of infrastructure can be done away with at a later stage once funds are made available. But I tend to feel that population and geographical features should be given priority. I will give you a case scenario. In my constituency, there are about 55,000 registered voters. In Kisumu West, there are 85,000 registered voters. So, when you compare 85,000 voters with a constituency in Garissa District with a population of 6,000 registered voters, I find that unfair.

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to give an example of Garissa when he knows very well that Garissa District is almost the size of a province?

Mr. Deputy Speaker: Order! Mr. Haji, you do not represent land in this House, but people!

The Assistant Minister for Education, Science and Technology (Mr. Ojode): Mr. Deputy Speaker, Sir, you are right because in this House we do not represent land. We are leaders of wananchi. So, the hon. Member might have vast land but there are no people occupying it. I was just giving an example.

Mr. Deputy Speaker, Sir, let me not talk about Garissa District because the hon. Member will be jittery about it. Most constituencies in North Eastern Province have below 6,000 registered voters. Why do we not come up with a review exercise to determine what number of people we need in a constituency? For example, I would recommend 25,000 registered voters per constituency. If an area has a population of registered voters over and above that figure, I believe we should give them another constituency. Furthermore it is quite heavy for an hon. Member to deal with a densely-populated constituency. In any case, if you go to your constituency you will find that it is difficult to satisfy the needs of your constituents.

Mr. Deputy Speaker, Sir, the time for reviewing these constituency boundaries should be taken into consideration. As of now, we are only allowed to review the constituency boundaries after ten years. But because of the population which is growing on a daily basis, it would be better for us to review them after every five years as opposed to ten years.

Mr. Deputy Speaker, Sir, there is also the issue of infrastructure. I believe this is what Mr. Haji was talking about. I do agree with him that North Eastern Province is inaccessible. But this is a short-term problem. We should think of creating constituencies according to the number of registered voters.

Ugenya Constituency in Nyanza Province has more than 96,000 registered voters. I believe most constituencies in this country have many registered voters. In Langata Constituency, for example, there are 102,000 registered voters. So, if we just leave those constituencies with this kind of population, they will not be manageable. It will not be possible for one hon. Member to manage such a densely populated constituency. Therefore, I support the creation of more constituencies and this must be done within this year. I also want to talk about the community interest. There are some constituencies which have different tribes, and I feel that some considered opinion should be taken care of in terms of what kind of name is going to be given to these constituencies. For example, if we have a cosmopolitan area and we decide on a name which is going to favour one ethnic group, that could bring a lot of problems.

With those few remarks, I beg to support.

Mr. Mwenda: Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to talk on this Motion.

The Motion is self-explanatory and every Kenyan is entitled to equitable representation. Like the past speakers have said, there are areas in this country which are under-represented others are over-represented. It is the hon. Members of Parliament who are expected to mobilise their people for development projects. It is also the same hon. Members who are expected to solve several social and economic problems affecting the people they represent in

Parliament. It is a fact that the socio-economic demands of Members of Parliament increase with the number of constituents that are being served by one hon. Member of Parliament.

So, in order that every Kenyan gets equitable representation in this House, we need to review and increase the number of constituencies in this country. In reviewing and increasing, there is need to take great care so that we do not make the past mistakes that were made in ensuring that constituencies were carved out in tribal and ethnic groups. If we want to move forward as a nation, we should employ a system that will ensure community integration. I do not subscribe to a situation where a constituency is carved out on the basis of tribe. If we did so, we would be entrenching tribal feelings and tribal chauvinism in this country. Once we embark on reviewing and increasing the constituencies, I would expect that tribal considerations do not come to play. All we need to do is look at Kenya as one country and, on population basis, design how many constituencies we need in this country. If we follow tribal lines then we are disintegrating this country.

Mr. Deputy Speaker, Sir, I would also like to talk about the time period. Under the present Constitution, Parliament is mandated to direct the Electoral Commission to review the number of constituencies at any time. It can be after five, ten or 20 years, because the population growth in this country is very high. If we tie ourselves to a maximum period of ten years, and a minimum of eight years, then we are definitely entering into a very dangerous trend where a need may arise, but because of constitutional constraints, we are not able to review and increase the constituencies that will serve our people properly.

The need to increase constituencies is fortified further by the fact that in the current Parliament there has been a trend to direct development funds to the constituencies. I do recall a Motion which was moved by Eng. Muriuki and passed by this House, requiring that about 2.5 percent of revenue collected be channelled directly to the constituencies for development purposes. So, if the Government implements that Motion, those constituencies which are heavily populated will get an equal amount of money with constituencies that are sparsely populated. Apparently this is unfair because the economic demands of those areas that are densely populated are much higher than those areas which are sparsely populated. I believe that this trend of requiring that revenue be directed to constituencies will continue to apply, because it is the common man on the ground who we serve.

Mr. Deputy Speaker, Sir, it is true that there are certain areas which are absolutely difficult to access, and we must not lose sight of this, because some hon. Members have to travel long distances before they traverse their constituencies. I have in mind areas like North Eastern Province. In as much as we want to have equitable distribution of seats, it is also important that we consider that there are certain areas that hon. Members will find difficult to access. If, for example, a whole district is represented by one hon. Member of Parliament or two because the population is less, then we anticipate a lot of problems for them to reach their constituents. I believe that this is not a Motion that requires a lot of talking.

I beg to support.

The Assistant Minister for Local Government (Mr. Kiangoi): Thank you, Mr. Deputy Speaker, Sir. I also stand up to support this Motion, because the issue of constituencies has, in fact, been bothering many people in this country, and particularly the leaders.

I will straightaway give one example, which is my own constituency. My constituency stretches from a place called Sondu, at the boundary of Rachuonyo and Kericho, to the Trans Mara border. You have to pass through another district in order to get to the other part of the constituency. I am saying this because that area covers the length of several constituencies to its left, in the Rift Valley and other areas. That means that when allocations are given, for example, to roads as we passed in this Parliament, we have to use the Kshs5 million to cover a large area while other constituencies will use their Kshs5 million for a smaller part. The effect of that, is that one constituency will be developed whereas another one will be under developed. That also applies to areas like North Eastern Province. If a constituency stretches hundreds of kilometres the Kshs5 million will not be adequate.

Mr. Deputy Speaker, Sir, in supporting this Motion, I would also like to consider the population trends. Some people live in areas which were hitherto not settled, but are now inhabited because of land pressure. In Gusiiland, where I come from, there is pressure on land which forces people to migrate to areas with less population, for example, the settlement schemes. Immediately after every census, which is done after ten years, we should have a review of the constituency boundaries. Every year we carry out a census, it should be linked to the review of constituency boundaries so that people can be adequately represented.

Mr. Deputy Speaker, Sir, even the fight against HIV/AIDS is focused on the constituencies. We cannot be effective if we have larger constituencies with greater population. One person cannot serve that huge population. We could have passed a law, like the one that I am supporting now, to reduce the number of people represented to manageable levels for each Member of Parliament.

Mr. Deputy Speaker, Sir, I have talked about the means of communication. There are also geographical features. Some areas cannot be accessed completely because of geographical features! It is important for those areas

to be hived, so that they can be reached easily by the people who represent them. Section 42 of the Constitution allows this Parliament to enact a law to change the period to lesser than the prescribed eight years. I support this Motion and I believe that Members of this honourable House will also support it, so that, that is done not in the next Parliament, but before the next Parliament comes into place.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Maitha: Mr. Deputy Speaker, Sir, I stand to support this Motion. In fact, it is a Motion that must be supported by every Member of Parliament, especially those who represent large populations, contrary to those who come to Parliament with only 2,500 votes! The Mover of this Motion should be asked to prepare the Bill straightaway, so that we could debate it next week, enact it and review constituency boundaries immediately.

Mr. Deputy Speaker, Sir, I come from Mombasa District which has only four Members of Parliament. The recent population figures show that Mombasa has about one million people. I represent a constituency with two divisions, with Kisauni Division alone having 375,000 inhabitants. It is a residential division, whereas Changamwe is an industrial division. All the people who work in Changamwe normally reside in Kisauni Division. Likoni, with the ferry problems, has a population of about 150,000 people, while the Island has got 275,000 people. It is a district which needs more than eight Members of Parliament. But, at the moment, we are only four with that big population!

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

That shows that the review of constituency boundaries was not done fairly. That is because a Member of Parliament is required to, at least, represent 100,000 people. That way, he can manage and meet them easily.

Mr. Temporary Deputy Speaker, Sir, while I support this Motion, I would like to issue a warning to the ruling party, KANU, that this Motion should not give leeway to KANU to review boundaries in areas where they know they can get votes easily. That happened during the last elections, when KANU hived areas where they thought they could get more seats. We saw the example of Mathioya where the then KANU Secretary General was allocated a constituency, but he was trounced because it was not a KANU zone! So, it should be a warning that when the review is being done, it should be done constitutionally, without favouritism and political affiliation. It should be a national issue. Furthermore, the public are always happy when we pass Motions in this House, especially Motions which favour Members of Parliament. We are asking for more constituencies, but you find that the House has no Members of Parliament! We are 210 Members but we hardly get over 50 Members sitting in this House! That is because most Members of Parliament are business-minded. They are not leaders representing their own people. They come to do their businesses. I am not accusing Members of Parliament, but I think it is high time for the public to see the seriousness of Members of Parliament. They should stay in this House debating Motions and asking Questions. We could even be 400 Members of Parliament, but what is the point of using public funds if we are not staying in this House?

Mr. Temporary Deputy Speaker, Sir, while I support the idea of increasing constituencies, it should be known that coming to Parliament is a pride for the voters. The voters in a constituency are made aware of the meaning of having a Member of Parliament. That awareness must always be a job done by the Electoral Commission of Kenya (ECK). Our ECK has been a body which is more political than one that does its job. It talks more than doing what it is required to do. We are supposed to have an awareness team. We have been reading the newspapers, where people with money export or import voters from other areas simply because somebody wants to become a Member of Parliament. That Member of Parliament is voted in because of his money. He is voted because of voter importation. In fact, when you peruse the voters' roll in this country, you will find that some have huge figures of imported voters. That is because somebody wants to come to Parliament using his money.

Mr. Temporary Deputy Speaker, Sir, the ECK should make sure that constituents are made aware of that, so that they can elect Members of Parliament with votes of those people who reside in those constituencies. If we import voters from outside, they will vote for a Member of Parliament who will have no interest in that constituency. It will not help the people of that electoral area.

Mr. Temporary Deputy Speaker, Sir, it is good that we have the constitutional review process. We know that many ideas are coming up. That is one of the ideas which must be put into consideration in the review of the Constitution. But as we go to the next general elections, it is fair that the next Parliament should have more Members of Parliament. We should ask the Government to consider nominating district women leaders to Parliament. Each district should, at least, have a woman leader nominated to Parliament. That is how we could have more women. Let us also have youth represented in Parliament. Let us have an army representative in this Parliament. The army should be represented here. It is not a good idea to have a Minister of State, Office of the President, answering a Question

concerning a barrack. That Minister has no idea of what is happening there, but it is good to ask a Minister who is appointed by the Government and who has the idea of what is happening in the army. If we asked about provincial administration, Mr. Yusuf Haji who was nominated here has an idea about it because he was a Provincial Commissioner, and that is why he worked very well and his efforts were seen by the President and he was nominated. So, we have faith when an Assistant Minister like him stands up here to answer a question concerning provincial administration. Some of the Members here have no idea of what they say and that is why the Government has Ministers who do not have any idea of what they are saying when they are answering Questions. That is why you have Ministers who do not answer Questions here because they are incapable of answering them. They cannot even answer supplementary questions.

With those few remarks, I support.

The Assistant Minister, Office of the President (Mr. Haji): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity.

I would like to support this Motion but with a lot of reservations. Before Independence, the colonialists were against all Kenyans irrespective of where they came from, but I must admit here that they had a foresight when they created nine constituencies in North Eastern Province when the population was merely 400,000. Over all those years, the number of constituencies in North Eastern Province was never increased until His Excellency President Daniel arap Moi took over the reign of this country and considered us, and gave us an additional two constituencies. As I speak now, the population of North Eastern Province is over 1 million, whereas when the British left we were merely 300,000, and yet we had nine constituencies.

Mr. Temporary Deputy Speaker, Sir, I wonder sometimes whether my brothers are really ignorant of the circumstances prevailing in North Eastern Province, or whether they argue with arrogance when they hammer on the question of population, forgetting the question of the land mass in that area as well as the communication problems. As I speak now, Hulugho, which is in Ijara District and also falls under the constituency of hon. Shill, has not received even a kilo of sugar for the last three months. As I speak now, a plane cannot land there, nor can a four-wheel drive vehicle reach there. If you read the papers yesterday and the day before yesterday, you would have noticed that 21 four-wheel drive army lorries left Garissa to deliver food to Hulugho, but they could not reach Ijara Town which is over 100 kilometres from Hulugho Township. Areas with such a magnitude of problems should not be ignored.

Mr. Temporary Deputy Speaker, Sir, we know that nations go to war over land, but not because of one person who has been arrested or two people killed on the border. The other day, Ethiopia and Eritrea went to war over land, and over 1 million people died. They were prepared to die over that land. Therefore, when we are considering the question of increasing the number of constituencies, let nobody make a mistake of saying that the exercise will only be based on population. It must be based on the area. Ijara, which is the smallest district today in the whole of North Eastern Province covers 15,000 square kilometres. It is three times larger than the entire Central Province, which only covers 5,000 square kilometres. Today, I can cover in six hours the entire Central Province moving from one district to the other, and yet for the last three months, no vehicle or a fixed-wing aeroplane can go to Hulugho. It will be unjustified to base the creation of constituencies on population alone. So, I would like my brothers to find time to visit some parts of North Eastern Province and see the position for themselves, so that when they come to this honourable House they can argue knowing what they have seen and what they consider to be the best solution for the entire country.

With those remarks, I beg to support.

Mr. Ndicho: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity.

Parliament is about representing the people of this country. It is an obvious fact that Kenyans are under-represented in this House. The ratio of Members of Parliament *vis-a-vis* the 30 million Kenyans reflects a very big disparity, and that is why this Motion could not have come at a very timely time as now.

Mr. Temporary Deputy Speaker, Sir, having said that representation in this Parliament is about people and not trees and animals, we have been told that the population growth rate of this country is 4 per cent per annum. This means that for the last five years, since this House assembled for the first time in January, 1998 until the end of this year in December, the population of Kenya will have gone up. If you multiply 4 per cent by five, it comes to 20 per cent. It means that every Member of Parliament here, by the end of five years, will have got a population increase in his constituency of 20 per cent. In the course of ten years it will keep on increasing. So, it is important that we base the representation on the number of people.

Mr. Temporary Deputy Speaker, Sir, what hon. Haji was complaining about is provided for in the Constitution. The Constitution puts down the factors under which the review of boundaries should be considered. One of them is, of course, the geographical features. The other one is about population growth trend. The other factor is about the land mass that he was talking about. So, everything is included. There is nobody who is saying that the population growth trend or the land mass should be left out. So, it is important to note that Kenyans are under-

represented. I support that we create 100 extra constituencies. The 210 constituencies that we have now are not enough to represent Kenyans.

Mr. Temporary Deputy Speaker, Sir, in my constituency, Juja, which borders Nairobi at Githurai and stretches all the way to Yatta in Ukambani, the registered voters are over 110,000. So, you can see that the people of Juja are under-represented. In fact, I will be demanding three constituencies in Juja. Nairobi, as a province, is under-represented. Western Province is densely populated. The number of Members who come from Western Province *vis-a-vis* the population shows that the area is under-represented. The same case applies to Nyanza Province, Central Province, Coast Province and Eastern Province. I agree that in North Eastern Province, though the population might not be as big as that of other provinces, the expanse of land mass qualifies it to have more constituencies and I have no problem with that.

Mr. Temporary Deputy Speaker, Sir, as we recommend for more constituencies to be established, Members of Parliament should pass this Motion because we have the power. We are not begging Mr. Kivuitu, the Chairman of the Electoral Commission of Kenya (ECK), to increase the number of constituencies since we have the power. So, let us create 100 more constituencies. It is even going to reduce the pressure on hon. Members because everybody wants to kick us out. By creating more constituencies, we are going to create more space for those people who want to be elected in our constituencies, and then each hon. Member will be left with his constituency, and then two or three guys will get extra constituencies and then come here. So, it is in our hands and not the hands of the Electoral Commission of Kenya (ECK).

The Constitution clearly states that the minimum number of constituencies we should have today is 188 and the maximum is 210. We should remove the word "maximum" so that as time goes by, the ECK can increase the number of constituencies as it deems fit. In fact, the Constitution says the Commission can review the boundaries within a period of eight to ten years. So, today, if the ECK wants to divide Juja, it does not have to wait for the lapse of the life of this Parliament. It can even subdivide a constituency, call for elections there and have a Member of Parliament elected. So, let us have 100 more constituencies.

Mr. Temporary Deputy Speaker, Sir, let us not talk about reducing the period from ten to five years. Let us leave it to the ECK. But if need be, let there be created a constituency even during the life of a Parliament. We are saying that after every five years, there should be a review of the boundaries and change of names. If this Motion is passed, and I believe it is very popular with Members and they will pass it, it should be clear that such an exercise cannot be carried out between now and December. If that happens, we will find ourselves caught up in a catch-22 situation. We will not know whether we need a new Constitution or go for the general elections. The popular mood of Kenyans is that the constitutional review process and the general elections should not be tied together.

I heard that the life of the Constitutional Review Commission of Kenya (CRCK) was extended to February next year. I would like to propose that it should be extended even up to December next year, but let us have the elections as per the schedule according to the current Constitution. Who said that it is the Eighth Parliament that will write the new Constitution? The Ninth Parliament can write the new Constitution. So, let us not confuse Kenyans. Let us not be a barrier to the popular opinion of Kenyans. Kenyans are waiting to have the elections in December this year and if we shall have a new Constitution, well and good. If not, let the Ninth Parliament come and continue writing a new Constitution. The general election is an event that takes place on one or two days, but the constitutional review is a continuous process. As Kenyans develop new aspirations, it can be reviewed any other time. So, let us not tie the writing of the new Constitution to the general election. Kenyans want the elections to be held in December this year. In fact, personally, I wanted the elections to be held in August this year because we have been told that Young Turks, even the ones from the Opposition, are taking over. We are also waiting. Mr. Temporary Deputy Speaker, Sir, we should not use the review of boundaries and renaming of new constituencies as an excuse for extending the life of Parliament. If we extend the life of Parliament, first and foremost, we must provide money in the Budget for the Commission to go round the country to review the existing boundaries and rename the new constituencies. This is an exercise that will take more than ten months. If this is going to happen, and if this Motion is passed today, it will be interpreted as an extension of the life of Parliament. If the Minister for Finance has not set aside funds for this exercise, it, therefore, means that we have to come later on and solicit for more money for the ECK to review the boundaries. I believe the amount of money that the Budget has set aside for the ECK is for the purposes of the next general election. It is not about the review of boundaries.

This Motion by my friend, Mr. Ochilo-Ayacko, ought to have come in 1998 when we first came here, and we ought to have provided a lot of money. By now, we ought to have had the boundaries reviewed and the newly created constituencies renamed. But when it is coming at this time when we have no time to do this exercise, are we not reading something sinister? Have Kenyans been told that this is very important? We know that Kenyans are craving for real representation in this House. So, Kenyans will be caught up in another situation like the one on constitutional review process where they say that they want a new Constitution, but they do not want the life of the current

Parliament to be extended. Why have we wasted four years with the Ghai Commission? I believe that all the time that the Ghai Commission has taken and all the money they have spent, ought not to have been spent. Why do we think that writing a new Constitution is such a big thing? Now, we are bringing another issue of new constituencies, but do we have the time?

With those few remarks, I beg to support.

Hon. Members: We have time!

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the debate on this Motion. I would like to say at the outset that I do support the Motion.

I think we are all agreed that the representation of our people in this House is extremely low. A case does not need to be made for that. I think we are all aware that in a country such as Uganda, there are more than 300 Members of Parliament. To the best of my knowledge, Uganda has almost half our population. In the United Kingdom (UK), they have 650 Members of Parliament with a population that is about twice the population of this country. So, if we were to go by that, we should have about 450 Members. I think the Ugandan example is probably closer to ours because in the UK, they have the added advantage of easier communication and also a much smaller area of land coverage than we have.

Mr. Temporary Deputy Speaker, Sir, while the case for an increase in the membership of this House is quite evident, I think we also need to appreciate the need for frequent reviews of the number and areas of constituencies. The initial period of eight to ten years might have been good at the time when it was initially put in our Constitution nearly 50 years ago. But I think there is need to update these provisions now, just as we are in the process of reviewing our Constitution generally, so that a five-year review is quite reasonable. The growth of our population is high and the mobility of our population between constituencies is also quite high. So, after a period of five years, you will find that there has been vast increase and movement of people that need to be reflected in constituency boundaries.

Mr. Temporary Deputy Speaker, Sir, it is very necessary that we do change our laws so that we can review the number of constituencies every five years. There is the element of cost. I believe the ten-year period was meant to ease the cost. If we were able to make reviews every five years there will be a better established mechanism so that the costs will reduce considerably. In fact, the cost of reviewing constituencies every five years must be a quarter of the amount needed to review every ten years. The issue of population has been touched on extensively. While this should be a key factor in the determination of constituency numbers and boundaries, we also need to take into account the issue of area.

The last time the constituency numbers were increased, it was not very clear to many of our people how the number of constituencies was arrived at. We do need to establish a very clear and transparent formula so that we know the number of constituencies that we will get before we go into the review process. If at the end of that we do come up with the number, we can go back and be able to tell exactly how it was arrived at. It is necessary to take into account the area because we have to be able to reach people if we are to represent them effectively. If it is difficult to reach them, we cannot begin to represent them. There should be a formula that takes into account not only the numbers, but also the area that you have to cover. I know there are some Members in this House who, even if given a whole month to do nothing but drive around their constituencies they will not be able to reach everyone, while others can go round their constituencies in one hour. I think that shows a very serious discrepancy which we need to address.

One hon. Member had proposed that we should have approximately 25,000 voters per constituency. I would like to amend that proposal to say that there should be a difference in approach between rural and urban constituencies. While 25,000 might be adequate and about correct for a rural constituency, while making provisions for special need areas such as North Eastern Province and Turkana District, most urban constituencies, like Mr. Kamanda's, can be reached within an hour. I would need a week to cover the whole of my constituency. Mr. Ethuro would need perhaps two months to cover the whole of his constituency. I would suggest that a minimum of 100,000 voters in an urban area should be about correct, so that we have a relationship of a ratio of 4:1 between urban and rural constituencies if our people are to be represented fairly.

We also need to rise above petty concerns as leaders. We need to be firm. A few hon. Members in this House have raised concerns that this process might be manipulated by some individuals. I know the Press would pick on this very nicely. If this process is likely to suffer any manipulation, I think this will come from the Opposition side rather than the Government. In the past the Opposition was able to manipulate and take over the Electoral Commission of Kenya through the IPPG Process, and they also manipulated and almost took over the Constitutional Review Commission through the Ufungamano Process. I would urge our colleagues on the other side not to seek to manipulate the process of the review of constituency boundaries when we do get to that situation. That is where the concern should lie, rather than anywhere else.

Mr. Temporary Deputy Speaker, Sir, may I also disabuse the immediate contributor from the other side who

talked about the length of time required for this review. I believe the Electoral Commission of Kenya is quite ready and they have put mechanisms in place. I am sure that once we give them the go-ahead, they should be able to do this within two or three months. I do not think you need to go around the countryside to determine the population of this country. We have the statistics and we know where there is need. It should be very quick indeed. As leaders, we need to be firm. We need to decide on a course of action and lead our people in that direction. Hon. Members need to think in those terms when we come to the review of boundaries once this Motion is enabled through an Act.

We do need firm leadership given to our people. Some people say that we should have a new Constitution before we go for elections. Some of us are of the view that we can go to the elections under any Constitution, old or new. But we have to face the fact that if we go for elections under a new Constitution, there is no way we can do it within this Parliament. So, let us accept the fact that if we want to go for elections, we have to do so under the existing Constitution. Let us do it and not beat about the bush. If the people of this country want a new Constitution, there is no question but to extend the life of this Parliament; otherwise, we would be cheating ourselves that somehow, miraculously, we will be able to review the Constitution and go for elections under that new Constitution. It is not possible. Let us just face the facts. We should give the Electoral Commission one or two years if necessary, and go for elections under the old Constitution.

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

Mr. Kamanda: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the chance to support this Motion. In 1963, Nairobi Province had a population of 400,000 people and eight constituencies. With the current population of about 4 million, we still have the same number of constituencies. You then wonder which criteria is being used by the Government to create constituencies, because the current constituencies were drawn during the single-party era, and this was done by the KANU Government. What criteria did they use? We need to have more than 16 constituencies in Nairobi today if you go by the current population. Whom do we represent in this House? We represent people.

Currently, Embakasi Constituency has 200,000 registered voters. Langata has 90,000, while my constituency has 140,000. Dagoretti has 90,000 registered voters. In North Eastern Province, you will find a Member of Parliament who has been elected by 2000 registered voters. What criteria is being used? If it is population---

The Assistant Minister for Education, Science and Technology (Mr. Poghiso): On a point of order, Mr. Temporary Deputy Speaker, Sir. The standing Orders demand that an hon. Member be responsible for the accuracy of the information he gives to this House. Is the hon. Member on the Floor in order to mislead this House by saying that constituencies in North Eastern Province registered about 2,000 people? Is he really giving us accurate information?

Mr. Kamanda: Mr. Temporary Deputy Speaker, Sir, we have in the House, Dr. Godana and Mr. Shill who came to this House with 2,000 votes.

Mr. Shill: Mr. Temporary Deputy Speaker, Sir, the issue at hand is not how many votes I garnered during elections, but on the number of registered voters in North Eastern Province. He is misleading the House because the number of registered voters in my constituency were 12,000, while I garnered 2,000 votes. That is different.

Mr. Kamanda: Mr. Temporary Deputy Speaker, Sir, there is no difference when you say the registered voters there are 12,000 and then at the end of the day you get 2,000 votes because even in my constituency I garnered 30,000 votes while the registered voters were 120,000. It makes no difference. An area like North Eastern Province, which has a total population of less than 700,000, is represented by nine MPs while Nairobi which has a population of over 4 million only has eight MPs. There is no logic in that.

So, we need to look in all these directions.

On the other hand, we have to be very careful. We should not pass this Motion maybe because of our own interest in wanting to extend the life of Parliament. It would be impossible to create new constituencies at this time when we are going for elections. Already, the Electoral Commission of Kenya (ECK) have their Budget in place, in preparation for elections this year. They have even indicated their budget; about Kshs.4.6 billion. If we pass that we have another 100 constituencies at this time when we are due for elections, this might be another KANU gimmick in wanting to extend the life of this Parliament in order to give room for another one year.

So, I would propose that we put this idea of reviewing our constituencies and boundaries to the Constitution of Kenya Review Commission so that it can be included in our new Constitution. So, if we are unable to get new constituencies this year, then they should be put in place in the next Parliament. This is because we do not want anything which will make Kenyans not go for elections by the end of this year. This is because from what I have heard from hon. Members, the remaining time during this year is not enough to accommodate the implementation of this Motion. So, by proposing that we have 100 more constituencies, and we tell Mr. Kivuitu to adjust his budget, surely, we might not go for elections this year. We do not want to have a gimmick; Kenyans misunderstanding that we, hon. Members, want to have an extension of Parliament. If this Motion is passed, we will be suggesting to Kenyans that we want the life of Parliament to be extended. Then, Kenyans would say: "These hon. Members just want extra time to be

in Parliament."

With those few remarks, I beg to support.

Mr. Poghiso: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion. This is a party-sponsored Motion. It also touches on the Constitution. It requires subsections 2 and 4 of Section 42 of our Constitution to be reconsidered, with the possibility of increasing the constituencies and also the frequency within which we review the constituencies.

Before I go deeper into what I am about to say, I would like to suggest that this can be a tool that can easily be abused. The attitude of most hon. Members who have spoken on this matter seems to suggest that those areas with more people should get more constituencies, and that those areas populated by less people will not get new constituencies. In my view, it is the other way round; that, the people who live in urban areas and in more developed areas of this country do not need more representation. It is the people who live in the nomadic areas, who are more difficult and hard to represent, who need more representation than those who are already settled.

(Applause)

I can imagine what will happen if we had more hon. Members from urban areas, now that we are already having problems with some of hon. Members from urban areas, few as they may be. Could you imagine multiplying that by 15? We will have a lot of problems, especially in the City.

Regarding those in the rural areas, if you have to go to the constituency that I represent, Kacheliba, things are different. It takes me two days to travel from Nairobi to my constituency, driving straight from here. Some hon. Members would not even need a 30-minute drive to get to their constituencies. As you know, our people are nomadic and are always moving because this country has always looked at nomadism and pastoralism as a peripheral activity. Services have not been provided and so our people are always moving in search of pasture, water and security. Once I get to my constituency, I would find that my people have left the place that I knew they lived last week. I have to go looking for them, to find the new location where they are. That is a difficult job. They change their addresses every week or month. That makes it difficult, and I need two other hon. Members to represent the current Kacheliba constituency so that, at least, we can move around and serve our people properly.

Uganda, which is a smaller country, has more hon. Members than Kenya. She has a smaller population, but they have made it very specific. They have said that every county - an administrative unit - is a constituency. So, once you know that it is standard; that, every county is a constituency and a constituency is made of a county, then you do not have to worry about whether you are increasing counties or constituencies. You know that if you increase a county, you have already created another constituency. I think we need to come up with that kind of system in this country, where we know exactly the criteria of establishing constituencies.

I do not support the concept of population only. I would like us to look at this country in general. The reason why most of our peripheral areas have remained behind is because of poor representation; that, everybody who speaks, like those hon. Members who have spoken before, would argue against more representation for our people. They have said: "Why do you have to worry about people who are only 2,000?" Why would you plan for people who are only 6,000? I would like us to look at that as a tool to bring up those areas that we have left behind for very many years.

I would like to come a little bit closer home and talk about the Constitution. That issue touches on our Constitution. If we are not going to go into elections under a new Constitution, then, we would worry about that kind of thing. We must do this now. We must have these constituencies reviewed, and we must increase our constituencies.

But if we are going, as I would like us to do, for elections under a new Constitution, then, we must look at where we have gone wrong in the previous Constitution. Kacheliba Constituency is a case in point. In 1963, when we were making the Constitution here, it was under the administration of Uganda. Now, can you see why the people of Kacheliba want a new Constitution? This is because the old Constitution did not even think of Kacheliba. So, if we go to the elections under the old Constitution, where are we going to be? We were not included in that Constitution. So, you already know that there is a group of people in this country who want a new Constitution now before we go for elections. These are the people of Kacheliba Constituency. Definitely, they have asked me as an hon. Member to say that, so that when you are thinking about a people who have been left behind in terms of constitutional representation, they can be counted. Their problems must be included in the new Constitution before we go for elections.

The rural population depends on their hon. Members. They expect their hon. Members to be in touch with them personally. When I get a message, I have to deliver that message personally to the people of Kacheliba. The Member for Kasarani or Kisumu Town can pass that information through the newspapers, radio and TV. There is not a single telephone or electricity line in many parts of my constituency. How do I communicate with my people? I have personally to be there. They need more of me; they need more hon. Members in those areas, like in Turkana, the largest district in the whole country.

My friend, Mr. Ethuro, has to travel personally to deliver a message. You cannot put it on radio, and newspapers do not reach there. If you ask the various newspaper distributors how many of their newspapers go to those places, they will tell you that they have no distributor in Kacheliba constituency. So, how do you then compare that kind of person or constituency with an urban person or Constituency? We are saying: Give us more constituencies! We need more hon. Members physically to go to those places in order to represent their people adequately. That is what we are asking! In those areas, the Member of Parliament is the agent of change and medium of information.

Mr. Temporary Deputy Speaker, Sir, it had been suggested before that people who understand the rural Kenya be part of the Constituency Review Committee. Some of the commissioners with the Electoral Commission of Kenya do not even understand the rural setting of this country. Those commissioners are so urbanised that if they want to do anything in the rural areas, they operate from three or four-star hotels in towns. So, if they wanted to travel to West Pokot, they would rather operate from Eldoret where they can be flown into and out of those areas. They cannot even meet and listen to the views of the people. Why should they fly in and out of those areas the same day? Is it because they do not consider those people to be reliable? Is it that those places are not comfortable enough and capable of entertaining them?

Mr. Temporary Deputy Speaker, Sir, we are not even getting the correct census in this country! If you tell me that there are exactly 30 million Kenyans, I will tell you that you are wrong! In my constituency, there are areas where people were not counted! They were not reached by the enumeration officers because of the way we do the enumeration exercise. Because of the nature of their jobs, all our people will not be present in the village at night. Some have to be with the camels, goats and cows in different parts during the day. Because of the way we have viewed those rural areas, even those sent to carry out the counting exercise would only like to go to those places where one can reach by bicycle. But there are areas where one has to go on foot. But we have standardised everything in this country! If counting people will take three days in Nairobi, then it must take three days in those rural areas where one takes long to visit.

Mr. Temporary Deputy Speaker, Sir, the other issue is that we do not get the correct registration of voters because there are no identity cards in those areas. That is why some Members of Parliament here say that we have got constituencies here with only 6,000 people. In fact, issuing people with identity cards in those areas is a problem. In fact, half of the people in my constituency have not even registered as citizens of this country. So, how do you expect them to register as voters? I suggest that all these things must be put together into a package. Are we determined to bring the rural population on board so that we can move together?

With those remarks, I beg to support.

Mr. Shill: Mr. Temporary Deputy Speaker, Sir, it is true that Parliament is about representing people, but the disabled, the minority and the disadvantaged are also people and they need equal representation. Most hon. Members here have been concentrating on population trends while the Constitution provides for other parameters, other than population, in the creation of constituencies. There are other factors such means of communication, geographical features and community interests, among others.

Mr. Temporary Deputy Speaker, Sir, Parliament is the voice of the voiceless people. If the voiceless are refused to come to this Parliament because of population considerations, then who is going to become their voice? I agree with the sentiments of one Member of Parliament who said that places of high density population are highly developed. So, the people who represent them in Parliament are rich people who come here to look after their interests. It is unfair to lock out the voiceless people on population considerations. When we are electing a President, every candidate must garner 25 per cent of the votes in that province. North Eastern Province has that mandate and today, there are Members of Parliament who say that province is full of animals and trees. So, they should not come and seek votes in North Eastern Province if they are speaking that kind of language.

Mr. Temporary Deputy Speaker, Sir, in North Eastern Province, there are a lot of people but they have been denied identity cards due to the fact that we border Somalia. In my constituency, for instance, the population is 100,000 and a third of that number have identity cards. So, today, we have only 12,000 registered voters. Therefore, it is true that we are underrepresented because of identity cards. We want to safeguard the interests of every Kenyan and make sure that even the El Molo are represented in this Parliament, regardless of their population. We would also like to see to it that Asians, who contribute a lot of money to our economy; women as well as the disabled, are represented in this House.

Mr. Temporary Deputy Speaker, Sir, when nominating Members of Parliament in this country, we should not nominate those who have interests. We should nominate those people who are underrepresented. I come from a pastoralist community who move from place to place. We need to be represented in this House. It is hard to register those pastoral people because of their way of life. Even if we register them as voters, there will arise a problem again because they may not be there to vote because of their unique style of life. So, when constituencies are being reviewed, population should not be the only issue for consideration. We should take into consideration, other factors such as

geographical features and community interests, and even means of communication should be looked at. When I talk of pastoralists, I do not mean only people from North Eastern Province. We have Turkanas, the Maasais, the Borans, Rendilles and the Samburus with a common objective. If people are so concentrated in Central and Western provinces, let them come over to North Eastern Province! We will give them land to settle on! But if you want to deprive us of our right of representation because of our numbers, then you are also risking---

Mr. Temporary Deputy Speaker, Sir, a friend of mine also mentioned that when we build our roads, we try to divide money according to constituencies. You will find that a constituency is given Kshs5 million which has got a maximum of 50 kilometres across it. Fafi Constituency has almost 500 kilometres of road and it is entitled to an allocation of Kshs5 million for road construction. When we try to divide the resources of this country we---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Shill, I am afraid that it is time for the Official Government Responder to respond.

The Minister for Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I realise that I have 20 minutes to respond, and to show the good spirit in which this Motion is being taken by the Government, I would like to seek your permission to give two-and-half minutes to each of the following hon. Members: Hon. Ekirapa, hon. Sudi, hon. Shidiye, hon. Kitonga and Prof. Anyang'-Nyong'o. I can then use the remaining minutes to respond.

The Assistant Minister for Trade and Industry (Mr. Ekirapa): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion. It is very important that the plight of the hon. Members of Parliament representing rural constituencies is seriously considered by this House.

If you look around the House now, you will find that the majority of the hon. Members representing rural constituencies are here because they are interested in this Motion. Those hon. Members representing urban constituencies, for example, in Nairobi, can address their constituents through the media and they do not have to visit every area of their constituencies. I want to concur with the sentiments expressed by my colleague from Kacheliba Constituency, that an hon. Member of Parliament representing a rural constituency must be present everywhere throughout his constituency to pass messages, see his people and attend to their problems. This is a very difficult task.

I would like to propose that a rural constituency should be limited to a population of 20,000 people. That is about the right number of people that is possible to manage. In my constituency, which is the largest constituency in the former Busia District, one hon. Member of Parliament is not just able to represent the people there. I would like to say that when time comes, we will ask for two additional constituencies in my district so that we can have three constituencies. Because time is limited, I want to say that for hon. Members from rural constituencies to represent their people properly, it is necessary for the Government to provide them with means of transport and other facilities. They should be enabled to look after their constituencies, which are extremely large. Other hon. Members should not complain and say that it is necessary for all constituencies to have an equal number of constituents. That is not necessary. Hon. Members representing rural constituencies get a raw deal and their constituents also get a raw deal because of inadequate representation. This has been caused by lack of transport and communication facilities.

With those few remarks, I beg to support.

The Assistant Minister for Lands and Settlement (Mr. Sudi): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I want to thank you for giving me these two minutes to contribute.

I come from Marakwet District and we have a lot of problems in that area. We need more representation in Parliament for Marakwet District. If three more constituencies were created in Marakwet District, then the district would be properly represented. When it comes to increasing the number of constituencies, we should consider the rise in population, the size of the constituency and the distance to the constituency from the capital city. Marakwet District has no tarmac road, and roads in that area are poorly graded. This is because of inequitable distribution of resources. My constituents feel that they have been neglected. If more constituencies were created in this area, the people would feel more represented in Parliament. There are no means of communication in that area. For example, on a rainy day, it takes about six hours to travel from Marakwet to Eldoret Town. During the rainy season, the roads are muddy and impassable. I think that when this Motion is passed, Marakwet should be considered for more representation in Parliament.

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

Mr. Kitonga: Ahsante sana, Bw. Naibu Spika wa Muda. Ningependa kuunga mkono azimio hili. Ningependa kusema kwamba ni vizuri kabisa Wakenya wapatiwe nafasi ya kuwakilishwa kikamilifu katika Bunge hili. Jambo hili litawafanya Wakenya wote wawe na Mbunge ambaye wanaweza kumwona, kumtumia na kumtuma kila wakati. Ningependa kutoa mfano wa eneo langu la uchaguzi. Eneo hili ni kubwa kushinda nchi ya Djibouti. Kutoka Nairobi kwenda Mutito, inanichukua muda wa masaa manane. Sijawahi kuona eneo la uchaguzi kama hili. Ninajua kwamba eneo hili liligawanywa hivyo kisiasa wakati wa siasa za Bw. Ndoto na Bi. Ngilu. Sehemu moja ya eneo hili ilitolewa mahali pengine na kuunganishwa na sehemu ya Mutito. Sehemu kubwa sana iliongezwa kwa eneo hili la

uchaguzi la Mutito, na watu wa eneo langu wanalalamika kwamba hawawakilishwi vya kutosha Bungeni.

Ningependa pia kusema kwamba katika eneo hili, kuna wakuu wa tarafa ambao ofisi zao ziko katika eneo la uchaguzi la Kitui Central. Mfano mmoja ni Tarafa ya Kyuluni. Je, mtu atakuwa Mkuu wa Mkoa wa Mashariki na ofisi yake iwe Nakuru? Jambo hili halifai kabisa.

Wakuu wa tarafa katika sehemu ya Voo katika eneo la uchaguzi la Mutito huhudhuria mikutano ya kamati ndogo za maendeleo ya wilaya katika eneo la uchaguzi la Mutomo. Kwa hivyo, ningependa Serikali iongeze maeneo ya uchaguzi ili wananchi wapate kuwakilishwa Bungeni vizuri.

Ningependa kuonya juu ya kitu kimoja. Ijapokuwa nimepatiwa nafasi hii na Waziri wa KANU, ningependa kuonya kwamba ni lazima tujihadhari na Serikali ya KANU sana. Serikali ya KANU inaweza kuchukua lokesheni moja na kuifanya eneo la uchaguzi. Ni lazima tuwe waangalifu. Kama Hoja hii itapitishwa, tungependa Serikali ifanye haki na isipendelee sehemu fulani. Wakenya wameerevuka. Wakati fulani, Serikali ya KANU iligawanya eneo la Kangema na kubuni eneo la uchaguzi la Mathioya ili Bw. Kamotho apate sehemu ya kuwakilisha Bungeni, lakini hata hivyo, Bw. Kamotho hakuchaguliwa. Ningependa pia lokesheni za kila constituency zichunguzwe.

Bw. Naibu Spika wa Muda, ninaunga mkono.

Pro. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion. I hope hon. Members listened very carefully to what the hon. Member for Kacheliba was saying about representation. Surely, there is always a tension between representing geography and representing demography. So, you have to strike a balance between the two.

One of the things that happen in this country is that, because of the very uneven development in various parts of the country, striking a balance between geography and demography becomes very difficult. But we should pay attention to it. The solution to this issue is to make voting compulsory for everybody over 18 years of age, because if we make voting compulsory, also, this issue that people have to give women salt, *shukas* and so on will not arise. We shall eliminate corruption.

Secondly, if we make voting compulsory, it will also be a pool for development. The Government will be compelled to provide services in remote areas; telephones, roads and so on, so that people can travel to go and vote. But so long as we have this disparity between registered voters and people who turn out to vote, we shall continue to have this problem. The solution is to have compulsory voting for everybody who is over the age of 18 years. Once you get an identity card and a number, the computer registers you not just as a citizen of Kenya, but as a voter and we shall finish all these problems. That is very easy to do, we shall cut down expenses on all this exercise of registering voters every year and Mr. Kivuitu saying all kinds of things. It will be done once and for all and updated in a modern way, computerised and in democratic fashion.

I beg to support.

Mr. Shidiye: Mr. Temporary Deputy Speaker, Sir, this is one of the most important Motions that have been brought before this House. Hon. Members think that in Northern Kenya there is not enough population and, therefore, people do not vote. I really support the sentiments of Prof. Anyang'-Nyong'o. The fact remains that in some areas, when somebody registers as a voter in one polling station, for instance, in Liboi, when the elections are around the corner, that registered voter might be as far as 800 kilometres away, and people do not really understand this. For the hon. Members who are in Nairobi--- For instance, Mr. Maina Kamanda, is representing the Central Business District (CBD). Whom does he really represent here? Is he representing the hon. Members and the public who are also going to their constituencies? So, there is a lot of disparity in this country and people do not understand the problem which the people of Northern Eastern Province face.

Whereas people have identification cards and they can move to polling stations and vote, it is very difficult to do so. The system is such that it is too harsh for people who are pastoralists to vote. There must be mobile polling stations, where somebody can vote anywhere he may be. But with this kind of trend, it is very difficult for all registered voters to vote. We have the population and the registered voters, but the system is very undemocratic when it comes to voting for people in pastoral areas.

With those few remarks, I beg to support.

The Minister for Transport and Communications (Mr. Mudavadi): Thank you, Mr. Temporary Deputy Speaker, Sir, for your indulgence in allowing hon. Members to have an opportunity to make some comments within the time allotted to the Mover.

I just want to enjoin the House in supporting this Motion totally because it is most timely and very important. There is one thing that I would like to correct. However, prior to the 1997 General Election, the exercise of reviewing the constituency boundaries was conducted. Indeed, a lot of Kenyans made representation on what they thought should be the right kind of divisions and increases in the number of constituencies. We all know that there is what is called "institutional memory." Indeed, the Electoral Commission of Kenya (ECK) has the data and the "institutional memory" to be able to look through their documents based on the last review exercise which they did, and on that basis, they can

quickly look at the issue of the constituency boundaries so that they can make some adjustments even before we go to the next general election.

The other thing that I would like to completely dissuade is the notion that the issue of this Motion coming forward and being supported by the Government is an ulterior motive to extend the term or the life of this Parliament. This is a completely different issue, and under no circumstances should it be construed that the support for this very useful Motion by Ochilo-Ayacko is a back-door method of extending the life of Parliament. That is completely incorrect and we should not at all entertain that idea.

It is quite clear, from a number of speakers who have contributed before this House, that hon. Members are finding it increasingly impossible to undertake their duties effectively. This is because, either constituencies are too big geographically or, alternatively, they have too many people, when it comes to attending to the needs of constituents, it becomes impossible. The next thing they receive is a lot of criticism from their constituents of being ineffective when, in actual fact, the job at hand is very mammoth. So, this is one thing that I would like to put across, that, indeed, it is about time we got more Members of Parliament.

As an hon. Member rightly said, Uganda has got a small population than Kenya and they have over 300 Members of Parliament. Tanzania's population is closer to Kenya's and they also have close to 300 Members of Parliament, yet here in Kenya we have 210 Members! So, if one looks at it from that perspective, and if this exercise was to be conducted, it is not irrational to assume that we could easily come close to the figure of 300 Members of Parliament before the next general election. This will give each province, through some rational mechanism, close to five or so additional constituencies before we get to the general election. It may not be an ideal situation, but indeed, it does reflect the need and anxiety which Kenyans feel. This is because the constituents need to feel that they are adequately represented and we now know that when one Member of Parliament is representing 150,000 registered voters, there is no way you can expect that hon. Member to serve his constituents effectively.

Mr. Temporary Deputy Speaker, Sir, another thing that can be done during this exercise is that, in some areas there are some anomalies which are existing even now. I think Mr. Kitonga gave an example of a situation where people attend the DDC in one constituency and yet they reside in another constituency, and they find it very difficult to comprehend what the rationale was when these boundaries were being made. Indeed, there are cases, like in Western Province, where there is a very obnoxious arrangement around Webuye, Malava and Lugari, where you have civic authority representatives reporting to one local authority in a different constituency. But when it comes to voting for parliamentary candidates, they are expected to vote in Malava. So, it becomes a contradiction and it creates a lot of confusion. Indeed, when you think of it, it is very wrong because we are actually not giving Kenyans the right to vote for whom they want in the right manner. In fact, it is disenfranchising those particular constituents or those particular Kenyans when we look at it from that perspective.

Mr. Temporary Deputy Speaker, Sir, I also had an opportunity to visit some of the bigger constituencies in this country, such as those in Turkana area. You find it very awkward when an hon. Member tells you that to get to one corner of his constituency, he needs to plan for one week; he needs to make sure that he mobilizes the district commissioner to have security and Land Rovers following him, so that he can go there. When he goes there, he has to camp for several days in very far-flung parts of the constituency, yet, at the same time, he is not being compensated adequately for those movements. He meets all the expenses and so forth, and somewhere along the line, it becomes a thankless job because the following day, somebody comes up and says that the hon. Member is an ineffective Member of Parliament, when, in reality, we can see that this Member is going through a lot of difficulties. So, there is every reason to ensure that this review process is done.

I strongly concur with hon. Members who have stated categorically that this should be done before we come to the next general election. This is possible because, as I said, there is "institutional memory" which the Electoral Commission of Kenya can use. They have a lot of information on what can be done to rationalise and increase these constituencies because there is no point for us coming to Parliament and you end up finishing five years without, perhaps, visiting some sections of your constituency. This is the reality and, I think it needs to be corrected.

With these remarks, I beg to support.

(Applause)

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Speaker, Sir, I notice that I have 10 minutes to reply. With the Chair's leave, may I give two minutes to each of the following hon. Members: Messrs. Mwakiringo, Kajwang and Lomada, to contribute.

Mr. Mwakiringo: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niunge mkono Hoja hii. Kwanza, ningependa kusema kwamba wakati nafasi itatolewa kwa shughuli hii, mazingira ya sehemu hizo za uwakilishi Bungeni yaangaliwe sana. Ninasema hivyo kwa sababu katika sehemu ya uwakilishi Bungeni ya Mwatate

na Voi, tuna mkuu wa tarafa ambaye ana kata moja katika sehemu ya uwakilishi Bungeni ya Voi, na kata nyingine Mwatate. Watu wanaoishi katika katika sehemu hii wanatatizika kwa sababu hawajui kama wako Voi au Mwatate.

Jambo la pili, utaona kwamba diwani wa jiji la Voi anaenda katika baraza la jiji la Voi, lakini uchaguzi wake unafanyika katika sehemu ya Mwatate. Hili ni jambo ambalo linatatiza watu wanaoishi katika sehemu hii. Hii ndio sababu tunasema kwamba wakati shughuli hizi zinaendelea, wananchi wahusishwe, na kamati ambayo inaangalia mipaka ihakikishe kwamba mazingira yamefuatwa vizuri.

Pia, ningependa kusema kwamba wengine wetu tunapoendelea na shughuli hizi za kubadilisha mipaka katika sehemu za uwakilishi Bungeni, pia tuangalie zile sehemu za madiwani. Wabunge wengine hapa wana kata tatu au nne katika sehemu zao za uwakishi Bungeni, hali wengine wana kata zaidi ya 22. Kwa hivyo, inakuwa vigumu hata kumwona chifu. Tunapoliangalia jambo la kubadilisha mipaka katika sehemu za uwakilishi Bungeni, tuhakikishe kwamba wale Wabunge ambao wana kata nyingi zinapunguzwa.

Mwisho, sioni ni kwa sababu gani Jiji la Nairobi na sehemu zingine ndogo zina Wabunge wengi. Watu wengi wanaoishi Nairobi wametoka katika vijiji. Mbunge mmoja anaweza kuwakilisha Nairobi kwa sababu watu wengi wanaoishi humo ni wafanyibiashara. Ningependa kusema kwamba watu ambao wako katika manisipaa na Jiji la Nairobi warudi mashambani.

Mr. Kajwang: Thank you, Mr. Temporary Deputy Speaker, Sir. I just wanted to say that this is a constitutional matter, and it affects the elections. That is the reason why it is very difficult to separate elections from the constitution-making process because a constitution talks about governance and representation, while election creates governance and representation. So, to suggest that elections can be divorced from constitution-making is to be very shortsighted and visionless.

We have been a very conservative country in terms of expanding representative space in this country. If you check from the time we got Independence up to now, you will find that the number of constituencies have moved up very slowly. So, our representation has suffered and that is why people are talking about constitutional review, where, maybe, the number of constituencies would have solved the problem of representation. But to talk about density or population alone and forget population trends, means of communication, geographical features, community interests and so on, is not to give the entire picture of what even the present Constitution talks about. In fact, if you were to talk of geographical features and so on, in my constituency, I have several islands in Lake Victoria, some of them as far away as the border of Uganda. I have to, first of all, leave my car, get onto a boat and travel long distances. Sometimes I take one year to see some of my islands. So, when you want to combine all those aspects and talk about density of population--- In fact, this Parliament is in somebody's constituency. This hon. Member does not need to walk a distance to reach his constituents. So, there should be a difference.

Thank you very much, Mr. Temporary Deputy Speaker, Sir.

I support the Motion.

The Assistant Minister for Finance and Planning (Mr. Lomada): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to thank Mr. Ochilo-Ayacko for giving me some of his time to contribute. At the same time, I would like to thank him for coming up with this Motion.

Sigor Constituency is very large and I would like it to be divided into two constituencies. We should remember that we are the mobile banks of the people. When the electorate come to see us, they would like us to give them some money to go and pay school fees for their children, settle hospital bills and meet other bills. So, we should have smaller constituencies. I have five divisions in my constituency and I would like to propose that one constituency should be equivalent to a division.

Mr. Temporary Deputy Speaker, Sir, I support this Motion.

Mr. Ochilo-Ayacko: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity to thank hon. Members of both sides of the House for the unequivocal support they have given to this Motion. The hon. Members of the House who were worried that the Electoral Commission of Kenya (ECK) may not do good work should not worry. The current constitution of the ECK is such that we have 10 members belonging to that side of the House, and the other 10 belonging to this side of the House. So, when they will embark on this exercise, assuming that the Bill will be passed into law, I believe that fairness will prevail. It will be unlike in the past. So, hon. Members should not worry because we now have the ECK constituted by appointees from both sides of the House.

I would also like to inform the hon. Members that the passage of this Motion, and the Bill when it is brought before the House, has come at a very timely moment because this is a succession year and whoever will succeed the present leader of Government has not yet been identified. So, it will not be seen as an attempt to perpetuate a particular leadership. So, at this particular juncture, the House and the country are sober and we will have a proper review of boundaries.

In conclusion, I know that many hon. Members of Parliament would have liked to speak in support of this Motion, which was merely a procedural Motion to give leave to introduce to this House a Bill to amend the

Constitution. An opportunity will present itself very soon because the Bill is nearly ready and it is brief. I would like to call on both sides of the House, to be united in supporting the Bill when it will be brought before the House because that is where work is. The hon. Members who may not have had an opportunity to speak in support of this Motion will have a lot of time to speak.

Mr. Temporary Deputy Speaker, Sir, with those very few remarks, I end my reply.

(Question put and agreed to)

BILL TO PROVIDE FOR LIBERALIZATION
OF POWER GENERATION

THAT, this House do grant

leave to introduce a Bill for an Act of Parliament entitled The Electric Power (Amendment) Bill to allow for micro-hydroelectricity power in the rural areas and liberalization of power generation.

The Temporary Deputy Speaker (Mr. Imanyara): Is Capt. Ntwiga here?

Hon. Members: He is not here!

(Motion deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, that concludes the business on the Order Paper. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 11.50 a.m.