

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th April, 2002

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

ADOPTION OF COMMITTEE REPORT ON TOUR OF ISRAEL

Mr. Kimeto: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
THAT, this House adopts the Report of the Departmental Committee on Administration, National Security and Local Authorities on a tour to Israel and Egypt.

COMMUNICATION FROM THE CHAIR

LIMITATION OF QUESTION TIME

Mr. Speaker: Hon. Members, as we move to Question Time, I wish to bring to the attention of the House that from now onwards, Question Time will be restricted to one hour only, because of the workload that this House has. It is for everybody's interest that Question Time is restricted to one hour, beginning now.

ORAL ANSWERS TO QUESTIONS

Question No.021

COMPENSATION TO LEOPARD ATTACK VICTIMS

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

(a) when he will compensate the family of Mr. Robert Cheruiyot Langat who was killed by a leopard in June, 1995;

(b) when the following people who were injured by the same leopard will be compensated:-

Alex Maritim	Stephen Kipkorir
Joseph Soi	Chepkwony Melile
Joseph Langat	Geoffrey Langat
Philip Kipkoech Yegon	Collin Ng'etich and;
Joel Kibii Matage	Philip Kipyegon Koech; and,

(c) what caused the delay in compensating the victims.

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

(a) Compensation claim forms of the late Robert Cheruiyot have been passed on to the Office of the President, and his compensation payments will be released immediately the Ministerial Wildlife Committee approves the same.

(b) As in (a) above, the compensation claim forms of the following people:-

Alex Maritim	Stephen Kipkorir
Joseph Soi	Chepkwony Melile
Joseph Langat	Geoffrey Langat
Philip Kipkoech Yegon	Collin Ng'etich and;
Joel Kibii Matage	Philip Kipyegon Koech

have been received in the Office of the President and their compensation claim payments will be released immediately the Ministerial Wildlife Committee approves the same claims.

Mr. Kimeto: Mr. Speaker, Sir, it has taken more than six years for these people to be compensated. How much will the Ministry pay these people, especially the one who was killed by the leopard? How much will the Ministry pay each of the affected persons?

Mr. Moroto: Mr. Speaker, Sir, the delay came about because the Wildlife Compensation Committee was not in place. But since the Government has put this Committee in place, the above claims are being processed and payments will be made. As to how much each of these persons will be paid, it will depend on the degree of injury occasioned to each of the victims. So, that aspect of the Question will be handled later.

Mr. Achola: Mr. Speaker, Sir, could the Assistant Minister explain to the House what he is going to do with the leopard? This is a very strange leopard! Will the Government kill it or take it to a game reserve somewhere?

Mr. Speaker: Mr. Moroto, what are you going to do with the leopard? Are you going to kill it, take it away or what?

Mr. Moroto: Mr. Speaker, Sir, the Government is not going to kill the leopards, elephants or other wild animals. We will have to protect them and ensure that they do not come to disrupt the normal activities of human beings.

Mr. Anyona: Mr. Speaker, Sir, there is a lot of laxity in this Government, even from the young Turks who came in recently. This incident happened in 1995 and the Assistant Minister has said there was no committee in place to deal with this matter for seven years. He has not even told us when the claim forms were received. Is the Chair really satisfied that this Assistant Minister is answering the Question put to him? He should tell us when the claim forms were received and why there was no Committee in place!

Mr. Moroto: Mr. Speaker, Sir, there is no laxity in the Government and I am assuring you that, from now on, this matter will be dispensed with immediately.

Mr. Kimeto: Mr. Speaker, Sir, the Assistant Minister has not told us how much will be paid to each of the victims as compensation! What would have happened if the leopard had killed a Member of Parliament?

An hon. Member: He would be dead!

(Laughter)

Mr. Moroto: Mr. Speaker, Sir, it is not for the Assistant Minister to say how much will be paid to each of the victims. That is for the Committee to assess; from the documents received from the victims. When they are paid, they can appeal if they are not satisfied.

Question No.141

SETTLEMENT OF CLASHES VICTIMS

Mr. Speaker: Mr. Kariuki is not here? We will come back to the Question later.
Next Question, Mr. Kombo!

Question No.149

AGREEMENT BETWEEN GOK AND EU/ACP COUNTRIES

Mr. Kombo asked the Minister for Finance:-

- (a) when the Government of Kenya ratified the Cotonou Agreement between the EU and ACP countries; and,
- (b) what benefits have accrued so far, from this agreement.

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

(a) The Minister for Foreign Affairs and International Co-operation signed the instrument of ratification on 13th March, 2001. That document was dispatched, arriving at the headquarters of the EU at Brussels on 3rd April, 2001. The instrument was lodged at the headquarters on 6th April, 2001, which is the effective date of ratification by the Government of Kenya.

(b) For the Cotonou Agreement to become effective, it must be ratified by two-thirds of all the ACP countries and all the 15 European member states. So far, only 42 ACP countries have ratified the agreement, out of the total of 77 countries and also, four European member states have ratified the agreement. According to the current programme, it is expected that all the EU member states will ratify the agreement during the second half of this year.

In terms of benefits, Kenya has been allocated a sum of Euro225 million which is equivalent to Kshs15.7 billion. Of this amount, Euro170 million is under the National Indicative Programme. Euro55 million is in respect of commodity compensatory mechanism which will replace the STABEX arrangement. This amount will cover a period

of five years, starting this year to the year 2007 for the Ninth European Development Plan Programme from the funds available under the Cotonou Agreement. The Government has commenced consultations with the EU and the European Commission here in Kenya on the preparation of the Ninth EDF Programme which will facilitate finalisation and accessing of the funds allocated to Kenya, as soon as two-thirds of those countries ratify the agreement.

Mr. Kombo: This is an important agreement. Why was it ratified without being brought to Parliament? This is where we go wrong because Kenyans have been burdened and even our future generations have been mortgaged without the approval of Parliament. Loans have been negotiated by the Government and the same money has ended up in the pockets of State House squatters without benefiting Kenyans and yet Parliament is not involved. Why did this happen without Parliament getting involved?

Mr. Speaker: Who are "State House squatters"? Mr. Obure, would you like to respond to that?

Mr. Obure: Mr. Speaker, Sir, I will not respond because the question does not fall within my jurisdiction.

Dr. Kituyi: Mr. Speaker, Sir, when a Minister accepts to answer a Question, it may contain issues that touch on another Ministry. For example, the matter of the Cotonou Agreement touches on the Ministry of Foreign Affairs and International Co-Operation, and the Ministry of Finance and Planning. But the Minister should still be able to answer the Question since the treaties that the Kenya Government has signed have come to Parliament for parliamentary approval to domesticate their implications. Why did the Minister find such a critical treaty not significant enough -between his Ministry and the Ministry of Foreign Affairs and International Co-operation - to be brought to Parliament?

Mr. Obure: Mr. Speaker, Sir, I was asked two specific questions and I concentrated on making sure that I brought a satisfactory answer in respect to the Question. Now, I am being asked to answer a third Question, which should be directed to another Ministry. Are you satisfied that I can answer this Question, which is pregnant with other meanings?

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

Mr. Speaker: Order, Mr. Muite! I said that we should take one hour only on Questions. By the way, points of order will only be restricted to breach of procedure and misconduct in the House and not to supplementary questions or clarifications.

Mr. Kombo, ask your last question!

Mr. Kombo: Mr. Speaker, Sir, this is not fair! The Minister asked you whether you are satisfied that he could answer the Question. Did you tell him whether you are satisfied with what he is trying to do?

Mr. Speaker: The Speaker is neither here nor there!

Mr. Kombo: Mr. Speaker, Sir, I do not think that it is fair that the Minister should evade to answer a Question. There is collective responsibility. This Minister was formerly the Minister for Foreign Affairs and International Co-operation. I think you should compel him to answer the first question before I can ask the second question.

Mr. Speaker: Mr. Minister, the question is relevant and you are competent to answer it.

Mr. Obure: Mr. Speaker, Sir, I would have thought that this could have been very good material for a fresh Question to be brought to this House. But I will find out what happened, and why the treaty was not brought to the House, from my colleague in the Ministry of Foreign Affairs and International Co-operation.

Question No.004

TARMACKING OF ROAD C85 IN KISUMU CITY

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

(a) what plans he has of tarmacking Road C85, Water-Works to Dunga Road, within Kisumu Municipality; and,

(b) whether he could provide a time-frame within which this will be done.

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

(a) In view of the current economic problems, the Ministry is not in a position to undertake upgrading of the Water-Works to Dunga Road to bitumen standards. However, the Ministry will endeavour to keep the said road in a motorable condition through routine and periodic maintenance.

(b) Due to economic hardships, I am not in a position to provide a time-frame within which this road could be upgraded.

Mr. Sungu: Mr. Speaker, Sir, I beg to disagree with the Assistant Minister because, whereas we accept that there are recurrent economic problems in the country, we know that there is a 16 per cent fuel levy allocation to Kisumu District. This money, to my knowledge, to date has not been spent on anything in Kisumu District. This road is very important because Dunga Beach is a fish landing beach and there are many residents in that area. This road is periodically blocked by floods. In fact, it is due to be blocked by floods when the heavy rains come. Could the

Assistant Minister now confirm to us that he will use the Fuel Levy Fund to upgrade this road so that it can be used by the residents?

Mr. Mokku: Mr. Speaker, Sir, I totally agree with the hon. Member that this is a very important road. The Water-Works to Dunga Road is Road C85 and it is 5.9 kilometres long; it starts from A1 Kisumu to Dunga. It is gravelled. During the financial year 2000/2001, the road was gravelled at a cost of Kshs9.7 million by M/s Bridgeton Construction Company, hence it is in a good motorable condition.

Mr. Sungu: Mr. Speaker, Sir, I beg to disagree with the Assistant Minister yet again, because when the Heads of the three East African Governments were in Kisumu and Kisumu was elevated to city status, we were very embarrassed because the Presidents had to drive along that road. The road that the Assistant Minister has talked about has not been upgraded to the standard required. That is why we had to feed on dust instead of following behind the President.

Mr. Speaker, Sir, so, could the Assistant Minister confirm that he will now upgrade this road this financial year so that we can help the people of Kisumu Municipality?

Mr. Mokku: Mr. Speaker, Sir, it is true that the road might not have been upgraded to the standard the hon. Member has asked for, but I want to confirm to him that this road is motorable and in good condition. When funds will be available, we will actually upgrade the road.

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

Mr. Speaker: It has to be on a breach of procedure or misconduct!

Mr. Sungu: Mr. Speaker, Sir, I think there is a question of misconduct here because the Assistant Minister has deliberately misled the House.

Mr. Speaker: Order! That is not it. Go and read again and get all the authorities on what you consider a point of order.

Question No.102

ISSUANCE OF TITLE DEEDS TO
MBOONI RESIDENTS

Bw. Kalulu alimuuliza Waziri wa Ardhi na Makao:-

(a) kama anafahamu kwamba wenye mashamba katika tarafa za Kalawa, Mbooni, Tulimani, Kisau na Kiteta bado hawajapewa vyeti vya kumiliki mashamba, ingawa hizo sehemu zilipimwa mnamo mwaka wa 1988; na,

(b) ni lini ataamuru wenye mashamba katika sehemu hizo wapewe vyeti vyao haraka iwezekanavyo.

The Assistant Minister for Lands and Settlements (Mr. Tarar): Bw. Spika, ninaomba kujibu.

(a) Ninafahamu ya kwamba baadhi ya wenye mashamba katika tarafa za Kalawa, Mbooni, Tulimani, Kisau na Kiteta bado hawajapata vyeti vya kumiliki mashamba.

Bw. Spika, ingawa hivyo, vyeti vya kumiliki mashamba katika sehemu zifuatazo viko tayari na wenye mashamba wanaweza kuvichukua wakati wowote.

(a) Tarafa ya Kalawa

Sehemu	Wakati Iliposajiliwa
Kitile	31.3.1998
Itumbule	16.1.1991
Kilala	29.6.1978
Malunda	10.1.1997
Kilawa	23.3.1976

Tarafa ya Mbooni/Tulimani

Sehemu	Wakati Iliposajiliwa
Itetani	29.11.1989
Ilali	28.9.1982
Kalawani	23.02.1989

Tarafa ya Kisau

Sehemu	Wakati Iliposajiliwa
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Mikimwani	10.8.1994
Sakai	3.8.1990
Kako	17.2.1988
Ngoni	24.4.1987

Tarafa ya Kiteta

Sehemu Wakati Iliposajiliwa

Kiambuwa	28/6/1984
Kakuswi	4/5/1984
Ngulini	29/1/2002

(b) Wenye mashamba katika sehemu ambazo vyeti vya kumiliki mashamba vimekuwa tayari, wanashauriwa kwenda kuvichukua. Katika sehemu zilizosalia, vyeti bado havijakuwa tayari na upimaji ungali unaendelea. Mara tu kazi inayofanyika sasa itakapomalizika, wenye mashamba wanashauriwa kwenda kuchukua vyeti vyao.

Mr. Kalulu: Bw. Spika, jibu la Bw. Waziri Msaidizi ni sahihi. Walakini, Waziri Msaidizi anaelewa kwamba kuna hatari kubwa sana ikiwa vyeti vya kumiliki mashamba vitahifadhiwa katika ofisi za Wizara hiyo! Kwa mfano, katika ofisi yake, vyeti hivyo vimerundikana na ni vyeti takribani 10,000. Vingine vimerundikwa katika ofisi ya Wizara hiyo huko Makueni. Katika hali ya kumsaidia Bw. Waziri Msaidizi, yafaa aelewe kwamba wakati Mungu alipowakabidhi Adamu an Hawa bustani la Edeni, aliwapatia cheti cha kumiliki bustani lile!

(Laughter)

Je, Waziri Msaidizi anaweza kuharakisha utoaji wa vyeti vya kumiliki mashamba na kuvitoa kwa wakuu wa tarafa, na machifu kuvigawa, kuliko kuviweka katika ofisi yake huko Makueni?

Mr. Tarar: Bw. Spika, ningemwomba mhe. Kalulu ajaribu kuwaelimisha wale ambao anawakilisha Bungeni kwamba, vyeti hivi vya kumiliki mashamba viko na haviwezi kupelekwa wenyewe kwa njia ovyo ovyo. Hii ni kwa sababu, vyeti hivyo vikipitia katika mikono ya watu ambao si wazuri, pengine vinaweza kutumiwa vibaya. Kwa hivyo, ninamwomba mhe. Kalulu awaambie watu wake kwenda kuchukua vyeti vya kumiliki mashamba.

Mr. Katuku: Mr. Speaker, Sir, the Assistant Minister has said that, in some areas, title deeds have not yet been sorted out. Could he tell this House what steps he is taking to ensure that some of these areas, which were surveyed long time ago, have their cases sorted out as soon as possible?

Mr. Tarar: Bw. Spika, shida hii ya vyeti haihusu Wizara yangu tu. Shida iko katika upande wa wananchi wenyewe na mimi ningemwomba mhe. Kalulu awaambie watu wake kwamba, si vizuri kupeleka kesi ndogo ndogo kortini na badala yake, yafaa wamalize shughuli za kesi hizo, ili waweze kupata vyeti vyao vya kumiliki mashamba haraka iwezekanavyo.

Mr. Kalulu: Bw. Spika, nafikiri Wilaya ya Makueni imeanzia katika mji wa Machakos hapa karibu na Nairobi. Itambidi, mzee ambaye anataka kupatiwa cheti cha kumiliki shamba atumie siku mbili au tatu kwenda hadi Makueni na kulala huko kwa siku mbili au tatu. Je, Bw. Waziri Msaidizi anaweza kupunguza masharti kuhusu utoaji wa vyeti ili wananchi waweze kuchukua vyeti karibu na kwao; kwa DO, kwa sababu kila kituo cha tarafa kina msorovea wake? Vyeti hivi vinaweza kupelekwa kwa Mkuu wa Tarafa, kwa sababu cheti ni haki ya mwenye kumiliki shamba!

Mr. Tarar: Bw. Spika, nitapeleka ombi la mhe. Kalulu katika Wizara ili maofisa wangu wafanye mpango wa kushughulikia ombi lake katika ofisi za tarafa.

Mr. Speaker: Very well. Next Question, Eng. Toro!

Question No.092

NON-PAYMENT OF DAMAGES TO PLAINTIFFS

Eng. Toro asked the Attorney-General:-

(a) whether he is aware that Ms. Margaret Mukuhi Mbuthia, Ms. Mary Njoki Ndegwa and Ms. Wairimu Karuga sued him in the Senior Principal Magistrate's Court at Thika, vide Civil Suit No.739 of 1995;

(b) whether he is further aware that the Court on 4th February, 1998 ruled that the Attorney-General pays the plaintiffs both general and special damages in the sum of Kshs61,050 plus costs assessed in

the sum of Kshs19,935; and,

(c) when he will honour the Court's decision and pay the plaintiffs.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

(a) The Attorney-General is aware.

(b) Arrangements are being made to pay the plaintiffs and the delay in finalising the matter is regretted.

Eng. Toro: Mr. Speaker, Sir, although the Attorney-General accepted the case, I cannot agree with him about the delay because this Question was brought before this House last year, and it could not be asked then because the Attorney-General wrote a letter and said that he could not be in the House to answer the Question. That was last year and he was aware of it. When he talks about the delay now, it is not quite acceptable! Could the Attorney-General tell this House when he is going to pay the money to the plaintiffs, and where the cheque will be collected from? Could he also give an undertaking as to when this will be done and abide by that undertaking?

Mr. Wako: Mr. Speaker, Sir, I hope the hon. Member would accept my regret because this is one of those cases which were overlooked since the State Counsel who was dealing with the matter, unfortunately, passed away. So, we are looking into the case and the Treasury has to authorize payment. As soon as the authority is given, payment will be made.

Mr. Murungi: Mr. Speaker, Sir, I think there is a lot of mismanagement in the office of my friend, the Attorney-General. Sometime last year, I asked a Question about delay in payments of compensation to a person who had been tortured by the police and his eyes were removed. The Attorney-General promised to take action the moment he reached his office, and that compensation payment would be processed. Today, six months later, the Attorney-General has not done anything! Could you advise the Attorney-General to appoint one State Counsel who will be following up the promises he gives in this House to make sure that they are implemented?

Mr. Wako: Mr. Speaker, Sir, as far as that Question was concerned, I did follow it up. I believe the amounts were sent, but the money has not been received by the hon. Member's clients, and I will look into it. I believe the cheque was sent to the plaintiffs from the Commissioner of Police as he promised. It took some time because of the financial constraints being faced by the Government and the amount was in millions of shillings rather than in tens of thousands of shillings; as far as my friend is concerned. But rest assured, as far as the hon. Member is concerned, that I have talked to the Minister for Finance, who is here, and in the light of the amount involved, the Treasury approval should come very soon.

Eng. Toro: Mr. Speaker, I would have been happier if the Attorney-General gave an indication, at least, as to the timeframe, say, two weeks or one month, of implementing what he is saying, so that I can come back to this House and seek the Chair's indulgence, if the Attorney-General will not have done something by then.

Mr. Wako: After having consulted with the Minister for Finance, I think it will be done before Labour Day.

Question No.146

ARREST OF MR. KABURU'S KILLERS

Mr. Murungi asked the Attorney-General:-

(a) whether he is aware that Mr. George Kaburu of Baranga Sub-location was killed on 19th April, 2001 near Kaguru Farmers Training College, while in the company of one Moffat Mpaka M'Mukiri; and,

(b) what steps he has taken to apprehend the late Kaburu's killers and charge them in a court of law.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

(a) The Attorney-General is aware that Mr. George Kaburu Chabari was found dead on 16th April, 2001 along Nkubu-Chuka Road. Police reports indicate that the late Kaburu was a victim of a hit-and-run motor vehicle.

(b) The police report was filed before the magistrate who ordered it to be closed because the hit-and-run vehicle was never identified and there was no possibility that it could be identified thereafter. I have since looked partially at the file and directed further investigations to be carried out.

Mr. Murungi: Thank you, Mr. Speaker, Sir. The state of criminal investigations, especially in the rural areas of this country, has deteriorated. In this particular case, I have some information that this man was not a victim of hit-and-run motor vehicle, and as a matter of fact, he was killed. The only reason why the file was closed on the pretext that he was killed by a hit-and-run motor vehicle was because money changed hands. I heard the Attorney-General say that, upon receipt of the file, he has directed further investigations. Could he be kind enough to tell this House why he has directed further investigations to be carried out on this file?

Mr. Wako: Mr. Speaker, Sir, upon perusal of the investigations file, there were a number of loose ends

which needed to be tied up, and the matter seemed to point to the person with whom the deceased was last seen. There was no statement from members of the public although the friend of the deceased says that he was hit, and more or less under a mob rule, set upon by members of the public who found that a person had died and he was standing there. So, there was no statement from any member of the public as to why that happened. It also appeared that if it was an accident and they were walking together one would have expected, at least, the accident to have involved both persons but it appeared as if the friend was not injured in any way. It was also not clear as to why the accident was never reported to the police. The post-mortem report did not state that the deceased died as a result of road accident injuries. This meant that the deceased may have died of injuries other than an accident. Because of this, and other loose ends, I have ordered further investigations.

Mr. Murungi: Thank you, Mr. Speaker, Sir. I would like to thank the Attorney-General for taking time to notice all these loopholes. This was a clear case of cover-up by investigators because they did not even record a statement from the person who was walking with the deceased. Could the Attorney-General, in addition to investigating the murder, also consider moving the Police Anti-Corruption Unit to investigate the investigators to ensure that in future we do not have cases of cover-up of murder in this country like this one?

Mr. Wako: Mr. Speaker, Sir, we have to get specific allegations of corruption before we can move in the Police Anti-Corruption Unit. But what I can do is to request that the investigations be carried out by police officers other than those who are suspected to have been part of the cover-up.

Mr. Speaker: Let us move on to Mr. Kariuki's Question for the second time!

Mr. Kariuki: Mr. Speaker, Sir, I would like to apologise for coming late. The Constitution of Kenya Review Commission team was receiving views from members of the public in my constituency and I have just come back from there.

Question No.141

SETTLEMENT OF CLASHES VICTIMS

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

- (a) how soon all the families which were displaced during the 1990s tribal clashes in various parts of the Rift Valley Province will be settled, and security, while on their land, guaranteed; and,
- (b) whether he could consider paying compensation to the families of the innocent people who either died or were maimed during the tribal clashes in Rift Valley and Coast Provinces.

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

(a) When peace was restored in the areas affected by the tribal clashes in parts of Rift Valley Province, some of the families which had been displaced went back to their land, while others were resettled elsewhere. Others exchanged their pieces of land while others opted to sell theirs and settle elsewhere.

(b) I have no plans of compensating anybody for whatever happened then.

Mr. Kariuki: Mr. Speaker, Sir, this is a very unsatisfactory answer. I would like to say that people died in the Rift Valley Province and other parts of the Republic for no reason of their own. There must have been people who caused the trouble and they must have reasons for that. I would like to know from the Assistant Minister where all those people who were displaced by tribal clashes were settled since he has said that they were settled elsewhere. Could he table the list of the people who were settled elsewhere and those who exchanged their pieces of land? Where people opted to sell---

Mr. Speaker: Mr. Kariuki, you are asking so many questions at the same time!

Mr. Kariuki: Mr. Speaker, Sir, I am responding to the answer that he has given to this House.

Mr. Speaker: Well, you have to be brief!

Mr. Kariuki: Mr. Speaker, Sir, could he also table a list of all those people who exchanged their pieces of land so that we can see the genuineness of the statement he has given here?

Mr. Samoei: Mr. Speaker, Sir, the statement I have made is not only genuine but it also states the correct position. Personally, I come from Uasin Gishu District, which is one of the districts which were affected by the tribal clashes. I have said that pieces of land were exchanged by people in Lugari with people in Uasin Gishu, while people in Nakuru exchanged their pieces of land with people in Eldoret. I would like to point out that pieces of land were sold by persons who felt that they had no confidence to live in certain areas. That is the correct position that took place. It was an unfortunate incident that people lost their lives. It is not a certain community which lost lives, but Kenyans lost lives. It is a very unfortunate situation, but as late as a week ago, there was a meeting of elders to appreciate the situation as it stands now; that peace has resumed. Those people who have exchanged their pieces of land have done so willingly, while those ones who have sold theirs have also done it willingly. That is the position.

Mr. Muite: Mr. Speaker, Sir, as we all know, the issue of ethnic clashes is very sensitive. I do agree with Mr. Kariuki that the answer the Assistant Minister has given this House is unsatisfactory. Many questions about ethnic clashes remain unanswered. Could the Assistant Minister consider releasing the Akiwumi Report? The Report the Commission produced was at public expense and was concluded. When will the Government release to the public that Report so that we can read it and see the answers to all the questions which remain unanswered?

Mr. Samoei: Mr. Speaker, Sir, indeed, we have the Akiwumi Report. I am sure that, that Report will be in this House as soon as the Attorney-General will be in a position to table it.

Mr. Sungu: Mr. Speaker, Sir, I would like the Assistant Minister to know that we are in the same party with him. The question of resettling these people has taken more than ten years. Some Kenyans are still displaced from their homes. As I speak now, there are many people still living in the compound of Thessalia Mission in Kericho District. Now that we are in the same party, could the Assistant Minister, on behalf of the Government, undertake to relocate these people to any Government land available, including that of Miwani which is being grabbed by Asians?

Mr. Samoei: Mr. Speaker, Sir, while I do appreciate the concerns of hon. Members, by and large, the issue of tribal clashes is actually behind us. It is very unfortunate for people in the areas he has mentioned. For the many people who have not gone back to their farms, it is by choice. The Government has provided adequate security for anybody who would want to go back to their farms. There is adequate security. Those who have gone back to their farms are living very peacefully. In the case of those living at Thessalia Mission, these are people who did not have pieces of land before and are now masquerading as victims of tribal clashes. The Government will deal with them as landless people and they will be treated as such.

Mr. Kariuki: Mr. Speaker, Sir, I would condemn the answer given to the House by the hon. Assistant Minister as pure lies and cheating---

Mr. Speaker: Order! Mr. Kariuki, you may be disappointed by the Assistant Minister, but you must obey the rules of the House. "Cheating" and "lies" are unparliamentary terms!

Mr. Kariuki: Mr. Speaker, Sir, if the Assistant Minister makes untruthful statements, which are also misleading and have no grounds and basis of being genuine, is that not lying and cheating?

Mr. Speaker: Order! Mr. Kariuki, you must understand that it is my duty to ensure that parliamentary proceedings are carried out within the rules of the House. That includes you. However upset you may be, we cannot waive the rules of the House. You must obey my ruling. I now order that you do obey my ruling!

Mr. Kariuki: Mr. Speaker, Sir, I feel very sorry that I am being forced to swallow my words for saying things which are definite and truthful because the Assistant Minister is not telling the truth. I do not see what I should be apologising for because these are serious issues. Our people died in this nation and nothing has been done to address the issue. No compensation has been made.

Mr. Speaker: Order! Mr. Kariuki, do you want to make yourself a martyr? I will not give you that advantage. I am sorry for you because I will not send you out.

QUESTIONS BY PRIVATE NOTICE

KILLING OF MR. LENTANTUYA BY ELEPHANT

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

(a) Is the Minister aware that Mr. Lekimpompoi Lentantuya was killed by a rogue elephant on 15th February, 2002, at his home at 5.30 p.m. in Rombo Sub-Location, Loitokitok Division?

(b) What action is he taking to urgently compensate the family and protect both people and their properties from elephants roaming in the area?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Speaker, Sir, I am sorry. I beg to request the Chair to allow me to bring the answer to this Question tomorrow.

Mr. Speaker: Why?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Speaker, Sir, the answer to this Question is not ready.

Mr. Speaker: Mr. Parpai, what is your reaction?

Mr. Parpai: Mr. Speaker, Sir, it is true I need the answer for this Question. Will it be possible for me to get the answer tomorrow afternoon?

Mr. Speaker: Mr. Samoei, is that alright with you?

The Assistant Minister, Office of the President (Mr. Samoei): Yes, Mr. Speaker, Sir.

Mr. Speaker: This Question is deferred to tomorrow afternoon.

(Question deferred)

Next Question, Mr. Khamasi!

DISSOLUTION OF KFF MANAGEMENT

Mr. Khamasi: Mr. Speaker, Sir, I beg to ask the Minister for Heritage and Sports the following Question by Private Notice.

(a) Is the Minister aware that Kenya Football Federation (KFF) is faced with many management and financial problems which are not being adequately addressed, to the extent that football standards at all levels continue to deteriorate in the country?

(b) Could he table the Odidi Report and inform the House the action taken against persons implicated in corrupt deals?

(c) Could he seek guidance from the Confederation of African Football and FIFA with a view to dissolving KFF and having a new team elected to efficiently run its affairs?

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. Osundwa): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware of the many financial and management problems faced by the Kenya Football Federation (KFF). I am also aware that together with my Ministry and the Kenya National Sports Council (KNSC), the KFF is trying to address the shortcomings alluded to above. They have brought in a new team after they suspended three national officials who were allegedly responsible for the mismanagement of its resources. The KNSC is overseeing the changes on behalf of the Government.

(b) It may be premature, at this juncture, to table the Odidi Report before this august House as the Kenya Police Anti-Corruption Unit is looking at both the Odidi Report and the one presented by the KFF Probe Secretary with a view to taking legal action against officials adversely mentioned in the reports.

(c) The Ministry's first and foremost intention is to protect the interests of the soccer fraternity in this country. In that light, we shall not wait for any guidance from FIFA or CAF before we take any deterrent action, including dissolution of KFF, if that is the wish of the soccer fraternity here. The issue of the Government dissolving the KFF and ordering for fresh national elections is, therefore, an option which my Ministry will consider after full investigations have been finalised by the Kenya Police Anti-Corruption Unit.

Mr. Khamasi: Mr. Speaker, Sir, we all know that football is the most popular sport in this country. The answer by the Assistant Minister is very unsatisfactory because the Ministry is not doing what they are supposed to do. All the teams in the national premier league, including Harambee Stars, Mathare United, AFC Leopards, Oserian and Bunge AFC, among others, have been bundled out of international tournaments because KFF is not doing its job properly. The Odidi Report implicated many people in financial scams. A few of them have been suspended. Why has the Ministry not taken serious steps to make sure that all the people implicated in the financial scams are suspended from this sport?

Mr. Osundwa: Mr. Speaker, Sir, as I said, the Ministry has given these reports to the Kenya Police Anti-Corruption Unit. Once they finish their investigations, action will be taken against the culprits.

Mr. Munyasia: Mr. Speaker, Sir, the Assistant Minister is aware that the standards of Harambee Stars are very low and that they cannot compete in the African Nations Cup. What is he doing to solve the financial problems facing Harambee Stars so that they can begin their training early enough?

Mr. Osundwa: Mr. Speaker, Sir, the problem we are having in sports is lack of transparency in its management which the Ministry is addressing. Once these problems have been unearthed, the Ministry will be compelled to take the necessary action, which may include dissolving the KFF and replacing it with a competent body.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to avoid answering the question that I asked about what plans he has to help Harambee Stars begin training for the contests with other African nations? He has not answered that question. Since the team is not in training, what is the Ministry doing?

Mr. Osundwa: Mr. Speaker, Sir, once funds are available, we shall facilitate proper training for Harambee Stars. We are approaching the end of the financial year, and once Parliament votes sufficient money to the Ministry, we shall be able to prepare the team.

Mr. Sungu: Mr. Speaker, Sir, you and I being hon. Members of Bunge FC amongst others, and many Kenyans are lovers of football---. What is coming out clearly is that, there is obvious theft and corruption within the KFF. The Assistant Minister should come out and show the way out of this quagmire. There was a time when

Ministers could take the bull by its horns and take the necessary action, instead of waiting for reports and so on. Could the Assistant Minister assure this House that he is going to take immediate action, and not wait for the report, because he is responsible to this House? He should take action immediately because the situation is pathetic.

Mr. Speaker: Will you take the bull by the horns?

Mr. Osundwa: Mr. Speaker, Sir, I would like to repeat that we are going to take action immediately the probe team finishes its work.

Mr. Khamasi: Mr. Speaker, Sir, we have had, for example, the Akiwumi Report and other reports of various commissions not being laid in the House. This is the Odidi Report which is disclosing what thieves have actually done within KFF. I am wondering why the Assistant Minister deems it necessary to protect the Chairman of KFF who is actually responsible for all the wrongs and ills in the KFF?

Mr. Osundwa: Mr. Speaker, Sir, the Chairman of KFF has already suspended three officials who have been implicated. Now, I am assuring my good friend that once this report is out - I can assure you the report is just about to be concluded by the team we gave to work on - we will take action.

Mr. Khamasi: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to deliberately refuse to answer the question? I would like to know why they have not suspended the Chairman of KFF, who is responsible for the mess in that body.

Mr. Osundwa: Mr. Speaker, Sir, we shall take the necessary steps against the Chairman of KFF if he will be implicated in the shady deals.

Mr. Muchiri: On a point of order, Mr. Speaker, Sir. Part "b" of the Question is asking the Assistant Minister to lay on the table the Odidi Report. Now that he has not Tabled the report, are you satisfied that the Question has been answered satisfactorily?

Mr. Speaker: Order! First of all, you are totally out of order!
Next Question!

ABOLITION OF THE NATIONAL COMMUNICATIONS SECRETARIAT

Mr. Kajwang: Mr. Speaker, Sir, I would like to ask the Minister for Transport and Communications the following Question by Private Notice:-

(a) Is the Minister aware that the experts employed at the National Communications Secretariat since May, 2001 have not been paid their salaries although they continue to work for the said statutory body?

(b) Why is the Ministry planning to abolish the National Communications Secretariat?

The Minister Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the experts employed at the National Communications Secretariat have not been paid since May 2001, although they continue to serve the Secretariat. In March, 2001, the Communications Secretary was appointed and he later recruited two other professionals; an engineer and one economist. The Communications Secretary has since been receiving his salary. However, the other two professionals have not been paid due to a delay in establishing their terms and conditions of service. The terms and conditions of service have since been prepared with the assistance of the DPM and arrangements are underway to pay their salaries including the arrears.

(b) The Ministry has no intention of abolishing the National Communications Secretariat. On the contrary, it will strengthen the National Communications Secretariat by recruiting more professionals to enable it to play its full role as an advisory body to the Government. The newly-approved establishment for the National Communications Secretariat comprises a total of four professionals and 18 support staff. It is expected that by the end of this year, all the positions in the National Communications Secretariat will have been filled.

Mr. Kajwang: Mr. Speaker, Sir, I would like to thank the Minister for attempting to answer the Question. However, you notice that the only reason why the officers who are working at the Secretariat have not been paid, is because their terms and conditions of service had not been worked out until one year later since they were employed.

Mr. Speaker, Sir, I do not know how somebody can ever be employed before he knows what terms on which you are being employed. I do not know how you can ever give somebody an appointment letter without telling him how much he will earn. If you have given him such a letter, why should you not pay him for one whole year?

I would like the Minister to explain that, because the suspicion is that there is a conflict of interest between the regulator, which is the Communications Commission of Kenya, and the Ministry, on whether the Secretariat should live or die and yet that Secretariat is a result of our own Act of Parliament which we passed here.

Could he explain how he can ever employ anybody in this world; an expert in communications and in economics, and fail to pay them for one whole year and then say that the terms of service are not ready?

Mr. Mudavadi: Mr. Speaker, Sir, I wish to reassure the House that the Ministry has no intention whatsoever of abolishing the National Communications Secretariat. In fact, we would resist any attempt to abolish the National Communications Secretariat, because we believe it is a very vital advisory institution when it comes to telecommunications matters. I also want to state that the Ministry had a series of changes which dealt a blow on the element of continuity within the Ministry. I had a series of three Permanent Secretaries, and before one Permanent Secretary could quite resolve it, he was moved, and then another one would come, and this contributed partly to the delay. I would like to assure the hon. Member that the DPM has now completed and submitted the recommendations which we are going to adopt, and we will correct the anomaly and also ensure that the officers are paid. It is, indeed, true that they have gone through a lot of distress for the period that they did not get their salaries.

Mr. Speaker: Next Order!

MINISTERIAL STATEMENTS

PRESENCE OF FOREIGN FORCES IN KENYA

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Speaker, Sir, I wish to make a Ministerial Statement in response to the issue raised by Mr. Imanyara on 26th March, 2002 with regard to the presence of foreign forces in Kenya.

Following the events of September 11, 2001, the Government of Kenya took a very clear position on the question of terrorism. We condemned all forms of terrorism and stood firm with all peace-loving nations of the world in the fight against terrorism. We expressed our readiness to contribute positively to the global campaign against the menace.

Mr. Speaker, Sir, in the last two months, the Government of Kenya has been approached by various individual governments to make its territory available to the forces for information gathering missions in relation to that campaign. Following bilateral consultations with the Government of the United Kingdom, the United States of America and the Federal Republic of Germany, the Government of Kenya has agreed to their individual requests to allow their forces to be stationed in Kenya for a very brief period. It is the understanding of the Government of Kenya, and these individual Governments, that these arrangements will only be for a temporary period and will have no offensive military capability. This means that the missions will only be used to gather information on the possibility of the existence of terrorist cells and facilities in this region.

Mr. Speaker, Sir, under no circumstances, in the present arrangement, will there be a resort to military action against any country in the region. I should remind the hon. Member that the presence of foreign forces in this country is not a new issue and it is not meant to benefit only one party. Since Independence, Kenya has always had bilateral military co-operation with various governments that allow our forces and their forces to be in each other's territories, in accordance with the provisions of each particular agreement. The agreements provide for mutual benefits of the states pursuant to the agreements. Common benefits from such agreements are in form of training, funding and equipment.

Mr. Speaker: Do you want any clarification, Mr. Imanyara?

Mr. Imanyara: Mr. Speaker, Sir, I appreciate the statement given by the Assistant Minister. You will recall that in 1998, this country was subjected to a terrorist attack that affected us in a much more greater way than the events of 11th September in the United States of America (USA). But the issue that I would like to raise is this: Why has the Government not involved this House on a matter of such great importance?

Secondly, what are the terms under which the foreign troops are operating in the country? I am aware that previously, when foreign missions have entered into any form of military agreement with our country, they have paid for them. We would like to know the terms of the agreements that the Kenyan Government entered with the Governments of the USA, Britain and Germany to carry out the missions. We are aware that they are not just used for the reasons given by the Assistant Minister, but also for transporting ambassadors within Kenya. Just last week, we saw the French Ambassador travelling to Kisumu, together with his ambassadorial cars, in a military plane that is supposed to be in Kenya to perform duties in Somalia. So, could the Assistant Minister give us the terms under which those arrangements were reached, and, particularly, the financial implications for this nation, and explain why the approval of this House was not sought as has been the case in the previous years in relation to agreements with the British Government?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Speaker, Sir, I think the Government would seek the approval of this House in a situation of war. But in a situation of engagements like those ones, I think it is within the purview of the Executive. That is the reason why we did not ask for the approval of Parliament.

With regard to the second question, the agreement did not release specific information because it was agreed

upon between the Department of Defence (DOD) and the individual Governments. In most cases, such information is confidential.

Mr. Sungu: Mr. Speaker, Sir, whereas we understand the reasons why there is an international fight against terrorism, my main concern is whether this country will be drawn into that conflict. Some of those conflicts, like the Middle East crisis, date over 2,000 years. In my opinion, some of them would be very difficult to solve! So, to get this country involved in conflicts that really do not belong to Kenya--- We must ask of the Assistant Minister what benefits we are going to get out of that. Are those agreements for the protection of Kenya and Kenyans, or are they for the protection of other people?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Speaker, Sir, as a Government, we have an obligation to support the international community in the fight against terrorism. As the hon. Member stated, we are affected as a country, and all that we are doing now is to support the global initiative to fight the menace.

Mrs. Mugo: Mr. Speaker, Sir, any government, including the powerful President of the USA, never does a thing without consulting the House of Representatives, especially if it is serious. But because of the Executive absorbing all the powers of the three arms of the Government, that is why this House is in darkness when the country is faced with such a serious threat!

Could the Assistant Minister tell us what measures the Government has put in place to protect Kenyans in case of such attacks and threats, since they have exposed us wide open to be attacked for reasons that they have confirmed?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Speaker, Sir, the Government has not opened the floodgates for any attacks. All we are doing is protecting our national interests and our people. We have an obligation in the campaign against the menace of terrorism. What we are doing now is to achieve that.

HIGH COURT DECREE ON CBK (AMENDMENT) ACT

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, on 9th April, 2002, you, Mr. Speaker, and this august House, expressed concern that a decree had been issued, which was not in accordance with the judgement given in the High Court Civil (Miscellaneous) Application No.908 of 2001, in the matter of Central Bank of Kenya; and in spite of the advice given by the Attorney-General by a letter dated 13th February, 2002, which was laid on the Table of the House last week.

Mr. Speaker ordered that I make a statement today, Wednesday 17th April, 2002, and not Tuesday 16th April, as mentioned by Mr. Donde in the House this morning. The Attorney-General has investigated the matter and established that, by the time the said letter was received by Messrs. Lumumba and Muma Advocates, the advocates acting for the applicants, the Kenya Bankers Association, had already obtained the decree complained of, duly signed and sealed by the Deputy Registrar of the High Court. The advocate acting for the Kenya Bankers Association agreed with the Attorney-General that the decree was faulty.

Mr. Speaker, Sir, consequently, immediate steps were taken to rectify the decree by filing an application under Section 99 and Section 3(a) of the Civil Procedure Act, and under Order 20, Rules 4, 5 and 6 of the Civil Procedure Rules, on the ground that the decree as approved, does not agree with the judgement, and that there is, therefore, an error on the face of the record.

Mr. Speaker, Sir, I am pleased to inform this House that the application was heard this morning by hon. Justice Richard Kuloba. The application filed by the Attorney-General was successful. The orders prayed for were given. It was ordered that the decree issued by the honourable court on 22nd February, 2002, be amended by deleting Declaration No.3, which sought to nullify the Central Bank of Kenya (Amendment) Act, 2000, Act No.4 of 2001. It was further ordered that the amendment be effected with immediate effect. That was also in total agreement with the advocates acting for the Kenya Bankers Association. That, in effect, means that the Central Bank of Kenya (Amendment) Act is null and void only to the extent that it is inconsistent with Section 77(4) of the Constitution, and that it is unconstitutional only to the extent that it provides for the commencement date, 1st January, 2001.

Mr. Speaker: Mr. Donde, do you have anything to say about that?

Mr. Donde: Mr. Speaker, Sir, I wish to thank the Attorney-General because it has been very agonizing for myself and this House since this problem began. I would like to thank him very much for all the efforts he has made to rectify this anomaly. I congratulate him for the action he has taken.

Mr. Speaker: Well done, Mr. Donde.

Next Order!

BILLS*First Reading*

THE PUBLIC OFFICERS' ETHICS BILL

*(Order for First Reading read - Read the First Time -
Ordered to be referred to the
relevant Departmental Committee)*

*Second Reading*THE KENYA NATIONAL COMMISSION
ON HUMAN RIGHTS BILL

(The Attorney-General on 3.4.2002)

(Resumption of Debate interrupted on 16.4.2002)

Mr. Speaker: Who was on the Floor? Mr. Keah, you have ten minutes left.

The Assistant Minister for Transport and Communications (Mr. Keah): Thank you, Mr. Speaker, Sir. Let me continue from where I left yesterday. I would like to emphasise on a number of points in so far as this Bill is concerned. The first point I would like to emphasise on is the definition of what constitutes human rights violation. It is important that somewhere, either in the preamble or definition of this Bill, that information is contained in order to give guidance to *wananchi* to know what constitutes human rights abuse. Without such information the Commission will be inundated with complaints that may not fall within the ambit of this particular legislation once it becomes law.

I would like to underscore the importance of having guidance on the definition of what constitutes human rights abuse.

The second point that I want to emphasise on is that this Commission should be very close to the people. For it to be very close to the people, there should be a Commissioner for every province, together with an office in each province, so that complaints can reach the Commissioner and his office sooner than it would otherwise have been the case if this Commission had its headquarters in Nairobi. Therefore, this ought to be taken very seriously and entrenched in Clause 4 of this Bill. I also want to emphasise on the need for adequate funding for the Commissioners' activities and offices within each province. If we have an office that is not capable of functioning as effectively as it should, then we might end up with a lame duck Commission. I want to underscore those particular points.

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

Mr. Temporary Deputy Speaker, Sir, the issue of independence was raised here. I have some problems in so far as the totality of independence is concerned. I am grateful to the Standing Committee on Human Rights for doing a lot of work. I want to shower my praises upon them for the very commendable work that they did in ensuring that there is a sound draft Bill out of which we have the Bill today. However, I believe that certain aspects from the original draft have been excluded from the Bill we are debating. One of the contentious issues is that one of independence of that Committee of three because it contains people who are within the Government. The argument here is that because these people are within the Government, the independence of that Committee is, therefore, compromised. I can understand that point, but in my view the implication here is that the Government cannot be trusted. In that case I have problems with that issue. This country is governed by a Government and it is impossible to totally exclude the Government from activities in institutions that are within this country purely because of the so-called independence. I believe that as Kenyans, we can be independent. That independence is really in our minds and in the exercise of the duties and responsibilities that we have.

Admittedly, we have suffered certain drawbacks because of the behaviour that a few officers within the Government have displayed. Such behaviour can certainly be addressed effectively without necessarily interfering with the independence of such a Commission. Therefore, I would like to suggest that, perhaps, we could come to some kind of compromise. I do not accept the fact that for this Commission to be independent, Government officers must be

excluded in their entirety. We need to re-think this particular aspect. Otherwise, the recommendations that have been suggested by the Standing Committee on Human Rights are very plausible and they should be entrenched in the Bill. Perhaps, at the Committee Stage amendments ought to be brought in so that we can take these recommendations into account.

I would like to touch on Clause 30 which states: "At least three months before the commencement of each financial year - we are talking about April or thereabouts - The Commission shall cause to be prepared estimates of the revenue and expenditure of the Commission for that year." There is some ambiguity here. If we follow the current budgetary process, they will be too late to have their figures incorporated in the budgetary process. I just want the staff to look at the wording of that clause again to ensure that the Commission has prepared their estimates in good time, so that they are captured in the budgetary estimates for the year concerned. That is my worry here. I am afraid of the wording as it gives me the impression that it could be too late for their figures to be included in the budget.

Also, there is a section which states:-

"The Commission shall cause to be prepared estimates of the revenue and expenditure."

Well, this expenditure could either be recurrent expenditure or development expenditure. I think it is normal and customary to make sure that when we talk of revenue and expenditure, we specify whether it is recurrent or development expenditure. There is an omission of the words "recurrent and development expenditure" in this Commission. For example, if they want computers, that is development expenditure and not recurrent expenditure. If they want to buy a motor vehicle, that is a development expenditure. So, that should be spelt out here so that it is very clear. We should use standard financial and accounting language that is understood by everybody, rather than couching this into just revenue and expenditure!. I hope that point will be taken in good faith.

Mr. Temporary Deputy Speaker, Sir, I also want to go to Clause 31, Section 3, which states as follows:-

"Notwithstanding the provisions of any other written law for the time being in force, the accounts of the Commission shall be audited by the Controller and Auditor-General."

We know there is a capacity constraint in the office of the Controller and Auditor-General. Right now, we are discussing accounts of three years behind time. In my view, there ought to be a clause there to empower the Controller and Auditor-General to hire other qualified auditors to do the work on his behalf, rather than leave it entirely in the hands of the Controller and Auditor-General. This is because we have clear situations today where the Controller and Auditor-General is behind in the audit of statutory accounts of the Government, Ministries and Commissions simply because the capacity is constrained by lack of staff. So, in my view, we are adding on more and more laws and duties to a person who is already constrained by capacity. So, we ought to find a way out of that particular predicament and when we are doing the legislation now, that point should be appreciated.

This Bill is, indeed, a good one. It will help us because it gives us an institution that is going to protect and, indeed, promote human rights. It is a commendable Bill. It is giving us an institution where ordinary wananchi can go and register their complaints, and for the Commission to actually investigate them. We are giving power to the Commissioners to even estimate and work out compensation. I only hope that the duties and functions of this particular Commission will not conflict with the duties of the judges, police or, indeed, any other arm of the Executive as provided in the Constitution. I would like the Attorney-General to be very careful while coming here at the Committee Stage, to ensure there is no other ordinary statute or the Constitution which is being violated by having this Bill approved.

With those remarks, I beg to support.

Mr. P.K. Mwangi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this very important Bill. I will start by thanking the Legal Resource Foundation which has done a lot of jobs in my constituency in educating my people on their rights.

Mr. Temporary Deputy Speaker, Sir, the work of this Commission will be totally useless if we cannot start by providing civic education to our people because, up to now, many people in this country do not understand their rights. Even some people think that it is a right to bribe people like policemen. If you travel on our roads, you will find drivers bribing policemen. If you ask them why they do so, they will tell you: "This is a right which we have to give the policemen now and then." That is why I say that we had better start by civic education so that our people can understand what their rights are, just the same way the Constitution of Kenya Review Commission is educating Kenyans.

Mr. Temporary Deputy Speaker, Sir, on nomination of these Commissioners, we have to be very careful since this can bring problems. You have seen such problems before when we were nominating Commissioners to the Constitution of Kenya Review Commission (CKRC), because political parties had petty squabbles. We expect that when nominating Commissioners to this Commission, we shall rise beyond political parties and nominate those people who understand what they ought to do. However, we should not be fighting on who should get this position or how many number of seats one will get. Let this exercise be based on merit and not on political parties politics because we

have seen before how it nearly derailed the constitutional review process.

Mr. Temporary Deputy Speaker, Sir, at the same time, I would like to state very clearly in this House that the greatest height of violation of human rights which can be done by this House is to extend, even by a single day, the life of this Parliament. This is because, by doing so we shall be giving Moi another chance to rule and Kenyans are fed up with him. We just want to see Moi and KANU go!

(Applause)

I am just trying to build up my contribution because that is the fear which Kenyans have. If this Parliament extends its life by one minute after 1st January, 2003, it will be a violation of Kenyans' rights. All Kenyans want to see is Moi going after 1st January, 2003.

On the issue of HIV/AIDS, Kenyans' human rights, especially bodily rights, have been violated through the grabbing of toilets. The other day a toilet here at Pangani was grabbed. Where do you expect a poor person in Nairobi City centre to relieve himself? Where can a poor person or a sick child relieve themselves? We should understand that we have other rights which are God-given. Once you eat, you must relieve yourself somewhere. If you do not have money, does it mean you do it on yourself? Those are the things I expect this Commission to look into because if we cannot give our people somewhere to relieve themselves, it will be very bad.

Mr. Temporary Deputy Speaker, Sir, there is one issue which I think this Commission will look into. Hawkers sell their wares on the streets because they do not have any other place to carry out that business. They do it so that they may earn a living. For one to deny somebody a way of earning a living is a violation of human rights. I think this Commission will put this matter to rest.

Mr. Temporary Deputy Speaker, Sir, I would have liked to see hon. Prof. Ongeru here because there is something he talked about yesterday. He was trying to promote the use of condoms. I urge this Government to advise Kenyans to be honest and faithful to their partners because we have seen condoms bursting. They are not 100 per cent safe.

An hon. Member: When did you see them bursting?

(Laughter)

Mr. P.K. Mwangi: They are not 100 per cent safe considering---

The Minister for Transport and Communications (Mr. Mudavadi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. P.K. Mwangi says that he saw the condoms bursting. Could he substantiate under what circumstances he saw these condoms bursting?

(Laughter)

Mr. P.K. Mwangi: Mr. Temporary Deputy Speaker, Sir, there is no way you can realise a condom is bursting unless you "play the game". So, Mr. Minister, if you try it and it bursts, you had better go for training.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, the other issue is on the allocation of offices of this Commission. Today, we have a very big problem with the Advocates Complaints Commission where people go to complain about the advocates, because we only have one office which is situated here in Nairobi. Somebody from Mombasa has to travel all the way to Nairobi just to complain about a lawyer. The same happens to somebody from Turkana or Garissa. We would like to see the offices of this Commission being spread everywhere. If they are to be allocated in every district, let them have representatives there so that the poor person can have access to the Commission. But when we concentrate everything here in Nairobi, the poor people will never be served by this Commission. The poor people, and especially women and children, are the ones whose human rights are violated most. That is the only way we can realize the fruits of this Commission.

With those few remarks, I beg to support.

Mr. Kitonga: Thank you very much, Mr. Temporary Deputy Speaker, Sir. As a member of the Parliamentary Committee on Administration of Justice and Legal Affairs, I would like to table the Report of that Committee with regard to the Kenya National Commission on Human Rights Bill. However, before I do that, with your permission, I would like to give the Committee's proposed amendments to the Bill. The Committee deliberated on the Kenya National Commission on Human Rights Bill and made the following proposals:-

That the title of the Bill to read: "The Kenya National Commission on Human Rights Bill."

THAT, Clause 3 be amended by inserting the following, and renumbering the clauses accordingly:-

"In the performance of its functions under this Act, the Commission shall accommodate the diversity of the Kenyan people, observe the principles of impartiality and gender equality; have regard to all applicable international human rights standards, and in particular, to the fact that human rights are indivisible, interdependent, interrelated and of equal importance to the dignity of all human beings."

Mr. Temporary Deputy Speaker, Sir, we also recommended that it should observe the rules of natural justice and fairness. The side title of the clause will be "Guiding objectives and principles of the Commission".

Mr. Temporary Deputy Speaker, Sir, on Clause 4, the Committee proposed that there shall be an independent autonomous Commission to be known as the Kenya National Commission on Human Rights which shall exercise the powers conferred upon it, and perform the functions assigned to it, by this Act. The Commission shall not, in the performance of its functions under the Act, be subject to the direction or control of any person or authority. Further, we recommended that the Commission shall be a body corporate with perpetual succession and a common seal, and capable of doing and suffering all such acts and things as body corporate may lawfully do or suffer.

We recommended that the Commission shall consist of a chairperson, a vice-chairperson and seven other commissioners, all of whom shall be Kenyan citizens. We also proposed that the National Assembly, shall within seven days of the commencement of this section by gazette in the *Kenya Gazette*, and in, at least, three daily newspapers of national circulation, invite applications from persons qualified under this Act for nomination as commissioners. We further proposed that an application under Subsection 5 shall be forwarded to the National Assembly within 14 days of the advertisement and may be made:-

- (a) by any qualified person, or
- (b) by any person, organisation or group of persons proposing the nomination of any qualified person.

We further proposed that a committee comprising of the Speaker of the National Assembly, the Leader of Government Business and the Leader of the Official Opposition shall nominate 12 persons, bearing in mind the provisions of Subsection 12, out of whom, the President shall appoint the chairperson of the Commission and eight commissioners. We also proposed that in making the nominations under Subsection 4, the Committee may co-opt any person possessing the relevant expertise in the field of human rights to assist in its work. The vice-chairperson shall be elected by the commissioners from among their number. We further proposed that the commissioners shall hold office on a fulltime basis and shall enjoy:-

- (a) In the case of chairperson, the status of a Judge of Appeal; and,
- (b) In the case of a commissioner, the status of a Judge of the High court.

Further, we proposed that the chairperson shall be a person qualified to hold the office of a judge of the High Court of Kenya. The chairperson and the commissioners shall be persons of high moral character and proven integrity, and shall be persons with knowledge or experience in matters relating to human rights.

The Parliamentary Committee further proposed that the President shall notify the appointment of the chairperson and the commissioners by notice in the *Kenya Gazette*.

We proposed that Clause 6(1) be amended by deleting the word "Attorney-General" and inserting the word "National Assembly" wherever it appears in Clause 6.

Further, we proposed that Clause 6(3)(b) be amended by deleting all the words and replacing them with the words "Leader of Government Business".

We also proposed that Clause 6(3)(c) be amended by deleting all the words and replacing them with the words "The Leader of Official Opposition".

The Committee proposed that Clause 6(c) be amended by deleting the word "seven" in the fifth line and replacing it with the word "eight".

We proposed that Clause 35 be amended as follows:-

- (i) by renumbering it as Clause 35(1);
- (ii) deleting the words after the word "Commission" up to the word "Minister" appearing in the second line;
- (iii) insert a subclause 35(2) to be worded as follows:-

"The Minister, after consultation with the Commission, may order or amend the Second Schedule."

We proposed that Clause 36 be amended by deleting the number "four" appearing in the second line and insert therein the number "three".

Mr. Temporary Deputy Speaker, Sir, I would like to table this Report which has been discussed thoroughly by the Committee on Administration of Justice and Legal Affairs on the Kenya National Commission on Human Rights Bill.

(Mr. Kitonga laid the document on the Table)

The Temporary Deputy Speaker (Dr. Anangwe): But you should remember to move those amendments at the Committee Stage and ensure that Members have a copy of that Report.

Mr. Kitonga: Yes, Mr. Temporary Deputy Speaker, Sir.

Dr. Wekesa: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish also to support the Kenya National Commission on Human Rights Bill that has come after a long delay. I wish to commend the Attorney-General and the President. In 1996, the President felt that there was need to form a Standing Committee on Human Rights abuses. This was in recognition of things that have been happening in the country for a long time. If I remember very well, our current Attorney-General is known internationally for his contribution to many issues relating to human rights. I believe that Kenyans were very pleased with his appointment to that office, having known his background of participating in the international human rights fora.

Mr. Temporary Deputy Speaker, Sir, Kenyans have been looking upon the office of the Attorney-General to do something about human rights violation. I am pleased that after a very long time, the Attorney-General has come out in his true colours. You know very well that not only in Kenya, but throughout the world, the name of Mr. Amos Wako has been associated with the protection of human rights.

Mr. Temporary Deputy Speaker, Sir, possibly, our Government has been prompted by the international community to start addressing the issue of human rights abuse; I cannot rule out that possibility. Be that as it may, I wish to recognise the fact that the Bill has finally come to this House. I cannot forget to commend the Standing Committee on Human Rights that was set up in 1996. The eminent Kenyans who sit on that Committee have done a lot of work. Of course, they faced a lot of problems. They found that they did not have enough money. For example, they did not have sufficient funds to enable them visit Nyeri to investigate the tragedy that struck King'ong'o GK Prison sometime back.

So, there was need to bring this Bill here in order to give the Committee the legal authority, make it autonomous and provide it with sufficient funds and expertise, so that it can deal with human rights violation. At the same time, we must recognise the fact that the legal community has had to deal with issues of human rights violation through courts. There are numerous non-governmental organisations (NGOs) all over the country, which have been working and assisting people whose human rights have been violated. We must recognise these NGOs. In my own district, there are several such organisations which have dealt with issues of human rights violation, and still continue to assist the ordinary *mwananchi* at the village level. I would like it noted that these NGOs have been playing the part that this Commission is going to take over.

Mr. Temporary Deputy Speaker, Sir, as you are aware, the United Nations High Commissioner for Human Rights had to attend meetings and contribute towards the preparation of this Bill. So, you realise the magnitude of human rights. The issue brought together various people to discuss and formulate the Bill that is before the House. I have listened to Messrs. Muite and Murungi speak; they actually covered all the legal aspects relating to this Bill. I am not well versed with legal issues, but I do concur with the two hon. Members on what they said about some legal changes we need to address through this Bill.

Hon. Members have spoken repeatedly on the issue of the Commissioners. So, I will only say that the Commissioners should be persons of integrity and who are experts in human rights issues; they should be incorruptible persons. In order to have an independent and autonomous Commission, its membership should comprise of people of excellent integrity. So, I will not take much of my colleagues' time debating this aspect.

Mr. Temporary Deputy Speaker, Sir, I would like to quote a statement from this Bill, which reads: "The enactment of this Bill will usher in additional tools in the fight for the promotion and protection of human rights in the country." Also, the Bill states very clearly that education of the public is important. My colleagues have touched on this issue. I want to also commend my colleagues who have raised the issue of education. Most of the organisations on human rights are based in Nairobi. We understand that Nairobi alone is not Kenya. The hon. Member who spoke before me mentioned one commission which has not been doing its work properly, namely, the commission which is supposed to adjudicate on complaints against lawyers who do not perform. That commission is based in Nairobi. It is very difficult for people in the rural areas to come to Nairobi. Even if they make it to Nairobi, it is difficult for them to find the offices of this commission.

So, once the Commission being envisaged in this Bill is formed, it must go where the people are. The people whose rights are violated are in the villages. They comprise of our children and wives, most of whom have never been to Nairobi. We would like them to have access to officers of the proposed Commission at either the district or divisional headquarters, or at the locational level. These officers should be accessible to Kenyans and make it possible for them to explain their problems. In this regard, civic education will be important. The people should be educated to know their rights. During our presentation of the National Alliance for Change constitutional proposals, we highlighted the human rights aspect. We highlighted the human rights aspect, and I wish to state that one of the issues raised was

that there must be a body that will educate - a mechanism through the use of extension officers - Kenyans on what they should do when their rights are violated.

Mr. Temporary Deputy Speaker, Sir, I can see that you are looking at your watch, and I will take the hint and go to my last point.

The Temporary Deputy Speaker (Dr. Anangwe): No, take your time!

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, who is going to prosecute the Government? This Government, for many years, has been known to perpetuate human rights violations. We have seen police officers killing young men in the streets, brutalising them through torture, and beating innocent Kenyans. Innocent Kenyans have been murdered by this Government; by the police. We have seen the situation that prevails in our prisons. Prisoners walk with bare chests because they do not have clothes. This is a sight that you see in Nyeri, Kitale and Mombasa prisons. Even the conditions within the prisons are deplorable. These are human rights violations. So, my question to the Attorney-General is: "Who is going to prosecute you, unless the National Alliance for Change gets you out of your job? Who is going to prosecute you while we are still trying to find ways and means of getting your job?" This is what concerns me right now.

I come from a district where there has been tremendous human rights violation by this Government. When I was in this House between 1988 and 1992, at the end of 1992, tribal clashes broke out in different parts of this country. In Trans Nzoia District, not to mention what happened in Molo, Awendo and elsewhere, many Kenyans lost their lives. Not one single perpetrator of that violation was ever arraigned in court. We reported these issues to the police in Kitale, and the highest authority in this country, but not one person was ever arrested for having violated the rights of those who were the victims. Today, so many of my constituents still live outside their farms.

The Attorney-General (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to allege that no person was arrested when it is on record in this House that pursuant to a Question by Ms Karua on how many had been arrested and prosecuted; prosecutions which were successful arising out of the so-called ethnic clashes, I did give statistics to this House, showing that thousands of people were arrested, prosecuted and convicted?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, was that during my time or when I was out of Parliament?

Mr. Muite: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Dr. Anangwe): Order, Mr. Muite! Let Mr. Attorney-General finish his point of order!

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, he has finished!

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I think that was about 1995. I do not know whether you were an hon. Member by then! But if you were not an hon. Member, then, be informed that, at least, in the record of this House, some statistics are available in that regard.

Mr. Muite: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform my honourable colleague there that the people that the Attorney-General is citing as having been arrested; the three communities that were the victims of the clashes, were the Luhya, of which the Attorney-General is a member; the Luos and Kikuyus. Now, in every case, the people who the Attorney-General arrested and prosecuted were members of these three ethnic communities; the victims. The perpetrators were never arrested and prosecuted.

The Attorney-General (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House when the actual statistics at that time, which I presented in this House, showed that the Kalenjins, Kikuyus, Luhyas and Luos were all prosecuted? In fact, the Kalenjins were leading, immediately followed by Luos, and so on.

Mr. Muite: The Kalenjins were all acquitted!

The Temporary Deputy Speaker (Dr. Anangwe): Order! Well, Dr. Wekesa, the point at issue is that you made an assertion and the Attorney-General has raised a point of order. In light of what the Attorney-General has said, what do you have to say? Could you proceed from there?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I thank Mr. Muite for the information. But I think I will go further and check the HANSARD as to the credibility of the point of order raised by the Attorney-General. I want to assure myself that, indeed, those who were prosecuted were the perpetrators of the clashes, and your office can assist me to do this.

The Temporary Deputy Speaker (Dr. Anangwe): Well, the point that you made was that nobody was prosecuted, and a point of order has been raised, fully supported by Mr. Muite, that people were prosecuted.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, talking about the clashes, I think there is one aspect that I must make very clear because of the feelings of Kenyans, particularly in Trans Nzoia; that, over the period, the perpetrators and victims of the clashes have understood the causes of the clashes; why the clashes broke out. The

communities today in Trans Nzoia, in particular, are living happily. So, what remains is for this Government to do something about it.

During Question Time, I tried to raise a point of order, but I could not catch the Speaker's eye. But I have got now an opportunity---

The Temporary Deputy Speaker (Dr. Anangwe): Order! You cannot raise matters to do with Question Time now, unless it is pertinent.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, they relate to this!

The Temporary Deputy Speaker (Dr. Anangwe): Okay! Proceed!

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I want to state that so many of my constituents still live outside the farms that they were evicted from. The reason being that they were evicted and the perpetrators of the clashes came and settled on their farms. So, there is no way, unless we want tribal clashes again, that the peaceful Kenyans today in Trans Nzoia can go back to those farms because other Kenyans have taken over the farms and are staying there.

This is one of the biggest problems I face in my constituency. I think I have a right to state it very clearly here; that, it is the duty of the Government to do something about the victims of the clashes who still stay outside their farms, and yet they still have the legal documents and title deeds; they do not reside on their farms.

Mr. Temporary Deputy Speaker, Sir, this Government played a big role in the cause of the tribal clashes. Obviously, they cannot do much about it. That is why we are out to remove this Government from power, and I can assure this House that we will do something about it when we come to power.

Mr. Temporary Deputy Speaker, Sir, in Mombasa, kiosks belonging to poor people were flattened by the City Council of Mombasa, and yet the owners of those kiosks had licences from the Government. It is very easy for the Government to tread down on poor Kenyans because it only respects the rights of the high and mighty. But it just tramples on the rights of ordinary wananchi. The poor people in Mombasa who were engaged in legitimate business had their kiosks burnt down and so, they do not have a means of earning an income. It is the right of those people to earn an income but this Government has made it impossible for ordinary Kenyans who vote for us to earn a living. This amounts to human rights violation! There is nothing we can do about this unless we change the Government!

Mr. Temporary Deputy Speaker, Sir, recently, I was travelling to Kitale. I went through Mr. Kirwa's constituency and found a farmer selling a bag of maize at Kshs300. I told him not to sell his maize at Kshs300, but he told me that he had 20 acres of land with maize and he needed to harvest it. He said that he did not have any means of getting money. He said that for him to harvest maize from his 20-acre piece of land, he had to get some money so that he could pay the people working in his farm. I had never thought of that! I had not known that there are many Kenyans who do not have any other source of income, apart from the beans and maize that they grow. Being a Member of Parliament, I have forgotten that, in fact, I do get a salary here and the salary can help me to do other things. But many Kenyans grow maize, which is their only source of income.

Today, there are so many farmers that have not been paid for the maize they delivered to the National Cereals and Produce Board. There are many farmers who grow cane in Nyanza and Bungoma districts and have not been paid for the crop for the last five years by this Government. There are so many dairy farmers in Nyeri, Trans Nzoia and many parts of the North Rift who depend on milk but they cannot sell their milk because of the poor governance of this Government. The rights of these people have been interfered with by this Government. Who is going to prosecute this Government?

Mr. Temporary Deputy Speaker, Sir, the only Agricultural Development Corporation (ADC) farms that are remaining in this country are in my constituency. There are nine farms in total. Most of the workers on ADC farms have not been paid for a very long time. The ADC is a Government parastatal. If you come to my constituency, I will take you to those ADC farms and you will see that those people are unable to educate their children, buy them clothes or feed them. They work for the ADC, but they are not paid! They are given food rations, and this reminds me of when I was a small child and the *Wazungu* were living in Lugari. They used to give people food rations. These people get a *gorogoro* of unga every Saturday. This is happening in my constituency! Agricultural Development Corporation staff have not been paid for a very long time. This is human rights violation! There must be redress whenever rights of the people are abused.

Mr. Temporary Deputy Speaker, Sir, Section 2 of the Bill states:-

"The Commission may, if satisfied that there has been an infringement of any human rights or freedoms, order the release of any detained or restricted persons, the payment of compensation or any other lawful remedy or redress."

The clash victims in parts of this country like Molo, Nyanza and other parts of the Rift Valley must have an option for redress. This Commission must look at these issues if we want reconciliation, so that Kenyans can live as brothers and sisters. We want to forget the past. The clash victims and those people whose kiosks were flattened in

Mombasa should be able to seek redress through the Commission.

With those remarks, I beg to support.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I will be very brief because most of my colleagues have covered most of the major points in this Bill.

Mr. Temporary Deputy Speaker, Sir, everything must be looked at historically. We must look at the historical background of human rights in this country. There was a time in this country when the colonial Government practised racism through the system called "colour bar." All of us protested and this gave rise to the fight for freedom, which led to Independence. When we achieved Independence, events gave rise to Opposition politics and Kenya moved into a multiparty system in 1966. During that time, Opposition was criminalised. It was criminal to be a Member of an Opposition party. The kind of suffering that some of us went through during that time was unimaginable. A section of this country called Nyanza became a virtual police state. We were treated like a private nation within a nation. When I talk about this, I must congratulate the Attorney-General for bringing this Bill to the House. We do not know what is going to happen tomorrow. We may be in the Opposition tomorrow or in the Government, but we must never go to the old days when abuse of human rights was rampant; when those in Government could trample on the rights of others like ravaging hippopotamuses, as late Jaramogi Oginga Odinga said.

Mr. Temporary Deputy Speaker, Sir, some of these rights are basic and my colleagues have covered this amply. The right to food, clothing, shelter, health and education is of primary importance. All these are basic human rights that we must fight for in this country. There is no need to gloss over this because everybody has talked about it and is aware of the kind of problems this country is facing. We have an economic crisis and we are not able to cater for some of the basic needs of our people. But I wish that when we are looking at this issue, the Government will take time to reflect, look at the country and find ways and means of helping our people.

Mr. Temporary Deputy Speaker, Sir, human rights must go both ways. We in this House must also respect the human rights of others. Yesterday, an hon. Member of this House attacked an honourable judge. The Judiciary is another arm of the Government and we are also another arm of the Government.

Respect begets respect, and hatred and malice beget hatred and malice. We know our Standing Orders and rules in this House. It is not right for us to attack people outside this House. We know very well that we need to discuss individuals only under a substantive Motion brought before this House under the Standing Orders. Therefore, I would like to urge hon. Members not to attack Judges of the High Court. We may have a lot of complaints, but when we go to their courts, we call them hon. Judges and address them accordingly. We should also give them respect here so as to show respect for the laws and rules that we work under. It is not just for us to attack a person who cannot come to this House to defend himself.

QUORUM

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. It would appear that we do not have a quorum in the House. This is an important Bill but the Government is not taking it seriously!

The Temporary Deputy Speaker (Dr. Anangwe): Hon. Members, unfortunately, hon. Wamunyinyi is right. We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Anangwe): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 18th April, 2002, at 2.30 p.m.

The House rose at 4.50 p.m.