

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 16th April, 1997

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### QUESTIONS BY PRIVATE NOTICE

#### STARVATION IN TURKANA DISTRICT

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

(a) Is the Minister aware that children under five (5) years in Turkana District are facing starvation because they cannot chew whole maize given to adults as relief food?

(b) Is he further aware that because there is no provision for unimix or CSB food, children under five (5) years have nothing to eat, therefore raising the malnutrition rate to between 24 per cent and 31 per cent which is the highest in Kenya?

**The Assistant Minister, Office of the President** (Mr. Awori): Mr. Deputy Speaker, Sir, may I ask your indulgence. My colleague who is supposed to answer the Question was still waiting for the completion of the answer in Harambee House just as I left. So, perhaps before the end of the Question Time, my colleague will be here with the answer.

#### HARASSMENT BY ADMINISTRATION POLICE

**Mr. Anyona:** Mr. Deputy Speaker, Sir, although I have not received a written reply, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that at midnight on 19th March 1997, four (4) Administration Policemen from Nyamarambe Divisional Headquarters of South Mugirango in Kisii District, harassed innocent wananchi in Bomonyara and Bokimai sub-locations of South Mugirango Chache Location without lawful authority or cause?

(b) Is he further aware that the Administration Policemen extorted money from wananchi for fictitious offenses without taking anybody to court?

(c) What are the names of the Administration Policemen and what disciplinary measures has the Minister taken against them?

**The Assistant Minister, Office of the President** (Mr. Awori): Mr. Deputy Speaker, Sir, may I first of all apologise to the Member for not having furnished him with a written reply. Having said that, I beg to reply.

(a) No, I am not aware.

(b) No, I am not aware.

(c) Arising from part (a) and part (b), part (c) of the Question does not arise.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I do not really know for how long we are going to take this kind of reply to a Parliamentary Question about an important matter. This Assistant Minister, for whom I should have some respect, is really very disappointing. He always comes here and tells Members that he is not aware. I have a letter here written by members of the community on the 21st of March 1997. This letter is written to the District Officer concerned and the first copy of that letter is addressed to the Minister, Office of the President hon. Kalweo. Now, I do not know what we are supposed to do. I do not know whether I should read the letter or lay it on the Table in the first place.

**An hon. Member:** Read it!

**Mr. Anyona:** The letter reads as follows:

#### MIDNIGHT HARASSMENT

"The theme of writing this letter to your good offices is to inform you that on the 19th of March 1997 at 12.00 midnight, the APs from Nyamarambe Division without, maybe, any authority harassed wananchi in Bomonyara and Bokimai sub-locations of South Mugirango Chache Location and collected money from wananchi whom they purported did not have radio licences and things of that kind. The operation was done without the knowledge of the area Chiefs and Assistant Chiefs. May you kindly intervene and stop the night harassments which spoils the good image of our Nyayo Government".

Imagine "The good image of the Nyayo Government!". This movement of APs at midnight has led to wananchi being harassed later by thugs. In the wake of this harassment, the thugs take over and wananchi are terrorised. The APs were four in number.

Mr. Deputy Speaker, Sir, this letter is copied to the Minister, to the District Commissioner, Kisii, to the Chiefs and Assistant Chiefs of the area and to myself. Interestingly, it is not copied to the Member of Parliament of that area who is a KANU member and who is a member of the Government. That is the image of this Nyayo Government. What are we going to do?

*(Mr. Anyona laid the letter on the Table)*

**Mr. Sifuna:** On a point of order Mr. Deputy Speaker, Sir. In view of the fact that the hon. Member has read the letter, could the Minister go and investigate and bring his answer next week so that at least the House is aware of what is going on rather than being given answers here that he is not aware?

**Mr. Awori:** Mr. Deputy Speaker, Sir, when I stand here and I say that "I am not aware", I mean just that. The fact that the hon. Member, that is hon. Anyona, whom I respect very much, has read a letter addressed to the Minister of State, does not prove that the Minister of State has received that letter. How many times have we been shown copies of letters that have been purported to have been directed at so-and-so while that so-and- so has not received them? Now, that the letter has been tabled, I will certainly look into the matter and come back with a substantive answer.

**Mr. Deputy Speaker:** Could you give us an indication as to when you will do that?

**Mr. Awori:** Until I have seen the letter and, I think, let me ask for at least, ten days.

**Mr. Deputy Speaker:** Hon. Awori, may I suggest that, in view of the gravity of the allegations, you come back on Tuesday with the answer?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I will bow to your request.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, please help us! Help this country! This man says that he wants protection from the Chair and Kenyans have no protection! What I want to know is this:

*(Mr. Awori stood up in his place)*

I do not know what he wants. He does not know what the issue is. Do you know what the issue is?

**An Hon. Member:** Is he a woman?

**Mr. Deputy Speaker:** Order! Order! Hon. Anyona has the Floor.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, if I made a wrong reference, I want to correct myself because I want to be a gentleman. It is the hon. Assistant Minister who acts in a dishonourable manner. These people have sent a copy of this letter to the DC since he is in charge of the District. The DC is responsible for that division. They have copied it to the Minister and the DC. When he got this answer he is giving us, the feedback must come from the DC, DO, and chiefs who have copies of that letter. And he is imputing improper motives on the fact that it is addressed to the Minister. He says that they have discovered fictitious letters. Can you help us? What are we going to do? Can we be assured that on Tuesday, we will get a proper answer and that he will tell us what has happened?

**Mr. Deputy Speaker:** Order! I take it that when the hon. Assistant Minister said that now that this letter has been tabled, he is going to investigate the matter and bring back a substantive answer. As you have said, I take it he intends to bring a proper answer and I look forward to a proper answer. The Question is deferred to Tuesday afternoon because that is when the Assistant Minister says he will bring a proper answer, in view of this new development.

*(Question deferred)*

**Mr. Mulusya:** On a point of order, Mr. Deputy Speaker, Sir. The letter which was read by hon. George Anyona was addressed to the Minister of State, Office of the President. In view of the fact that recently, we have got

highly unsatisfactory answers from the Assistant Ministers and particularly, from hon. Awori, would it be in order for you to give instructions that the Minister to whom this letter was addressed takes the responsibility of bringing an answer to this House?

**Mr. Deputy Speaker:** Order, hon. Member! It would be out of order for me to instruct the Government which Minister they want to handle their business.

Next Question, hon. Kiliku.

#### WITHDRAWAL OF GUNS FROM HOMEGUARDS

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

(a) Why has the Government withdrawn guns from the homeguards in certain parts of the country?

(b) Is it true that the Government has failed to eradicate banditry and cattle rustling in the country?

(c) What concrete measures is the Government taking to stem the banditry and cattle rustling menace in the country?

**The Assistant Minister, Office of the President (Mr. Awori):** Mr. Deputy Speaker, Sir, I regret that the answer had not reached me by the time I left the office in order to get here.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. The Government knew that Parliament was sitting this morning and the Government also knew that these Questions were on the Order Paper this morning. Are you satisfied that this Government is treating the Chair and this Parliament seriously when this Assistant Minister says that he does not have the answer? It has not reached him; reached him from where? From heaven or from hell?

**Mr. Awori:** Mr. Deputy Speaker, Sir, he is using the word "hell" which is unparliamentary.

I have simply asked for your indulgence that the answer had not reached me. The Office of the President has got a very good record in answering questions here on time. Can the hon. Members not accept the fact that, once in a while, something could be the matter? Maybe, a typewriter has broken down, the secretary has been late, a matatu broke down and so on. I am expecting the answer any time now.

**Mr. Kiliku:** Mr. Deputy Speaker, Sir, will the Chair guide us because this House does not function at the will of the Ministers. This is a matter of Parliament and when the Assistant Minister says the answer did not reach him, that has nothing to do with this House. Could he now reply or say he has no reply so that the House can take action against him?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I have no reply.

**Mr. Kiliku:** Mr. Deputy Speaker, Sir, now that the Assistant Minister has said that he has no reply showing that this Assistant Minister has ceased to function in his office, could we be in order to "name" this Assistant Minister because he does not respect this House?

*(Applause)*

**Mr. Deputy Speaker:** Order! Frankly, I think what has transpired is most unfortunate, Mr. Assistant Minister. I do not think, hon. Kiliku, it is a matter appropriate for "naming" the Assistant Minister on the grounds of indiscipline, but it does really reflect very badly on the office from which the answer should have come. This is a Private Member's Question and the essence of it is the urgency behind the Question of this nature. I can only request that the Question be deferred to tomorrow afternoon and I hope the Assistant Minister will give the House his solemn undertaking, but he will definitely come with answer come tomorrow afternoon.

**Mr. Awori:** Mr. Deputy Speaker, Sir, I give my solemn undertaking that I will come with the answer tomorrow afternoon.

**Mr. Deputy Speaker:** So, the Question is deferred to tomorrow afternoon.

*(Question deferred)*

#### DISTRIBUTION OF SEEDS TO FARMERS

**Mr. Maundu:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture, Livestock Development and Marketing the following Question by Private Notice.

(a) When will the Ministry distribute the seeds it promised the farming community in the country during the on-going season?

(b) What mechanisms have been put in place to ensure that the distribution is fair and that the seeds reach the actual beneficiaries?

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Osogo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The distribution of maize and vegetable seeds started on 18th March, 1997, and all the affected 43 districts have now received assortment of maize and vegetable seeds.

(b) The districts, through their respective Social Dimensions Committees determine who the beneficiaries will be and, thereby, ensure fair distribution.

**Mr. Maundu:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. This distribution did not start on 18th March, 1997, but nevertheless, the amount of seeds which were given was about 95 tonnes. This is totally insufficient for Makueni District. Part of that consignment contained some millet which was planted about weeks ago in Makueni and is yet to germinate. It appears as if there is a total failure of that particular millet. Is the Assistant Minister satisfied that the amount of seeds distributed taken to Makueni is sufficient for this planting season and that this is not going to resort to another failure of crops and yet another season of famine?

**Mr. Osogo:** Mr. Deputy Speaker, Sir, I am not satisfied that the amount of seeds supplied to Makueni is enough. But he is right in saying 95 metric tonnes were supplied, but these are only for Katumani. The hybrid seeds 511 and 512 supplied were 33 tonnes. So, the total tonnage supplied to Makueni District is not 93 tonnes but 128 tonnes.

**Mr. Maundu:** Mr. Deputy Speaker, Sir, this amount that the Assistant Minister is talking about of 118 tonnes, if we calculate in the whole of District or even in my own constituency, each farmer will get less than a quarter of a kilo of seeds. That is not even enough to serve a quarter of an acre in Ukambani. Is the Assistant Minister not being unfair to us to give us such insufficient seeds so that this famine situation is protracted with a view to exploiting us?

**Mr. Osogo:** Mr. Deputy Speaker, Sir, the total population of Makueni District has got a few people like the hon. Member who can purchase seeds by themselves. Not all the population will require these seeds. We should remember that it is an emergency that we are providing these seeds. So, the little that was available throughout the country is to be distributed to those needy ones. Those that can afford, should buy their own. In my own district, we got only 20 tonnes, but I did not get anything because I can buy myself the seeds.

**An hon. Member:** Like hon. Maundu himself!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, considering the fact that the main reason why there was a major deficit in food production in Kenya last year, was as a result of the adulteration of farm inputs and escalation of price of seed particularly; what measures has the Minister considered to improve access to quality seeds at affordable prices in the primary maize-producing-areas of Uasin Gishu, Trans Nzoia and Bungoma Districts?

**Mr. Osogo:** Mr. Deputy Speaker, Sir, there is the special little seed production that was there last year. The loopholes were found and sealed and we can assure the hon. Member that the next seeds he will get will be quality seeds, good for maize production in Bungoma.

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that Makueni District only receives little rainfall? Would he then hurry the process to make sure that, at least, the people of Makueni are able to plant on time so that they can feed themselves instead of going back to the Government for famine relief food?

**Mr. Osogo:** Mr. Deputy Speaker, Sir, we have hurried up the process. As I have said before, we have already delivered 128 metric tonnes of maize seeds to Makueni District and it is upon the local community to assist their people in collecting these seeds and distribute them to the poor ones who cannot reach the divisional Headquarters.

**Prof. Ouma:** Thank you, Mr. Deputy Speaker, Sir. I listened when the Assistant Minister was answering hon. Dr. Kituyi. I also listened when he stated a little earlier that the little seeds that there was had been sent round. He has answered in relation to Bungoma and parts of Western Province. He has also answered in relation to what hon. Maundu said and what hon. Nthenge has said in relation to Ukambani. What I am asking is: In the light of the little that there is, can the Assistant Minister assure this country that we shall get seed and other farm inputs all over the country? It is not only Ukambani and Western Province that needs these seeds. Part of the failure of last year's crop and the shameful famine that we went through and we are still going through, is lack of farm inputs, insufficient quantities and at affordable prices. Can the Assistant Minister tell us categorically now whether there shall be enough seeds and other farm inputs at affordable prices or not and in sufficient numbers? Let us know in advance.

**Mr. Osogo:** Mr. Deputy Speaker, Sir, during this emergency and with the shortage of seeds, it is not possible to do what the hon. Member is asking for, but I can assure him that Nyanza Province, where I am sure women keep some seeds for themselves after harvesting and they did that last year when they harvested; there was a lot of

good harvest last year---

**Mr. P.N. Ndwiga:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to tell this House that women keep seeds from the previous harvest when it is common knowledge that during this famine it has not been possible for women to keep seeds when their children are dying? It is really disturbing about the kind of answers we get here. Can the Assistant Minister frankly tell this House and this nation, that despite the looming famine, this Government was not prepared and they did not put any preparations in place to supply seeds to farmers in this country? As we are talking here, seeds have not been delivered in Embu and the rains are going on. What does this Government expect us to do? Is he in order to mislead this House?

**Mr. Osogo:** Mr. Deputy Speaker, Sir, the hon. Member was too quick in interrupting my answer. I was, indeed, answering the hon. Prof. Ouma-Muga in connection with Nyanza Province and particularly his district which he was concerned with. I was telling him that the whole of Nyanza Province had received 160 metric tonnes of seed. I was also telling the hon. Prof. Ouma-Muga that in Nyanza Province, old mamas keep their seeds. They preserve them and it cannot be turned into unga because they put in a lot of ash for preservation. I know that from experience because my mother used to do it and I am sure hon. Prof. Ouma-Muga would agree with me. So, it cannot be turned into food because it is already preserved and treated. Mr. Deputy Speaker, Sir, as far as Embu is concerned, the hon. Member would be pleased to hear that the little seeds we have, let us remember it is an emergency and when it is an emergency, the Government is not prepared for any emergency because the emergency comes unexpected. So, we have given Embu District 10 metric tonnes of Katumani Seeds and 30 metric tonnes of hybrid 511 and 512.

**Mr. P.N. Ndwiga:** On a point of order, Mr. Deputy Speaker, Sir. Did you hear what I heard, that they have given 10 metric tonnes of Katumani Seeds to Embu? We do not plant Katumani Seeds in Embu. Is he is talking about Mbeere or Embu? We do not plant Katumani in Embu at all. What is he talking about?

**Mr. Osogo:** Mr. Deputy Speaker, Sir, unless the hon. Member wants to teach me Geography in this House, I know parts of Embu that plant Katumani maize and we have given those parts 10 metric tonnes of Katumani seeds. We have given 30 metric tonnes of hybrid maize 511 and 512 to the parts he is referring to.

**Dr. Otieno-Kopiyo:** Mr. Deputy Speaker, Sir, could the Assistant Minister confirm to the House, that the process of not being prepared, particularly after the famine catastrophe in the country is part of the strategy to keep Kenyans begging for food and, as a result, make them vulnerable to the manipulations of the ruling party, who offer them food in exchange for votes?

**Mr. Osogo:** Mr. Deputy Speaker, Sir, I would not confirm that. Those are the sentiments and illusions of the hon. Member.

**Mr. Maundu:** Thank you, Mr. Deputy Speaker, Sir, for giving me the last opportunity. As I mentioned earlier, some millet seeds were given to Makueni District and since they were planted, there has not been any germination. Can the Assistant Minister direct the proper disposal of this millet either for human consumption or otherwise, so that farmers do not continue to plant this millet which is not going to germinate?

**Mr. Osogo:** Mr. Deputy Speaker, Sir, it has not been drawn to the attention of the Ministry that there is millet seed that has been supplied to Makueni and it has not germinated. If it has not germinated because it was planted during the dry season and therefore, the seed was eaten by some insects in the ground, that is a different matter. But if it has not germinated because of the quality of the seed, then that should be drawn to our attention so that we can collect the seed to examine why it has not germinated.

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

**Mr. Deputy Speaker:** Mr. Mulusya, you may raise a point of order relating to a point of actual order on the Floor of the House, but not on the previous Question. Let us have Mr. Imana's Question.

#### STARVATION IN TURKANA DISTRICT

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

(a) Is the Minister aware that children under five years in Turkana District are facing starvation because they cannot chew whole maize given to adults as relief food?

(b) Is he further aware that because there is no provision for unimix or CSB food, children under five years have nothing to eat, thereby raising the malnutrition rate to between 24 per cent and 31 per cent, which is the highest in Kenya?

**The Assistant Minister, Office of the President (Mr. Manga):** Mr. Deputy Speaker, Sir, I wish to apologise to you and the House as a whole for not having been able to answer the Question when it was first asked.

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

(a) I am not aware that children under five years in Turkana District are facing starvation because they

cannot chew whole maize given to adults as relief food. However, due to financial constraints the Government can only issue whole maize as relief food, and not maize meal.

(b) The information we have indicates that malnutrition cases are not caused exclusively by inability of the children to chew whole maize, but is rather the result of a combination of many factors. Turkana District does not have the highest rate, of between 24 and 31 per cent, of malnutrition in Kenya. The malnutrition rate in Turkana District is 15.37 per cent.

**Dr. Otieno-Kopiyo:** On a point order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Is it really a point of order or do you want to snatch the first chance for a supplementary question from hon. Imana? Yes, Mr. Imana.

**Mr. Imana:** Mr. Deputy Speaker, Sir, it is true that children in Turkana District are starving simply because even the adults get only maize and there is no alternative food. Even if the maize was ground and its flour used to make porridge there is no alternative food. That is why the malnutrition rate in the District has risen to between 24 and 31 per cent. These figures are from Lodwar District Hospital. Can the Assistant Minister take this matter seriously and make sure that we get unimix, which is a mixture of different kinds of food, rather than giving out maize alone?

**Mr. Manga:** Mr. Deputy Speaker, Sir, I have answered that question and said that because of financial constraints, the Government cannot provide other foods. But I know that other organisations like Unicef and the World Food Programme are giving additional food to Turkana District. They are giving foodstuffs like beans.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister, like all of us, is aware that children below the age of five years do not have teeth and, therefore, cannot chew whole maize. Is he in order to mislead the House by saying that he is not aware that children cannot eat maize for the simple reason that they do not have teeth?

**Mr. Manga:** Mr. Deputy Speaker, Sir, suppose the people had their own food, would the Government go and make the children swallow that food? It is the parents who will do that. It is the responsibility of the parents to make sure that the food they give to their one-year old children is suitable for them.

**Dr. Lwali-Oyondi:** Mr. Deputy Speaker, Sir, I think since the Government has all sorts of experts, it is its responsibility to give balanced food to a starving population. We know that maize contains only starch and cannot make children grow. In fact, it will make them suffer from kwashiakor, as it were. Could the Assistant Minister make sure that next time, he does not supply only starch food but also protein food in form of beans?

**Mr. Manga:** Mr. Deputy Speaker, Sir, the Government will be very happy to supply any other type of food, if it is available and if finances are available for doing that.

**Mr. Mulusya:** Mr. Deputy Speaker, Sir, the Assistant Minister is talking as though he is living in oblivion. It is as if he is not living where other Kenyans are! He is talking as if he does not know that the Government has the first responsibility to take care of its citizens. That is why when there is no famine, the Government vigilantly collects taxes from the citizens. Even if the Government is importing maize, why can it not make sure that the maize is milled and supplied in a form which can easily be digested by all the people, including the infants, because they are part and parcel of the larger society that we are trying to protect from starvation?

**Mr. Manga:** Mr. Speaker, Sir, I have answered that question and said that the Government will be very happy to even make porridge and give it to the people, but financial constraints prohibit it from doing that.

**Mr. Achieng-Onoko:** Mr. Deputy Speaker, Sir, could I suggest to the Assistant Minister to consider seriously giving *Omena* fish next time to the children under five years of age, instead of whole maize?

**Mr. Manga:** Mr. Deputy Speaker, Sir, if the Government can afford to give *Omena* fish only, we will do that.

**Mr. Maundu:** Mr. Deputy Speaker, Sir, the issue of malnutrition, particularly in arid and semi-arid areas is a serious matter, which cannot really be ignored. Non-governmental organisations (NGOs) and churches have sometimes been very much willing to make sure that they supplement what the Government has. But NGOs, particularly the Catholic Church, have not been fully facilitated by the Assistant Minister's office by ensuring that they supply food without a lot of hindrances and complications at all levels. Can the Assistant Minister ensure that NGOs and other bodies that want to assist in supplementing the diet of Kenyans are properly facilitated?

**Mr. Manga:** Mr. Speaker, Sir, the Government is ensuring that anybody who wants to supply relief food does so freely and without any hindrance.

**Mr. Imana:** Mr. Deputy Speaker, Sir, previously the Unicef and the Catholic Church relief services were giving unimix to children under five years in Turkana District, but then they withdrew. Now that the Assistant Minister accepts that the malnutrition rate in the District is 15 per cent, when it is a known fact that the acceptable rate is nine per cent, can he ask the Unicef to resume providing the supplementary feeding?

**Mr. Manga:** Mr. Deputy Speaker, Sir, as I said before, UNICEF is carrying out the supplementary feeding programme and, I think, the exercise still is on. It is the wish of the Government to facilitate the exercise without any hindrance. They will supply the food if it is available. Thank you.

**Mr. Mak'Onyango:** Mr. Deputy Speaker, Sir, the Assistant Minister has told the House that, part of the reason why they are unable to supply unimix food to Turkana is due to financial constraints. Could the Minister consider facilitating FORD(K) and other Opposition parties to supply unimix food to Turkana since the Government is unable to do it?

**Mr. Manga:** Mr. Deputy Speaker I said here that if any individual, organisation or parties have the food, they can supply it to needy areas, if they so wish.

**Mr. Kiliku:** Bw. Naibu wa Spika, mara kwa mara Serikali hii hujigamba ya kwamba inawapenda watoto. Je, ni watoto gani ambao hii Serikali inapenda ikiwa watoto wa miaka mitano, hamwezi kuwalisha, mpaka mnasema hamna pesa ya kulisha watoto? Ni Serikali gani hujigamba kila wakati kwamba inapenda watoto?

**Mr. Manga:** Bw. Naibu wa Spika, Serikali hii haijajigamba. Ningependa kumfahamisha mhe. Kiliku ya kwamba Serikali inwaangalia watoto na inatoa chakula. Lakini kwa sababu ya hali ngumu ya kifedha, haiwezi kutoa kile ambacho haina. Kwa hivyo, kama vile Rais anavyosema, hii Serikali inawapenda watoto wa nchi hii, na ndiyo maana ilitoa maziwa na mambo kama hayo.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. You have listened to what this Assistant Minister is saying. He is saying this Government is not boasting about looking after and loving children. Then he says, "therefore, they look after them", and yet he has just told us that they are not able to provide food that children under five years of age can eat. What can we do with this kind of contradiction?

**Mr. Manga:** Mr. Deputy Speaker, Sir, I thought hon. Anyona wanted to offer to give some milk from his farm.

**Mr. Deputy Speaker:** Next order!

## POINTS OF ORDER

### STUDENTS KILLER DISEASE: MINISTERIAL STATEMENT SOUGHT

**Mr. Murungi:** Thank you, Mr. Deputy Speaker, Sir. I rise on a point of order to seek a Ministerial Statement from the Ministry of Health. My point of order arises out of the shocking news that is contained in the headline story of the *Daily Nation* today, which reads that: "An undiagnosed disease may have killed up to eight students of Katheri Girls and Boys Secondary in Meru over the past four days." The story goes on to say that: "Thirty students were admitted to Meru District Hospital, 17 to Nkubu Hospital, while others were at Milimani, sources said."

We are very shocked by this story, especially by the fact that the school authorities decided to close the school and send the students home after the killer disease struck. We feel that all the students should have been sent to hospital. We are also very worried because the nature of the "killer disease" is not yet known. From our experience, it is only *ebola* which kills at this rate.

We are seeking a Ministerial Statement specifying the exact nature of this disease; the number of students who have been affected by it the number of students who have died and the cause of the disease. We are also interested in knowing what urgent measures the Government of Kenya is taking to make sure that this disease does not spread to the entire Meru community and the rest of this country?

Thank you.

**The Assistant Minister for Health (Mr. Criticos):** Mr. Deputy Speaker, Sir, we have dispatched a team to the school, and by tomorrow, we promise you a Ministerial Statement, once we get a feed-back from our people on the ground.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, yesterday afternoon, the hon. Kalweo, rushed into this Chamber, countermanded his Assistant Minister and insisted that he was going to give a Ministerial reply on the matter of insecurity against hon. Members of Parliament this morning. Now we do not see him here. Can the Assistant Minister, on his behalf, say that it is going to come Tuesday next week?

**The Assistant Minister, Office of the President (Mr. Awori):** Mr. Deputy Speaker, Sir, I still stand by Tuesday.

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

**Mr. Deputy Speaker:** Is it on that response? I do not think we really need to---

## FAILURE OF MINISTERS TO ANSWER QUESTIONS

**Mr. Kiliku:** Mr. Deputy Speaker, Sir, I rise on a point of order to get clarification from the Chair because of the behaviour of Ministers. Today being Members' Day, we come here at Nine o'clock, we have Questions as usual, but the Ministers have formed a habit of coming here and then locking themselves in the TV room. When the Questions are over, that is when they start coming into the Chamber. Could the Chair rule that Ministers should be here in time to reply to Questions?

Today, hon. Kalweo came here and when he realised that we would ask him to respond to yesterday's request for a Ministerial Statement, he took off, and yet he is the one who promised to give that statement in this House yesterday. Surely, is that the behaviour of hon. Ministers?

**Dr. Lwali-Oyondi:** What does the Chair say?

**Mr. Deputy Speaker:** Order! Order! Well, what does the Chair say? I cannot capture the Ministers to bring them here to answer questions in time. I can only say the Chair expects the Ministers to be here in time to answer questions and attend to the other functions before the House. That is the most I can give you.

**Mr. Obure:** Mr. Deputy Speaker Sir, yesterday I sought a Ministerial Statement from the Office of the President in connection with the supply of seeds to Nyamira and Kisii Districts, and the Minister stood here and promised to give a Statement today. Could I get a clarification from the Office of the President?

**The Assistant Minister, Office of the President (Mr. Manga):** Mr. Deputy Speaker, Sir, the Ministerial Statement was to be given today. It is still early in the day, you will get it this afternoon.

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

**Mr. Deputy Speaker:** On what, Mr. Anyona?

**Mr. Anyona:** Mr. Deputy Speaker, Sir, on the next Order.

**Mr. Deputy Speaker:** The hon. Member wants to move the Motion and you want to raise a point of order before he has moved it?

**Mr. Anyona:** Yes, Mr. Deputy Speaker, Sir, because I think there is something wrong with the order.

**Mr. Deputy Speaker:** Why?

## DEVIATION FROM PARLIAMENTARY PROCEDURE

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I was going to seek the guidance of the Chair on this matter. Today is the seventh day since we started debating the Presidential Speech. As far as I know, and as far as the traditions of this House go, the Motion on the Presidential Address is never interrupted. So, if we continue with the Order as it is, we are interrupting the debate on the Presidential Address. Is that in order? That is point number one.

Point number two, as far I know, the practice of this House is that Motions appear on the Order Paper in the order in which notices were given. There is absolutely nothing wrong with hon. Otieno-Kopiyo's Motion coming first on the Order Paper, but I know that the notice of this Motion was given much later than many other Motions, including mine. I am not complaining, but I am asking whether we are not departing from the normal procedure of this Parliament?

**Mr. Deputy Speaker:** Thank you, Mr. Anyona. I want to assure you that I am not aware of any deliberate deviation from the normal procedure of the House without good reason. I take it that the matters of the Order Paper, have been approved by the Sessional Committee, which determines the priority of business of the House and whose Members come from both sides of the House. Regarding your wonder as to why the Motion on the Presidential Address is being interrupted, I can only say that I think it is a tradition that we do not interrupt it by some other business, but I think a Private Members' Day, outside Budget Speech where by Standing Orders we are not supposed to interrupt it, is a special kind of occasion, and I do not take it as a departure from the practice of not interrupting the Motion on Presidential Address. Dr. Otieno-Kopiyo, proceed.

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

**Mr. Deputy Speaker:** I think that is final. Dr. Otieno-Kopiyo, proceed.

**An hon. Member:** The ruling from the Chair is wrong.

**Mr. Deputy Speaker:** The Chair is always right for the moment.

## MOTIONS

## SCRAPPING OF PROVINCIAL ADMINISTRATION

**Dr. Otieno-Kopiyo:** Thank you, Mr. Deputy Speaker, Sir. In spite of the departure from normal practice

of interrupting Presidential Address, to allow me to debate this matter of the Provincial Administration, I beg to move the following Motion:-

THAT, in view of the fact that some Provincial Administration personnel, i.e. Provincial Commissioners, District Commissioners and District Officers do participate in politics and make political utterances, campaign for the ruling party KANU, undermine elected leaders, carry out their duties in such a manner that undermines this nation's stated democratic and socio-economic values, this House resolves that the Provincial Administration be scrapped altogether and be replaced with elective positions in the above stated cadres.

Before I continue, let me take the opportunity to congratulate His Excellency the President for his very ingenious and political craftsmanship in his reappointment of hon. Nicholas Biwott to the Cabinet. I find this a good thing.

It is also a great opportunity for hon. Biwott to make some achievements and help the country. It will also help him, particularly because he is in the Office of the President, to unravel some mysteries of the past. I also take the opportunity to send condolences to hon. Biwott for the untimely departure of his bodyguard, Mr. Ben, who died here in Parliament a few days ago.

**The Minister of State, Office of the President (Mr. Biwott):** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to be sarcastic and unkind to somebody who fell sick and died? That man was not my bodyguard. Is he in order to personalize his Motion? There is no bodyguard of mine who has departed. I think he should apologise for making that statement.

**Dr. Otieno-Kopiyo:** Mr. Deputy Speaker, Sir, I have no apologies to offer for passing on condolences in respect of a man who was close to this Minister and who died here in a toilet in Parliament. He knows that this person died. In fact, I was expecting him to send condolences to his family himself, but when he did not, I offered to do that.

**Mr. Deputy Speaker:** Order! Order! I think with all due respect, elementary human courtesy is expected when it comes to matters of death. Hon. Dr. Otieno-Kopiyo, just concentrate on the Motion before the House and get away from this talk.

**Dr. Otieno-Kopiyo:** Thank you, Mr. Deputy Speaker, Sir. I have a few issues to tackle here. The first one is on the administrative setup as it is known all over the world and as it is practised in other countries. It is, indeed, a sound and valued system of government. It is important that we devolve the decision-making process and get elective representatives at levels that affect our people mostly. I have in mind a situation where powerful individuals who are making decisions that affect lives of many Kenyans, should have the mandate of those people whom they govern. The situation we have in Kenya is such that we have governors at provincial level, district commissioners at district levels, DOs at divisional level and chiefs at locational levels. These officers exercise an enormous amount of power over the jurisdictions that they control and yet all they have to rely upon are directives from the Office of the President. I propose, therefore, that we scrap the entire Provincial Administration set-up and replace it with elective positions at locational levels where the locations should then be governed by locational councils.

The chairman of a locational council should then become a councillor for that area to represent the location in the district council. At that point, we should have a functioning parliament which decides and controls various services that people require at that level without necessary resorting to the central Government. I propose that we will have to give this council the power to levy certain taxation and to accede a portion of the national tax to the local council so that they are able to carry out duties like repairing of roads, supply of medicines to hospitals, running of local schools and such services.

The second ladder would be the regional assembly where you will have people elected from all the districts within that region or province deliberating on and legislating for the services and duties that could be carried out at the provincial level. This happens in other countries, for example, Germany, South Africa and in the United States of America. The advantage of this system is that important decisions that affect wananchi are not then left to the whims of one individual appointed by the president. The officials elected at that level will then be answerable to the electorate. This will then bring decision-making closer to the people. This concept has been practised and found successful. The failure of the Union of the Soviet Socialist Republics, which are the wobbling power structure and arrangement, is an example of why decision-making should not be centralized. People should feel that they control their lives instead of depending on a DO, chief or PC somewhere.

Mr. Deputy Speaker, Sir, manipulators develop within the corridors of power and then they surround the main decision maker, like in the case of Kenya, where one or two people manoeuvre themselves into a position where they control as to who sees the President; and then what he gets to say. This is a dangerous situation because the manipulators become power brokers and around them they create mini-power brokers and below the mini-power brokers, we have miniature power brokers.

Mr. Deputy Speaker, Sir, for example, in Kenya we have seen that an ordinary man can manage to make the

necessary connections with State House just like Mr. Kanyingi is doing in Kiambu; Mulu Mutisya in Ukambani; and the late Kariuki Chotara was doing in Nakuru. You have all types of people behaving in a manner to suggest that they are all so powerful. This should come to an end and the only way you can bring it to an end, is to decentralise decision making. This is the situation that creates imbalances in the power structure where you have Ministers who are supposed to be equal, but when you see them sitting here, everybody knows that the hon. Nicholas Biwott is more powerful than the other Ministers. This is because he controls access to the Presidency; he controls the source of information to the Presidency and makes him a prisoner.

**The Minister of State, Office of the President** (Mr. Biwott): On a point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! You do not want to be informed?

**Dr. Otieno-Kopiyo:** No, no, I do not need information from him.

**Mr. Deputy Speaker:** You do not want to be informed?

**Dr. Otieno-Kopiyo:** No, no, I am very thoroughly informed. Therefore, we want to eliminate the power brokers and the only way to do so is to make those who make decisions for and on behalf of people at a low level---

Mr. Deputy Speaker, Sir, I do not want to concentrate on hon. Nicholas Biwott because he is a friend of mine.

I am only saying that he is too powerful and that is why hon. ole Ntimama sent a delegation to him the other day so that he could be reinstated into the good books. He knows that these things are happening and we cannot pretend any more; we are Members of Parliament and everybody knows in this country what is happening. There are those who control the corridors of power; the flow of information and those who get what kind of business. This should come to an end.

Therefore, I want to turn to a subject that I think is related to the question of power broking and centralised decision making. That gives you a

situation like we have in Nyanza, where one Mr. Joseph Kaguthi, because of his connections to the same power broker, is behaving like some rogue hippopotamus; he does not care whether he is trampling on crops; whether he is running through maize fields and he makes utterances that are so despicable and his relationship with elected leaders both in KANU and in the Opposition, leaves a lot to be desired. However, we know that this is because he is connected to the power brokers. We were saying that it is okay to run the Province, but that person must be answerable to the people of that Province. We are aware that this one Kaguthi is so powerful that, in fact, he has caused a few Cabinet Ministers to lose their jobs. This situation must be brought to an end. Before we go on, I think, Mr. Kaguthi should be sacked as the Provincial Commissioner, Nyanza, because he is not fit to be the Provincial Commissioner because he is not facilitating the process of good governance in the Province. He is campaigning on the ground. Recently he told a few people from Nyanza and all the Provincial heads to work for KANU.

**The Minister for Labour and Manpower Development** (Mr. Masinde): On a point of order, Mr. Deputy Speaker, Sir. Is it in really in order for the hon. Member to divert from the Motion and begin debating an individual in the name of Mr. Kaguthi?

**Dr. Otieno-Kopiyo:** Mr. Deputy Speaker, Sir, the Motion is clear; it is about Provincial Commissioners, District Commissioners and such people. I think that it is good that the Government becomes accountable. The only way the Government can become accountable is when the people on the ground are accountable to the people they govern. Mr. Kaguthi is not accountable to anybody in Nyanza, he is accountable to powerful power barons in Central Province who brought him to Nyanza with the help of one Member of Parliament here. His main purpose is to make our people suffer to death. He is telling us all the time that we are going to die of AIDS, cholera and such diseases because Luos are dirty, but we also know that some people cannot teach Luos hygiene because they know their history.

Mr. Deputy Speaker, Sir, I want to move on to this problem where we have DOs ordering us about in constituencies where we were elected with 30,000 or 40,000 votes. The DO has not been elected by anyone whatsoever; he has only been appointed by one person in the Office of the President. He orders the chiefs and the police about. The other important thing the Government should do at this point, as we scrap this department, is to clarify the relationship between the Provincial Administration and the security forces. I do not see why in a province where we have PPO, the PC should be responsible for ordering the police to go break up this or that meeting. We should also need to know whether this Government is serious in its promise to allow free and fair competition in politics because the Provincial Administration is behaving like an extension of the KANU political party.

Mr. Deputy Speaker, Sir, recently you heard that in Nandi Mr. Kibor had been elected Chairman of a location or a division and the DO there nullified the election. This was reported in the media but the Office of the President and KANU headquarters have not denied that the DO was controlling the events down there. We know that Provincial Commissioners all over the place are actually controlling the KANU election machinery. A Member of Parliament here told me recently that when he defected from the Opposition, Mr. Chelang'a was the one who was giving him the money to campaign. He told me and he is a Member of the House. These pretences and these misdemeanours by the

Provincial---

**The Assistant Minister for Finance** (Mr. Keah): On a point of order, Mr. Deputy Speaker, Sir. I was the Returning Officer during the Uasin-Gishu KANU elections. Is hon. Dr. Otieno-Kopiyo in order to mislead this House and this country that Mr. Kibor's election was nullified by a DO? That is totally untrue and he is out of order to mislead us. Is he in order to mislead the country because he said nobody challenged it? We challenged it!

**Dr. Otieno-Kopiyo:** Mr. Deputy Speaker, Sir, I am not a rigger of elections and so I will not bother myself with such comments. I respect the will of the people and if Mr. Kibor had been elected, if I were in KANU, I would leave him alone, otherwise, he will defect to FORD(K). Now, very soon Mr. Kones will be coming just like hon. Chebelyon.

*(Applause)*

The writings are on the wall. After Mr. Kones, we will have hon. Chebelyon and after that, the whole of Kericho will be coming. Prof. Ng'eno is on the way. Things are not going very well for them. I know that this Motion has the goodwill of the majority from the House. Even if the House does not pass this Motion, we will have the opportunity to implement it. The main spirit of it is really to convince the other Members of Parliament from the other side, that it is better to ensure that power is not centralised. I know that threatens one's immediate interests, but we shall be fair in ensuring that there will be regular elections.

Mr. Deputy Speaker, Sir, when we get to dealing with people like chiefs, it is a big embarrassment that you find a "small man" called a chief over there, running a location and ordering politicians about. The other day you heard what happened in the constituency of hon. Angatia: A chief ordered an Administration policeman to shoot the Leader of Opposition and actually, he went ahead and shot his bodyguard and missed the Leader of the Opposition by inches. This is not good for the country and not good for where we are heading to.

Mr. Deputy Speaker, Sir, before I conclude, now that we have a very powerful Minister in the Office of the President, we should also get to know who murdered Dr. Ouko, because the police have not finished their investigations.

With those few remarks, I ask the hon. Dr. Kituyi to second this Motion.

**Dr. Kituyi:** Thank you, Mr. Deputy Speaker, Sir, that I have a chance to second what I consider to be a very important motion.

My starting point is to remind KANU of a piece of positive KANU history. In the competition, before Independence, between KANU and KADU, there was a crisis about the locus of efficient local representation. About, at what level the local representation meets with the Central Government.

**The Assistant Minister, Office of the President** (Mr. Shamalla): On a point of order, Mr. Deputy Speaker, Sir. Where was Dr. Kituyi at the time of Independence to begin lecturing this House on what happened between KANU and KADU? He was not even at school.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, sometimes I listen to some colleagues and friends and I wish that they read the book of Job Chapter 13 verse 4. For those who have not read it, it says this:-

"How I wish they could keep their silence, for in silence, they might be mistaken for being wise".

Mr. Deputy Speaker, Sir, the efficient history of the competition between KANU and KADU in the run-up to the Lancaster House Conference was the following: KANU took a position, that the efficient mechanism of local Government, that the level of governance below Central Government should be strengthened county councils. That local authorities should be vested with the capacity to be efficient local governments. And that if you have that as the first step, and the immediate next step is Central Government, you will have a very interesting correlation between the central unitary government and greater empowerment at local level. KADU was fighting for tribal chiefdoms. The compromise was the creation of provinces above the county councils, but not congruous totally with tribes.

Mr. Deputy Speaker, Sir, I start with this point because I think those KANU politicians of 1960 to 1962 had a good point. They saw the need for an efficient level of governance which was dominated by directly elected representatives of the people. Those people were immediate victims of a colonial regimented system, an extension of the Executive called these days the Provincial Administration.

Mr. Deputy Speaker, Sir, any time foreigners arrive in this country and go to the countryside, the first thing that shocks and surprises them is that they see - like Alice in Wonderland - some structure that has been pulled out of historical colonial history. You see a person who purports to be a public leader wearing a colonial policeman's hat, colonial khakis originally imported from India and standing stiff. A blend between the askari of the colonial master and a tribal representative of the colonial state. Be it a chief, DO or DC, these extensions of the presidency in this country, is most conspicuously displayed by the way it caricatures the colonial establishment of law and order.

Mr. Deputy Speaker, Sir, Provincial Administration was started in this country for one critical reason: To

pacify the conquered native, to extract tax and to enforce regulations of movement in order not to exaggerate the pricing of the labour market. They were to effect the mechanisms of colonial occupation.

At Independence, the early KANU was agitating against provincial administration because they knew what Colonial Administration was all about, and what provincial administration was all about. That independence was a liberation of the people from all the extensions of the Executive. The creation of mechanisms through which local opinion can be felt and local opinion influences public policy. Now, when you talk today about provincial administration, when we justify today, the presence of Provincial Commissioners, District Commissioners and District Officers, we have two problems: What are we justifying and how can we claim to be democrats interested in greater empowerment of local instruments of popular expression and at the same time be justifying the continued usurpation of popular leadership by an extension of the Presidency? Because, that is what Provincial Administration is. It is about command-post politics. It is about, this is right because the Office of the President has said it is right. It is about effecting the will of the centre against the wishes and aspirations of the local level community.

Mr. Deputy Speaker, Sir, I have noticed lately that many eminent persons in KANU have been moving away from the rigid thinking of majimboism. I was particularly sweetly surprised when the leader of this Government said: "People who want constitutionalism are tribalists like majimboists". For the first time, he had said that majimboists are tribalists, but by default. But if we are now agreed with KANU that majimboism is tinged with tribalism and that we also want democracy, then we are also agreed with KANU that we should strengthen mechanisms other than those based on tribal arrangement, but which can give greater power to locally elected leaders. The way to do that, we cannot have a shortcut, you must abolish the Provincial Administration and strengthen local authorities.

Mr. Deputy Speaker, Sir, nobody has questioned something very strange in the laws of this country. There does not exist any single law in the statute books of this country which gives legitimate power to a PC, a DC or a DO to do anything. All the time, they have to hide under cover of the Chief's Authority Act. Therefore, they pretend that they can give instructions to chiefs who can then give them the authority to utilise authority that exists in the law for chiefs, to carry out all these repressive measures they are involved in. It is time that we started developing a culture of legitimate governance, where any authority is based on efficient definition of what duties and responsibilities they have. Otherwise, this state where all of a sudden, an overwhelming number of young men from two ethnic groups - because that is what they are - are running around the country and telling every person why they are poor, what they must do, recruiting which persons are identified as favourable to the Government to be given public positions or promotions, threatening people in public about why they should do this and not that and even others have had the temerity--- I have had a misfortune of having three DOs who arrived in my constituency and the first thing they did - including the one who has just been thrown out of hon. Magwaga's place - is to come and announce that they have come to wipe out the Opposition.

Sometimes I wonder, how can a little boy from Keiyo succeed where Mwangale failed? To eradicate Opposition in Kimilili Constituency. But they get paid for making such benign nonsense. They do not know what they are doing, but they are paid for not knowing what they are doing, so long as they sound like they support the Government. What legitimacy do they express to the people? How do they know why people are under-developed? How can we continue forever paying persons to pretend that they understand us better than ourselves?

Mr. Deputy Speaker, Sir, time has come when we have to look ourselves in the face and say: We have to build a mechanism through which we are entering the next millennium as a peaceful country. There is a limit to how far, even the most civil of the opposition leaders can take it, that, little underlings of the KANU Government wearing colonial police uniforms are going to tell us when we should and should not address the public, when and when not we can open and use our party offices. It is in the interest of everybody that they have totally to be excluded from any interference in the political process. The best way to exclude incidents like what happened to hon. Wamalwa two days ago, is to totally abolish the institution of Provincial Administration.

With those few remarks, I wish to strongly second this Motion.

*(Question proposed)*

**The Minister of State, Office of the President** (Mr. Biwott): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute on this Motion.

Before I proceed with my arguments for and against the abolition of the Provincial Administration, let me clear one or two things which the mover introduced in his speech - rather unfortunately.

Mr. Deputy Speaker, Sir, it is not a good thing for people in this country to entertain violence of any manner. I think violence of any sort ought to be condemned. People should be told to behave normally and dwell mainly on how to convince others to accept their points of view.

The mover, while purporting to be sending a message of condolence to an acquaintance of mine who passed

away and who is not in anyway my body guard did it sarcastically. I believe that there is nothing wrong in sending a message of condolence because this is normal - but it must be done with a bit of human touch and dignity and not in a sarcastic manner.

It is true that there were contradictory remarks that were made about the KANU elections in Uasin Gishu District. What the mover of the Motion said is true.

I think KANU headquarters issued a statement saying that a DO had barred Mr. Kibor from contesting in the elections. Unfortunately, that report which has never been corrected has been kept alive from time to time by the newspapers. The truth of the matter is--- I believe the officer who was presiding over those elections will confirm that Mr. Kibor was never barred from participating in those elections. He was defeated! There were, however, like in many other places voters who came from other areas who were not---

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. A statement was made by hon. Dr. Otieno-Kopiyo about what happened in relation to the KANU elections in Uasin Gishu District. Hon. Keah purported to correct the position and hon. Biwott, who is a 'Mr. know-it-all' says that it is indeed true as hon. Dr. Otieno-Kopiyo said, that a statement was issued by KANU headquarters that it was the DO who nullified Mr. Kibor's election. Is hon. Biwott now, not misleading this House by continuing to say that, that was not the case and yet, hon. Biwott is not a member of KANU headquarters? He is not a national official. Is he in a position to speak for KANU headquarters or has he assumed an overall responsibility throughout this country?

**The Minister of State, Office of the President** (Mr. Biwott): Mr. Deputy Speaker, Sir, indeed, I am more qualified than he is to speak about KANU affairs until he comes back to KANU.

I have already clarified that Mr. Kibor was never barred from participating in those elections. The presiding officer, hon. Keah is here and he can bear me witness to that fact. Hopefully, hon. Kosgey who was there can confirm this later. In his closing remarks, Dr. Otieno-Kopiyo talked about the murder of the late Dr. Robert Ouko. The file is still open and in the interest of justice, it is better that anybody who knows anything about it, should provide that information to the office of the Attorney-General and the police.

**An hon. Member:** You should lead the way.

**The Minister for State, Office of the President** (Mr. Biwott): How can I lead the way? You should lead the way because you know it. Instead of chickening out, you should report to the police or the Attorney-General if you have any information because it will help this country. We believe in justice and justice must be done instead of arguing politics.

Mr. Deputy Speaker, Sir, I will now go back to the main issue which is before us today. The Provincial Administration is the core of the administration for a sound management in any stable country. Kenya, out of all the other countries in Africa is stable because it has a provincial administration. I am saying this because I served as a DO in this country---

*[Mr. Deputy Speaker left the Chair]*

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

**Mr. Gatabaki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Minister to mislead the House that every country in Africa has a provincial administration? I do not know what his educational background is. Is it in order for this hon. Minister to mislead this House that a colonial legacy exists in every African country and yet, he knows very well that Kenya is the only country on earth which maintains chiefs, DOs, DCs and PCs?

**The Minister of State, Office of the President** (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, I will be able to answer the hon. Member properly the day he will be coherent in his speech.

I had said that the provincial administration is the only system which provides stability because other countries around us who did away with their Provincial Administration have not been stable like we have been. Tanzania and Uganda did away with their Provincial Administrations and you cannot tell me that they are more stable than we are. I served both during the colonial days and immediately after Independence.

**Mr. Anyona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Gatabaki was wondering what the educational background of this Minister is. Everything about him is mysterious. He is saying that Uganda abolished its provincial administration. I went to school in Makerere and they had a provincial administration system, and they still have it. What is he talking about, and yet he is supposed to be in charge of regional co-operation?

**The Minister of State, Office of the President** (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, for those who do not know him, he was, once upon a time, one of my assistants when I was dealing with the East African

Co-operation.

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Anyona! He is responding to what you said.

**Mr. Anyona:** But, Mr. Temporary Deputy Speaker---

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Anyona! I am not giving you the Floor! He is responding to your point of order!

**The Minister of State, Office of the President** (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, the provincial administration, as we know it today was abolished in Tanzania---

**Mr. Anyona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Biwott in order to mislead this House that I was his assistant, when the truth of the matter is that I was an assistant secretary in the Office of the President, in charge of the Community? We were only three officers. That was immediately I left Makerere. At that time, this Minister was carrying hon. Mackenzie's briefcase. That is what he did. He never came near us!

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Members! Hon. Anyona, it is good to be sensational, but we really should not personalise these issues here.

**The Minister of State, Office of the President** (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, it is true that I was working in the Ministry of Agriculture, and I was in charge of co-ordinating the activities of the Community.

The Minister for Agriculture was hon. Bruce Mackenzie. We were the members of the Community. If there is anybody who carried a briefcase, it is hon. Anyona who carried my briefcase!

*(Mr. Mulusya interjected)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Mulusya! That is very despicable conduct! Hon. Mulusya, what is the source of excitement? Can we debate in a sober manner? I do not see the excitement about what is being said.

**Mr. Michuki:** Mr. Temporary Deputy Speaker, Sir, I thank you very much for the opportunity to---

**Mr. Kiliku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to know whether it was in order for hon. Anyona to say that everything to do with hon. Biwott is mysterious. Later on, he confirmed that he was a briefcase carrier!

**The Temporary Deputy Speaker** (Mr. Wetangula): That is not a point of order! Carry on, hon. Michuki!

**Mr. Michuki:** Mr. Temporary Deputy Speaker, Sir, I wish to thank you for granting me this opportunity to contribute to this Motion which, in my view, has been long overdue.

The issue that concerns the Provincial Administration and the Government itself, and the confusion that has arisen which has caused a lot of anguish to many people, is because the KANU Government has been unable or unwilling to distinguish between the policy of the Government and the policy of the party. The policies of Government are based on the law. Where they not based on the law, perhaps, this Motion serves as a reminder that the administration of the Government is based on the rule of law. The policies of a party are based on the rule of man. Man wants to compete politically in order to either maintain, or to seize power.

Therefore, in that context, he cannot be fair, as a person implementing his party policies, whether he pretends to be or not. Yet, that same party is supposed to ensure that the rule of law prevails. As it has been stated here, there is no law that empowers the Provincial Administration to do what they do. It is true that they resort to the Chief's Authority Act which was introduced during the indirect rule of the colonial governments in Africa. Therefore, the utilisation of the Provincial Administration as an arm of the Government to suppress its own people is the worst thing that could happen in a country that, on the one hand claims to be democratic and, on the other, tries to achieve the principles of democracy. This is because the two are incompatible. The reason why we have laws is because we know that man, left to himself is a very brutal being. He has to be controlled by law in order to be kept within what one might say is a civilised behaviour.

Mr. Temporary Deputy Speaker, Sir, I worked with hon. Biwott in the Treasury. He was one of my assistant secretaries when I was the Permanent Secretary there. I actually recommended his promotion when he went to work with Mr. Bruce Mackenzie. He did a good job with the World Bank and all that.

**An hon. Member:** Is carrying a briefcase a good job?

**Mr. Michuki:** I am afraid that is an exaggeration! He did a good job as a civil servant. I am not here to praise him because I have no reason to praise him. I do not carry favour and I do not want favours. I am stating what was the truth.

The departure from the rule of law justifies the existence of the Provincial Administration. In a country such as Kenya where we have District Officers embarrassing elected leaders, that cannot be on the basis of law. This is because there is no law to provide for that kind of embarrassment. I do not think that a House such as the one we have now would pass laws of that nature. Therefore, the Provincial Administration is there to implement the party laws because they cannot be Government laws. If you go back to the history of the Provincial Administration, every citizen who had problems ran to the District Commissioners to seek justice. Today, it is the other way round. People run away from the Provincial Commissioners, District Commissioners, District Officers, chiefs and sub-chiefs because they know that the contact they will have will be nothing other than suppression and diversion of justice.

We have had land cases now through this KANU Government taken back to the so called elders and District Officers at a time when the de-linking of Provincial Administration from the administration of the law is now required more than ever before. This means that the law should be left to the Judiciary to implement. Yet we see people going in circles in various districts; people cannot get justice about their land; people cannot get hearing from the so called Provincial Administration when they have problems.

Mr. Temporary Deputy Speaker, Sir, shall we agree then that the Provincial Administration is there to serve the human inclination of KANU rather than administer justice in this place? We have the courts. If you look at these laws, there is none of them that gives Provincial Commissioners and District Commissioners the power that they now appear to be enjoying with impunity. Therefore, we have had this very unfortunate case where a bodyguard of the Leader of the Opposition in this House is shot on the orders of a chief.

May I suggest to this KANU Government that it should do an overhaul of the Provincial Administration and in particular, look at the kind of people they recruit as APs, and the police. This is because the information that I have is that some of these shootings come about not because the Government orders people to be shot but because of over 50 per cent of the regular policemen and Administration Police are drug addicts and we would request this Government to set up a commission of experts for all of these people to be put through drug examination, so that we know where we are. Some of them even continue to take drugs while working as policemen. Therefore, they have no time even to think about the regulations which they have in handling of firearms. They have used firearms carelessly because of drug addiction.

Mr. Temporary Deputy Speaker, Sir, I know that in my own constituency, it has been taken over by the thugs who were expelled here by the late Mr. Shaw, as chiefs and assistant chiefs. Some of them are drug dealers. One of them the other day tortured a young man by inserting needles through his penis because he was used to being tortured when he was a robber; when he was a thief in the hands of the police. And this is the kind of Provincial Administration that we are talking about, which has no intentions of rendering services to the people.

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

**The Minister for Information and Broadcasting** (Mr. Makau): Thank you very much, Mr. Temporary Deputy Speaker, Sir. When you look at the wording of this Motion that has been presented, you will find that it is very parochial. It is talking about scrapping of the Provincial Administration and it gives no reason why that scrapping is called for. But while discussing this Motion, we should be able to ask ourselves what types of systems of administration are found not only in Africa but in many parts of the world. We would understand that when the Mover of the Motion who is a FORD(K) Member talked about the scrapping, he was talking about what is contained in their manifesto. They were advised by the German guys on the local administration that is found there, specifically the elective aspect of it. But one thing that is---

**Mr. Mak'Onyango:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Minister to impute that Members of FORD(K) are not capable of coming up with ideas good enough for this country and that they have to rely on foreigners like Germans to advise them?

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I think there is nobody in the world who does not borrow ideas. And when I speak about that, I have Germany in mind where a system like the one that you are suggesting exists. But the point that I am trying to put across is that this country has the local Government as a system of administration and also Provincial Administration which is a part of the Civil Service. The Kenya Civil Service is known all over the world as a professional and efficient Civil Service. It is the only working civil service in Africa. Give me an example of any working civil service that is working in Africa today?

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

**The Minister for Information and Broadcasting** (Mr. Makau): I am not accepting that information. So, this Motion should be opposed by every right thinking legislator in this House.

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

**The Minister for Information and Broadcasting** (Mr. Makau): The question of whether---

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Mr. Makau! I have given the Floor to Mr. Anyona.

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, I do not know whether you heard the word used by the hon. Makau towards the end of what he was saying. He was saying that this Motion should be opposed by every "right thinking" legislator. Is he imputing that there are legislators here who seem not to think right? Is that what he is saying? Is he in order to imply that there are legislators here whose thinking is anything other than right?

**The Temporary Deputy Speaker** (Mr. Wetangula): Honestly, Mr. Anyona, I do not see anything improper in that phrase.

**The Minister for Information and Broadcasting** (Mr. Makau): I am opposed to the idea of discussion in this Motion. If you are supporting it---

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, I know the ordinary usage of that term and we are talking in the National Assembly and there is a language here that you cannot use. He is imputing that there are Members here whose thinking is not right. Is that correct?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Mr. Anyona! That is a very simplistic approach to that phrase. It does not mean so.

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, may I ask the hon. Anyona to indicate where in the Standing Orders it is stated that the phrase "right thinking" is not Parliamentary?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Mr. Makau! We are not debating grammar! We are debating a Motion!

**The Minister for Information and Broadcasting** (Mr. Makau): Okay. So---

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Not allowed. Carry on, Mr. Makau.

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker Sir, I suggested that the diversity and the combination of the Provincial Administration and the local Government is---

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Mr. Gitau! You are out of order. Carry on, Mr. Makau.

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir. I talked about diversity---

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon Gitau! Hon. Gitau, you do not have to speak with such venom to catch my eye.

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I had stressed the fact that this country has the most professional and efficient civil service and what has to be realised by every Member who is here is that, you cannot delink---

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Messrs Gitau, Njenga and Kamuyu, you are behaving in a disorderly manner and you had better desist from that.

**Mr. Kamuyu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am rising on a point of order to seek the Chair's guidance in that when certain hon. Members of this House stand on points of order, the Chair discriminates against them. But when others rise from that side or some from this side of the House, they "catch" the Speaker's eye. Is it personal between the Chair and the hon. Gatabaki that he is not allowed to speak and yet hon. Anyona is allowed? I seek guidance from the Chair on this.

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, a former administrator as a DO, DC and Permanent Secretary, Mr. Michuki has stressed on the word "delinking."

**Mr. J.N. Mungai:** On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of what has just transpired about points of order, would I be in order to state that the Chair is bringing discrimination into this House? FORD(A) hon. Members are being discriminated against and it is true to say that they are being discriminated against because all the time we rise on a point of order, we are never given a chance. Would I be in order to state that the Chair is bringing in total discrimination, either tribal, party affiliations or something else into this House?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! You are perfectly in order to think the way you want to think, hon. Mungai. Carry on, Mr. Makau!

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, what I have been stressing is the fact that the combination of the Provincial Administration which is part of the Civil Service and the Local Government is very strong and working---

**Mr. Gatabaki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have had a lot of difficulties rising on a point of order. I do not know why the people of Githunguri are discriminated against. I am not treated as an hon. Member of Parliament. My point of order is this: The hon. Minister tells this House and the country that Kenya has got the most professionalised Civil Service. In view of the fact that our nation is the third most corrupt on earth, is it in order for him to say the Civil Service is efficient and professional?

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! That is why I do not take your points of order. That is not a point of order, but an argument! Proceed, Mr. Makau!

**The Minister for Information and Broadcasting (Mr. Makau):** Mr. Temporary Deputy Speaker, Sir, I do not understand when hon. Gatabaki talks about Civil Service and corruption. The type of corruption he is talking about is something based on his own assessment, and not everybody's assessment.

The Provincial Administration in this country has offered one very important thing that has created stability in this country. The fact is that the Provincial Administration has been involved in the maintenance of law and order. It is extremely important because stability has come as a result of the Provincial Administration making sure that those whose intention is to bring violence and continue creating instability in this country are dealt with. This is maintenance of law and order. You talk about police as "grabbing" everything and you forget that---

**Mak'Onyango:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister not misleading the House to say that the Provincial Administration is responsible for maintaining peace when in the last few days, we have had several cases of members of the Provincial Administration shooting and, therefore, causing chaos?

**The Minister for Information and Broadcasting (Mr. Makau):** That is your opinion; that does not happen!

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to oppose it.

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, I think the fundamental point about this Motion is not what the Provincial Administration does, but it is what the Provincial Administration is supposed to do. That is where we must begin.

I think a few home truths must be told: One, that the Provincial Administration in this country is colonial; more colonial than during the colonial time. Why do I say that? We still operate under the Chief's Authority Act which was enacted by the Colonial Government in 1937. That is what we are using as the basic law of Provincial Administration. So, let this Government not quibble as to whether or not the Provincial Administration is colonial. The only difference is that the Provincial Administration during the colonial time was efficient and political, but it is not the case any more. Now, they are inefficient, corrupt, brutal and they wield political power on behalf of the politicians in power. That is one truth that must be told. The second truth that must be told is that we want to find out because hon. Members on the other side are behaving as if we are making an allegation that the Provincial Administration is political. What does the law provide? One point which was made here is that there is no legal legitimacy of the PC, DC or DO, but there is a colonial legal legitimacy of the chief which is contrary to our Constitution today. It is a conflict. These things were all out when there was no Constitution. Now, we have a Constitution and these things are unconstitutional.

In any case, Mr. Temporary Deputy Speaker, Sir, what does our own provision of the Civil Service provide. I would like to refresh the memory of the hon. Members of the House. The Code of Regulations, which is the "bible" that the Provincial Administration should use in the Civil Service provides as follows: The heading: "Prohibition of Membership of Political Associations." It says:-

"Officers are not permitted to form or to be members of any associations of which the objects and functions are in any way political." That is the law! It goes on to say:

"Membership of the political association is not consistent with the duties and obligations of public servant, who is required to carry out the Government policy unbiased by any political views he may hold."

That is the law. Is the Provincial Administration in this country following that law?

Mr. Temporary Deputy Speaker, Sir, G(13) provides as follows:-

Political activities and attendance of political meetings.

G13(i) provides as follows:-

"An officer is entitled to his own views in political matters, but is not permitted to express those views publicly."

That is what the law says.

It goes on to say on G13(i):-

"They should in no case publicly indicate their support of a particular candidate or politics. In particular, making speeches or joining in the demonstration in favour of any political person, party or propaganda is prohibited".

G13(ii) says:-

"While civil servants may attend political meetings, if they so wish, they are not permitted to participate in such meetings by making speeches, asking questions."

And G13(iii) says:-

"Civil servants may ask questions of political candidate privately and such questions may be answered publicly if the candidate so wishes, provided the anonymity of the questioner is preserved."

Mr. Temporary Deputy Speaker, Sir, that is the law. That is what governs the Provincial Administration and yet, everything that the Provincial Administration does in this country is contrary to the provisions of the Code of Regulations that governs the Civil Service. That is one contradiction.

There is a second contradiction. It is quite clearly stated by the Government in the Code of Regulations that civil servants should not engage in political activities, in a way, I am very happy with the hon. Lotodo who is the Minister for Local Government because he is a no non sense man. I have known him for a long time because we were together here in 1974 and I am very glad that he can streamline that Ministry. One other thing that we want him to look at is that when this Government goes to nominate DCs and DOs as councillors; they legally make them political contrary to the law. What is the logic of this Government? They are either political or not political, but the Civil Service Regulations says they should not be political. Then you go and nominate them as councillors, knowing very well that are politicians. That is another contradiction.

Mr. Temporary Deputy Speaker, Sir, if you consider what goes on in this country from the Provincial Administration, you would find that it is the Provincial Administration that harasses the Opposition. I would not say it is KANU, quite frankly. It is the Provincial Administration!

*(Applause)*

It is the DOs, chiefs, the Administration Police and not even the regular Police. It is the Provincial Administration that harasses those KANU Members who do not toe the line, who question their activities. It is the Provincial Administration that harasses even Cabinet Ministers who do not seem to toe the line of the "Total men". In this case, Mr. Temporary Deputy Speaker, Sir, you know that one of our very good friends, one of our ablest Member of Parliament, one of the ablest former Minister, hon. Dalmas Otieno, lost his job because the Provincial Administration did not like his face.

Mr. Temporary Deputy Speaker, Sir, you know that right now in Nyanza, all the Ministers are under siege. Both hon. Ayah and hon. Nyachae are under siege and the Provincial Administration rules undisputed in Nyanza. The other day, we read in the Press where hon. Lotodo said something very apt: "Sijamwona DC mpumbavu kama huyu".

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, how can wananchi in this country respect the Government and the Ministers, if they are abused by PCs, DCs, Chiefs and Administration policemen? What kind of Ministers are they?

**Mr. Mathenge:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is my friend, the hon. Anyona, in order to say that the Minister, hon. Ayah, and others from Nyanza are under siege by the Provincial Commissioner? Can he confirm that they are under siege?

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, I want to help my hon. colleague here. The correct position is that I made the allegation and, therefore, I should answer the allegation and not hon. Ndolo Ayah. The point is I come from Nyanza---

**The Minister for Transport and Communications (Mr. Ayah):** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**Mr. Anyona:** I do not want any information because I know the man is under siege. The truth must be told---

**The Minister for Transport and Communications (Mr. Ayah):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. George Anyona in order to mislead the House by saying that I and other people are under siege? What exactly does he mean by being "under siege" because I know I am not under siege?

*(Laughter)*

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, hon. Ndolo Ayah is a very good friend of mine. He is a first class gentleman. I really do not know why the Provincial Administration fights him. The point is, if he thinks he

is safe, please, continue believing you are safe. We would not help you now. I was trying to help you. But I can say that hon. Nyachae who comes from Kisii where I come from is under siege because even on Monday, the Provincial Commissioner organised all the politicians, councillors and chiefs in Kisii and Nyamira, and brought them to Kisii Town to go and inaugurate the new district without the knowledge of any of the Members of Parliament from that District, including hon. Nyachae who is the KANU Chairman of that area. If that is not being "under siege", then I do not know what being "under siege" means.

Mr. Temporary Deputy Speaker, Sir, I was saying that the business of the Provincial Administration is not to run the Provinces, but to insult people. We have a Provincial Commissioner in Nyanza who keeps on calling the people of Nyanza as "Aids careers, lazy people, wife-inheritors". Those are the descriptions---

**Mr. Orenge:** On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to inform hon. Anyona that hon. Ndolo Ayah would have been today the Chairman of KANU in Kisumu District; but Kaguthi organised for him to be thrown out by a young man of very questionable backgrounds, a youth-winger!

**Mr. Anyona:** Thank you very much for that point of information.

**The Minister for Transport and Communications (Mr. Ayah):** On a point of order, Mr. Temporary Deputy Speaker, Sir. I always appreciate hon. Orenge's ability to say nothing so eloquently. But is he in order to mislead hon. Anyona by giving him false information? As the national Chairman of KANU, I am not allowed by the Party Constitution to stand for a district post. The KANU Constitution does not allow national officials to have a district post.

**Mr. Otieno:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

I want to say that it is a serious Motion except in place of saying "scrap", I would have said "reform". We know the Provincial Administration.

Certainly, they do have a role, but like so many other institutions in this country, there is a crisis in clarifying the role of the players in each of these institutions.

First of all, let me clarify that from what I know and what I believe, an administrator is obeyed because he administers the rule of law. That there is some law that he administers and for that purpose, they have to be obeyed. I also know that leaders are followed because they represent the wishes and the will of the people. We are coming into a situation where leaders are followed because they represent what the people want, but administrators have left their role of administering the law and they want to pretend that they also represent the will of the people.

*(Applause)*

So, the crisis is not on whether the Provincial Administration is not required in this stage of our socio-political and economic development. They are required. But we have problems of people operating outside their roles, so there is a crisis and the need to clarify the roles in the different institutions. We have to clarify in this country the role of Parliament and the role of the Members of Parliament, and any abuse in any profession should be dealt with by the right organs in the administrative system. As of now, the problem we have is that the administrators are leaving their roles because during the single-party political practice, they were allowed to do so and they have not reformed with the changes that are taking place in the country.

I cannot sympathise with a chief who grabs a microphone from a duly elected Member of this august House. That is certainly outrageous. So, what we need and we should accept it, is that time has come when we should have a different thinking on the role of the Provincial Administration. If they are going to administer law, which law really was left to them to administer after the Judiciary was separated from the Provincial Administration? We found that they have been left to administer the prohibition of chang'aa law. That is the only one they are remaining with, and a little bit of the drug and some civil disputes most of which should actually be going to the courts. So, we are left with a Provincial Administration that is groping in the dark trying to get functions here and there. So, the crisis in the country is the crisis that the role of the Provincial Administration should be re-defined and reformed, and the order they are supposed to administer should be clarified even to them. In fact, we have reached a level where they are even "agents of disinformation" and they are distorting intelligence information to the Government. In fact, I could go ahead and say---

**Dr. Lwali-Oyondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Hon. Members:** Aah, sit down!

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! Dr. Lwali-Oyondi, like anybody else, has a legitimate right to stand on a point of order. There you are, Dr. Lwali-Oyondi.

**An hon. Member:** He should gauge the mood of the House!

**Dr. Lwali-Oyondi:** Mr. Temporary Deputy Speaker, Sir, we are not here to be in moods, but to debate and make laws. The hon. Member on the Floor has just said that the Provincial Administration has been distorting intelligence information that goes to the Government. That is very serious! Can he substantiate it?

**Mr. Otieno:** I sympathise with hon. Lwali-Oyondi, first for his ability to raise the wrong points of order at the wrong time when I have only 10 minutes to speak. I have said that we have a Provincial Administration whose role needs to be clarified. Its members need to be properly trained. We have an Administration that has been given Administration Police officers with arms, but without adequate training and clarification of the circumstances under which those guns should be used. That appears so obvious, and if this hon. Member has not seen the abuse of that power in that process I do not know where lives!

I can even be blunt and say that the current Provincial Administration is a liability to KANU. There was a time when they usurped the role of the Electoral Commission that never functioned: There was only a supervisor of elections. They are still continuing to think that this is their role. Their role needs to be clarified *vis-a-vis* the party in power. As of now, if the Provincial Administration is to be obeyed in administering the law, and the leaders are to be followed in representing the wishes of the people, when is anybody in this country going to vote for a Provincial Commissioner (PC) or a District Commissioner (DC)? As of now, we can use the Provincial Administration to mobilise people to attend a rally, no matter whoever is going to address it, but they are not going to ever be able to mobilise anybody to vote for any person.

I come from an Opposition zone and know that we did have an effective Provincial Administration in 1992, but it never gave us any vote. So, if anybody thinks that the Provincial Administration is going to give any votes to KANU he should know that they never did and will never do so. What we need to clarify now, and possibly what this Motion should have said, is that the general democratic reform process in the country should similarly look at all institutions, and reform them accordingly, so that they become more productive. As of now, who do you blame in the district for a stagnating economy? Do you blame the DC, as the chairman of the district development committee? Do you blame the chairman of the political party? Do you blame the Members of Parliament or who?

There is a crisis of accountability in the Provincial Administration! Why is it so? This is because a chief, posing as the personal representative of the President in a location, assumes that he is only accountable to the President, but he knows his subjects will never reach the President to complain. If a chief does something wrong it is KANU which loses votes. If he does something right it is the Government that gets credit. KANU does not get the credit and if a chief makes a mistake we lose votes. But when chiefs do good things something amorphous called the "Government" gets the credit. So, as of now, the Provincial Administration is a liability to all political parties, both in the Opposition and KANU. But the point we should be making is not that the Provincial Administration should be scrapped, but rather that it should be reformed like so many other institutions in this country that require reforms.

Mr. Temporary Deputy Speaker, Sir, there is an issue that I take seriously in particular. This is the lack of respect for the elected Member of this National Assembly. We are breeding a terrible culture where a Member of Parliament is not given the respect he deserves by a chief, a District Officer (DO), a DC or even a PC. We should be able to say that if a Member of Parliament is to speak somewhere his freedom of speech should only be limited by the laws of this country. The best any chief should do is to tape what the hon. Member says so that he can be taken to court. The chief should never take the microphone from such a person. We have had ridiculous examples of members of the Provincial Administration telling constituents not to go to the home of their Member of Parliament to consult him. How can somebody be so mischievous! That is the height of mischief! But such an order can come from a member of the Provincial Administration.

I cannot end my contribution without talking about Mr. Kaguthi, the PC for Nyanza Province. I will make only one statement, that the political agenda of the people of Nyanza Province will be charted by the people themselves, and all that Mr. Kaguthi is doing in Nyanza Province is a waste of time and will not help anybody. It does not matter for how long he continues to do it.

With these few remarks, I oppose the scrapping of the Provincial Administration.

**Mr. Karan:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have heard how eloquently hon. Otieno has addressed the House and articulated issues affecting the people of this country. Can the powerful Minister in the Office of the President assure this House and Kenyans at large that Mr. Otieno will be safe?

**The Temporary Deputy Speaker** (Mr. Wetangula): That is a most frivolous point of order! Yes, Mr. Mathenge.

**Mr. Mathenge:** Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to speak on this Motion.

Some years back the Kenya Civil Service, including the Provincial Administration, was reputed to be second to none in the whole of Africa. But since 1988 during the mlolongo election, when people who had more votes were declared losers and those with fewer votes the winners, the Provincial Administration and the entire Government lost credibility and integrity. This was because the PCs, DCs, DOs and chiefs interfered with the 1988 election, and

instead of allowing the people freedom of choice of their leaders they chose to declare unpopular candidates as Members of Parliament and councillors. Due to that act the Government became so unpopular that most people thought that they could no longer trust the Provincial Administration. It was from that time that opposition was born. If the election of 1988 had not been rigged by the Provincial Administration we on this side of the House would be on the other side. We would be in one Government. There would have been no need to form an opposition if the Provincial Administration had followed the law. But since that time, we have had divisions because many people were dissatisfied. I am one of those people who were rigged out in Nyeri District after winning the election with a landslide.

Now today, we have a Motion before us asking for the total scrapping of the Provincial Administration. It is not the system that is bad, it is the practice of the system that we object to. I, for one, would not call for the scrapping of the Provincial Administration because I know it is a very effective way of ruling a country and promoting development. So, instead of scrapping it, I would propose that this Provincial Administration be re-designed and reformed. The administrators must use the law books. They have books behind their backs in their offices and they should refer to those law books before they make decisions, if they are not conversant with the laws. But now, many of them have not passed their law examinations. They think that because they have a crown on their head, they make decisions, regardless of the laws. When they make such decisions, they become a liability to the Government in power. They make the Government in power very unpopular. No matter how much the KANU Government tries to make itself popular, as long as the Provincial Administration refuses to study the law and to translate the law into effect as it should, the KANU Government will have endless problems in this county and it will always face opposition.

Mr. Temporary Deputy Speaker, Sir, Chiefs, Districts Officers even Assistant Chiefs and even some Provincial Commissioners have involved themselves in land grabbing. If the administration officials who should be protecting public interest engage in grabbing public property, how do you expect this administration to be respected? Indiscipline has set in, in the Provincial Administration because politicians on the KANU side try to over-influence the officials of the Provincial Administration. Because those members of the Provincial Administration also want to endear themselves to their political masters, they will go out of their way to please their political masters. Some of their political masters want to continue occupying offices by force and they rely on the Provincial Administration for their political survival. If that is the case, how do you expect a Government which is not impartial to continue convincing wananchi that it is governing for their welfare and justice? In fact, the Provincial Administration, as it stands and operates today, is a liability to KANU, and it is high time KANU re-organised that system. I have a suggestion to resolve that pathetic situation.

The Government should re-organise the local authorities and merge local authorities with the administration. This will decentralise the governing of this country at the local authority level. In that way, the District Commissioners, the District Officers and the local people will get involved in planning for development, executing development and collecting revenue for their respective areas. Then the Government should channel grants for development through those local authorities, which must be disciplined, properly controlled and whose accounts must be audited by the Auditor-General(Corporations) annually. If this is done, there will be less complaints, and people will be satisfied when they see that Government grants are being utilised at their local level. So, when there is no development or when roads are not repaired, when water is not provided, the local people will know why, instead of relying on a District Commissioner who sits at a meeting of the District Development Committee (DDC) and speaks, but has no teeth to bite.

Mr. Temporary Deputy Speaker, Sir, corruption has reached an endemic proportion. It could be ended overnight if we had dedicated civil servants. Since the civil servants are no longer dedicated, this corruption will go on forever. The end result will be that a clique of people in top positions will enrich themselves at the expense of the majority.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Mathenge. I am sorry to cut you short, but it is now time for the Government Respondent to take the Floor.

**Mr. Mathenge:** Mr. Temporary Deputy Speaker, Sir, let him respond positively and tell us whether or not they are going to reform the Provincial Administration.

**The Assistant Minister, Office of the President** (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I beg to respond to this very important Motion.

First of all, allow me to give a very brief historical background of the Provincial Administration on attainment of Independence. But before---

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Hon. Awori, do you want information from hon. G.G. Kariuki?

**The Assistant Minister, Office of the President** (Mr. Awori): My friend, Mr. G.G. Kariuki, let me

continue.

The relevant provisions of the Constitution empowered the President to put into place administrative structures that would assist in the governance of this country. Despite its colonial background, the system of provincial administration was quickly modified to suit the needs and aspirations of an independent Kenya. This entailed the appointment and training of suitable Kenyans to assume positions of provincial commissioners, district commissioners and district officers, respectively.

In its relentless efforts to bring administrative services closer to the people, the Government has continuously expanded the number of administrative units. To date, we have eight provinces, 61 districts, 457 divisions, 2,000 locations and 5,000 sub-locations, each manned by an administrative officer. These officers at every level, have ensured that Government services are delivered to wananchi in a professional and standardised manner. Having stated the above, let me briefly highlight the specific roles played by the Provincial Administration.

**Mr. P.N. Ndwiga:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House by stating that the Government has taken services closer to the people through expansion of the Provincial Administration, while we know that today, because of this expansion, District Officers have to use matatus to go to work? District Officers have no offices and they operate from behind bars. Is he in order?

**The Assistant Minister, Office of the President (Mr. Awori):** Mr. Temporary Deputy Speaker, Sir, that is a point of argument.

The Provincial Administration is charged with the responsibility of maintaining law and order in all corners of the country. As we are all aware, peace and stability is a prerequisite for any meaningful development to take place in any country. This point need not be elaborated any further as it can be evidently attested to by the experience of what is going on in some of our neighbouring countries and regions. The Provincial Administration personnel has actively been involved in the nation building process since Independence. This is the process which has helped to create a sense of oneness of Kenyans as people belonging to one nation---

**Dr. Lwali-Oyondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Assistant Minister in order to keep on reading a document instead of debating this Motion?

**The Temporary Deputy Speaker (Mr. Wetangula):** He is perfectly in order. He is responding to the Motion.

**The Assistant Minister, Office of the President (Mr. Awori):** Mr. Temporary Deputy Speaker, Sir, the Provincial Administration personnel has actively been involved in the nation building process since Independence. This is the process which has helped to create a sense of oneness of Kenya as people belong to one nation despite cultural diversity. This has been achieved through application standardized administrative rules and procedures through the country. Indeed, this is an achievement that has no equal in the whole continent.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. According to our Standing Orders, the Assistant Minister can refer to his notes, but he cannot continuously read them. He is reading a prepared text and that is not in accordance with our Standing Orders.

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! Mr. Otieno-Kopiyo, when you were moving your Motion, if you had a prepared text and you needed to read it, nothing would stop you from doing that.

Carry on, Mr. Awori.

**The Assistant Minister, Office of the President (Mr. Awori):** Mr. Temporary Deputy Speaker, Sir, this part of the Executive arm of the Government has actively called on aping development activities of Government Ministries, parastatals and other partners in the development, including Non-Governmental Organizations, religious organizations---

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

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! Order, hon. Members! You do know very well that if a Minister is responding to a Motion and he wants to expound some Government policies and he has a prepared text, there is nothing that will stop him from reading it to the House. Carry on, Mr. Awori.

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

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! Order, hon. Mulusya! You will leave the House for heckling and then hon. Awori will carry on.

*(Mr. Mulusya withdrew from the Chambers)*

**The Assistant Minister, Office of the President (Mr. Awori):** It should be appreciated that without an effective co-ordinating body of this nature, activities of these---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is

misleading this House by saying that we have eight provinces and 61 districts. According to the last Act of Parliament enacted by this House in 1992, we have only a maximum of 46 districts. Is he not misleading the House by saying so?

**The Assistant Minister, Office of the President (Mr. Awori):** Mr. Temporary Deputy Speaker, Sir, I am simply stating a fact that there are 61 districts today. It should be appreciated that without effective co-ordinating body of this nature, activities of these agencies would be haphazard and of little impact to the development of the people of this nation. May I add that hon. Members of this House have been part and parcel of this process, being members of various development committees in their respective areas. Related to the above, the Provincial Administration has ensured---

**Mr. Kiliku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have no quarrel with the Chair being sympathetic to the Assistant Minister, but the Chair should note that the hon. Member is out of order by reading his text through and through.

**The Assistant Minister, Office of the President (Mr. Awori):** Related to the above, the Provincial Administration has ensured the active mobilization of the people and other resources for development. This has been done in the realization that no meaningful development can be achieved without the active involvement and participation of people concerned. It is due to this realization that even hon. Members of this House, have had to revert to Provincial Administration at various levels to assist them in mobilizing wananchi for development activities including during difficulties such as we are experiencing in famine.

As elaborated above, the role played by the Provincial Administration remains an important vehicle in the overall development of this country. This is a role that the Government has no intention to renege as it will be tantamount to abdicating of all its obligations and responsibilities.

Hon. Members should always have no malice when they are making contributions in this House. Hon. Members should never personalize their contributions. It is incredible when hon. Members have to make fun of the humble origin of successful people. I should have thought that a person who has succeeded in life, and who has started from a humble beginning should be admired.

**Mr. Kiliku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. No matter how much the Chair sympathizes with this Assistant Minister, he has said that he does not expect hon. Members to have malice while debating in this House. He has used the same word which was used by the Member for Baringo Central when he said that Members of this House are malicious. Could he withdraw that word?

**The Temporary Deputy Speaker (Mr. Wetangula):** Mr. Awori, did you use that word?

**The Assistant Minister, Office of the President (Mr. Awori):** Mr. Temporary Deputy Speaker, Sir, I stated that during contributions hon. Members should not have malice in their contributions.

**The Temporary Deputy Speaker (Mr. Wetangula):** Carry on, I do not see anything wrong with that.

**Mr. Kamuyu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I heard hon. Kiliku repeatedly saying that no matter how much the Chair sympathizes with the Assistant Minister, the fact is that he is out of order. Could it be that the Chair is out of order?

**The Temporary Deputy Speaker (Mr. Wetangula):** Order, hon. Kamuyu! First of all, the Chair does not sympathize with anybody. Everybody here has a right to speak, as a matter of right, not as a matter of sympathy. Carry on.

**The Assistant Minister, Office of the President (Mr. Awori):** Mr. Temporary Deputy Speaker, Sir, I was stating that a person from a humble beginning who succeeds in life should be admired.

**An hon. Member:** Like who?

**The Assistant Minister, Office of the President (Mr. Awori):** All of us have come from humble beginnings. I stand here and if there is anybody who can cast any stone against me in my success, let him stand up and say so. I come from a very humble beginning.

It is incredible for Members to stand here while talking about Provincial Administration and bring in Kuria Kanyingi and Mulu Mutisya. Since when were these two honourable members of this country members of the Provincial Administration? The effective positions being proposed in this Motion, would exacerbate the spirit of regionalism, sectionalism and tribalism which is not in the interest of our national unity and prosperity.

Mr. Temporary Deputy Speaker, Sir, I heard the Mover talk about regionalism. We have rejected it and we will not accept that kind of Government.

**Mr. J.N. Mungai:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister to mislead this House by trying to condemn what the hon. Mover said when we know that out in the field - let me be very sincere - the appointment of chiefs in certain regions, is either nepotism or too tribal and we have proof on that?

**The Assistant Minister, Office of the President (Mr. Awori):** That is not a point of order.

Mr. Temporary Deputy Speaker, Sir. Before concluding, I would like to emphasise the fact that we have an institution where administrators are trained and we will continue to improve on that training to be more careful in the selection of people who will be recruited to hold senior positions in the Provincial Administration.

**Mr. Mak'Onyango:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Wetangula): Mr. Mak'Onyango, this is a time for debate. Let him tell you what you are supposed to listen to.

**Mr. Mak'Onyango:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister not misleading this House when he says that the Government is doing its level best to give everybody consideration when it is a known fact that, at least, most of the OCPD and OCS are now Kalenjins because other tribes are not being given any consideration?

**The Assistant Minister, Office of President** (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, in conclusion, the system of Provincial Administration has had a long and remarkable record of development in this country. It has carried out its duties with dignity, professionalism, impartiality and effectiveness. What I would urge the hon. Members of this House is to assist Provincial Administration personnel with adequate funding and facilities to enhance its efficiency and effectiveness. In this context, I would like to appeal to all hon. Members to safeguard this system that can rightly be accredited with all the aims realised in this country since Independence.

With those remarks, I beg to oppose the Motion emphatically.

**Dr. Otieno-Kopiyo:** Mr. Temporary Deputy Speaker, Sir, thank you very much. I thank all the hon. Members most sincerely for the incisive contributions they have made before this House. I also wish to thank most sincerely, my colleagues, particularly those on this side for their eloquence. I also thank the Assistant Minister for reading out that well prepared statement to the House.

Mr. Temporary Deputy Speaker, Sir, it helps a great deal to listen. I did talk about specific individuals like the Kuria Kanyingi. Concentration of power does not give room for other players to participate in decision-making, hence the development of power brokers and in that respect I mentioned Kariuki Chotara and Kuria Kanyingi. Unfortunately, we do not have any lawyer who is power broker right now, but he will soon develop because that is necessary in this trade. I also wish to thank hon. Biwott for clarifying one issue that anybody with information about those who killed Dr. Robert Ouko, should make that information available. I would only wish to extend that offer by saying that anybody with information leading to the death of Mr. J.M. Kariuki, should make it available. Those with information about who killed Bruce McKenzie and Mr. Savage should make it available. Those who have information about all those people including the man who died here in Parliament the other day, should make that information available to the Office of the President. Mr. Temporary Deputy Speaker, Sir, Dr. Robert Ouko was killed in cold blood.

**The Minister of State, Office of President** (Mr. Biwott): On a point of information, Mr. Temporary Deputy Speaker, Sir. You do not make information available to the Office of the President; you make it available to the police or to the Attorney-General.

**An hon. Member:** But it is the responsibility of the Office of the President.

**The Minister of State, Office of the President** (Mr. Biwott): Well, it is, but there is a specific responsibility to the police. They like misusing the name of the Office of the President.

**Dr. Otieno-Kopiyo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I appreciate again the information given to me by hon. Biwott that those with this information should forward it to the police. That includes hon. Biwott himself. If he has any information, he should forward it to the police.

**The Minister of State, Office of the President** (Mr. Biwott): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to underrate a serious matter because any such matter should be reported to the police or the Attorney-General? The hon. Member should not suffer from what the Speaker called "Biwott syndrome and mania".

**Dr. Otieno-Kopiyo:** Mr. Temporary Deputy Speaker, Sir, the matter of death of Dr. Robert Ouko, Bruce McKenzie and all these other people is not a laughing matter. If hon. Biwott thinks that it is a laughing matter, that is very unfortunate. These people died. For example, the whole Minister for Foreigner Affairs of this Government died and the Government tells us five years later that they do not know who killed him yet the people who killed him are there earning salaries.

**The Temporary Deputy Speaker** (Mr. Wetangula): Dr. Otieno-Kopiyo, I thought Mr. Orengo gave Notice of a Motion on the Dr. Ouko murder? So, you are out of order to dwell on it.

**Dr. Otieno-Kopiyo:** Very good, but those who have information should forward it to the police.

Finally, I want to say that the Provincial Administration is an impediment to the administration of justice in Kenya because the process of democracy has been stagnated by the existence and practice of this colonial legacy in the

name of the Provincial Administration. But we cannot scrap it; I understand the sentiment of the Members of the Government side because KANU does not really exist at the grassroots level. It is the Provincial Administration which is the actually extension or the operating extension of KANU as a political party.

**Mr. Sankori:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Dr. Otieno-Kopiyo to say that KANU does not exist at the grassroots level while we know that either NDP or FORD(K) cannot even step in some areas because they do not have grassroots support?

**Dr. Otieno-Kopiyo:** Thank you, Mr. Temporary Deputy Speaker, Sir. We do not have the Provincial Administration and we do not have the police to order other politicians to be beaten up when they visit our constituencies.

Mr. Temporary Deputy Speaker, Sir, the Civil Service is very powerful in this country as hon. Makau said. In fact, the Civil Service is so powerful that these gentlemen sitting do not know what is going on over there. They are so powerful and they control everything and these gentlemen are just in the dark. The Civil Service does everything and maybe why we are still on that subject, we should reform the political hierarchy and the political order comes from Parliament given through a Minister and then run Ministries in that respect.

Mr. Temporary Deputy Speaker, Sir, I have been requested by hon. Orengo to give him the last five minutes of my Speech and I dully do so.

**Mr. Orengo:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, and Dr. Otieno-Kopiyo for giving me five minutes.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Orengo! Just for the guidance of the House and in future, if you are a Mover of a Motion, I am advised that if you want to surrender a portion of your time, you do it before, so you become the last person to contribute to your own Motion, other than surrendering the last bit to another Member.

Carry on, Mr. Orengo.

**Mr. Orengo:** Thank you, Mr. Temporary Deputy Speaker, Sir. The starting point is really that we should decide what type of Government that we want. If we want a democratic system, then we better make up our mind. When discussions were going on in Lancaster, the participants in those talks were very particular about not only establishing democracy at the national level, but also at the grassroot level.

And that is why the first Kenya Constitution - of which I have a copy here - clearly put in place elected regional assemblies which were creatures of the Constitution. In 1967, when the regional assemblies were abolished, the local governments that were established to take the place of the regional assemblies were creatures of the Constitution, and the Constitution was very clear about the powers of the local governments or the regional assemblies. In fact, issues like law and order were within the province of the regional assemblies and also of the local governments. But right now, look at what happens at the district level. What powers do county councils have vis-a-vis the Provincial Administration?

Mr. Temporary Deputy Speaker, Sir, I envisage a situation like it happened during the Hitler's Germany. That Germany was always distinct about the separation of powers. They had a chancellor and a head of state. But when Hitler decided to arrogate himself those two powers, things went wrong. In fact, the beginning of the end of democracy in this country was when we decided, contrary to the first Constitution that we had in 1963, to have the head of state being the same person as the head of government. And when that was put together, it became now necessary for this one person to have regional representatives and governors who were more important to him than the elected official.

Mr. Temporary Deputy Speaker, Sir, because the time is really short, I just want to point out some cases which, if one really looks at it carefully, one would see that the Provincial Administration really, has to go; it really should be scrapped because of the enormous powers that they have.

Mr. Temporary Deputy Speaker, Sir, you have already made a ruling and I am not anticipating debate. But, if you look at the whole mystery surrounding the death of Dr. Ouko, the Provincial Administration was involved from the planning, execution and in the cover-up. If you look at that report and look at what Mr. Kobia told the Scotland Yard, the Provincial Administration--- And you know they do not act from nowhere, always they are representing somebody at that level. So, when they were executing and helping in the murder and cover-up of Dr. Ouko's murder, it was coming from that centre of power which he has arrogated the Head of Government and then the Head of State. This is why even the Cabinet has become really, powerless. I understand the quorum for the Kenya Cabinet is the President and one other Minister.

**The Minister of State, Office of the President** (Mr. Kalweo): On a point order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Orengo to mislead this House by saying that the quorum of Cabinet is the Head of State and one Minister, and yet I am a Member of that Cabinet and it is fully attended all the times, and the quorum is not two people as he is alleging?

**Mr. Orengo:** Mr. Temporary Deputy Speaker, Sir, I have run short of time but recently, the

Attorney-General took before the Cabinet a Bill to amend the Public Order Act.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Your time is up, hon. Orengo!

*(Question put and negatived)*

**Hon. Members:** Division! Division!

**The Temporary Deputy Speaker** (Mr. Wetangula): If a Division is what you want, you will have it.

#### DIVISION

*(Question put and the House divided)*

*(Question defeated by 49 votes to 30)*

**AYES:** Messrs. Achieng-Oneko, Achola, Akumu, Aluoch, Anyona, Mrs. Asiyo, Messrs Busolo, Gatabaki, Gichuki, Githiomi, Gitonga, Icharia, Karan, Kiliku, Dr. Kituyi, Dr. Otieno-Kopiyo, Dr. Lwali-Oyondi, Messrs. Mak'Onyango, Mbeo, Michuki, Munyasia, Murungi, Mutani, Mwiraria, Ndwiga P.N., Nthenge, Nyagah, Dr. Ombaka, Messrs. Onyango, and Orengo.

Tellers of the Ayes: Mr. Sankori and Mrs. Asiyo.

**NOES:** Messrs. Angatia, Awori, Ayah, Barmasai, Biwott, Boy, Chebelyon, Galgalo, Imana, Kaino, Kalweo, Kamotho, Kariuki, Kamuren, Keah, Khalif, Kisiero, Kones, Kosgey, Ligale, Lotodo, F.P.L, Lotodo, J.D., Magwaga, Makau, Manga, Masinde, Mbela D.D, Mbela D.M, Mcharo, Mokku, Morogo, Muoki, Mutiso, Mrs. Mwendwa, Messrs. Ndzai, Ngala, Prof. Ng'eno, Messrs. Ngala, Ntimama, Rai, Sankori, Sumbeiywo, Dr. Wako, Dr. Wameyo, Messrs. Ndambuki, Ndotto, Mrs. Nyamato, Messrs. Otieno, and Wetangula.

Tellers of the Noes: Messrs. Busolo and Rai.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Mrs. Asiyo wishes to present her Motion next week.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Wetangula): So, there being no other business, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House adjourned at 12.24 p.m.