

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 16th October, 1997

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.673

DISMISSAL OF CONSTABLE KARANJA

Bishop Kimani asked the Minister of State, Office of the President:-

(a) why Mr. Joseph Wakaba Karanja, Administration Police Constable, No.84052704 was dismissed from the service; and,

(b) whether he could be paid his terminal benefits.

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

(a) Mr. Joseph Wakaba Karanja was dismissed from service following conviction in orderly room proceedings, where he was found guilty of stealing official documents from the registration of persons, and selling them to members of the public. Also, being in possession of seven identity cards belonging to different individuals illegally.

(b) Since Mr. Wakaba was summarily dismissed from the service with effect from 19th May, 1997, he lost all his retirement benefits, in accordance with the provisions of Section 20 of the Administration Police Act, Cap 85, Laws of Kenya.

Bishop Kimani: Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister is completely misleading. Mr. Joseph Karanja Wakaba was in his place of work when the DO he was with, wanted him to perform some duties that he could not. Since this DO is a relative to one of the highly placed people in administration, he solicited for Mr. Karanja's sacking. If it is true that Mr. Karanja was found stealing documents from Government offices, was he taken to court? If he was taken to court, what was the case file number?

Mr. Awori: Mr. Deputy Speaker, Sir, Mr. Karanja was never taken to court. As I mentioned earlier on, he was found in possession of documents that he should not have been having. He was found selling application forms for registration of persons, and when his house was searched, identity cards belonging to different people were found there illegally. Under the circumstances, he was dismissed and not taken to court.

Bishop Kimani: Mr. Deputy Speaker, Sir, according to what the Assistant Minister is explaining to this House, it appears that Mr. Joseph Wakaba Karanja had committed a crime. How could someone be summarily dismissed without pension or other terminal benefits? Being a police officer working for the Government and found stealing, he should have been arrested and taken to court. We should now be told about the case number in the file and what is happening. Could the Assistant Minister tell us the reasons why he was sacked and why he was not given his terminal benefits?

Mr. Awori: Mr. Deputy Speaker, Sir, I can only repeat what I answered before; that the man was not taken to court. Under the rules that I have mentioned, the Service was entitled to sack him without having to take him to court. Having done so, he lost his benefits.

Mr. Deputy Speaker: Next Question!

Bishop Kimani: On a point of order, Mr. Deputy Speaker, Sir. This is a suffering man!

Mr. Deputy Speaker: Order, Bishop Kimani! Much as you might be feeling very strongly that you should have more time on this Question, you will have to appreciate from the Chair, that once I come in, I know I have one hour for Question Time, and I try to divide that time between the number of Questions on the Order Paper. Sometimes they are nine or 10 Questions. Today they are on the higher side and there are 13 Questions. Therefore, you have exhausted the time which I have already allocated to your Question. In fact, you have gone beyond it. This is going to

apply to other Questions as well.

The fact that the Assistant Minister has told you that he can only repeat the answer he has given, leaves you with options outside the Question. I do not want to suggest them to you now. Next Question!

Question No.511

COMPLETION OF BUILDINGS AT BUNGOMA FTC

Mr. Munyasia asked the Minister for Agriculture, Livestock Development and Marketing what plans he had to complete the buildings which the Norwegian Agency for Development (NORAD) was constructing at the Bungoma Farmers Training Centre, Mabanga, before they withdrew their assistance.

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

My Ministry has allocated a total of Kshs6 million in this Financial Year towards the construction of Bungoma Farmers Training Centre, Mabanga, which was started by the NORAD. The funds will go into completing the following areas of the project which are the most critical:-

- (a) two single dormitories and fittings;
- (b) one dining hall cum kitchen; and,
- (c) septic and sewage systems.

Mr. Deputy Speaker, Sir, the contractor commenced work on 25th September, 1997, and is currently working on completing one single-storeyed dormitory and the water sewage system at an estimated cost of Kshs2.7 million. The Kshs3.3 million balance will go into:-

- (a) completing the kitchen cum dining hall;
- (b) completing one single storey dormitory; and,
- (c) equipping both dormitories and kitchen cum dining hall.

Mr. Deputy Speaker, Sir, with the completion of the above work, we expect to admit more farmers for the training. In addition, the centre will also offer facilities for other disciplines.

Mr. Munyasia: Mr. Deputy Speaker, Sir, we might be talking about two different projects here. The buildings that we are talking about at Bungoma Farmers Training Centre, Mabanga, are two double-storeyed dormitories. Yet, the Assistant Minister is talking of single-storeyed dormitories. So, I do not know whether we are talking about the same thing.

Mr. Deputy Speaker, Sir, last week, this Question was deferred because the Assistant Minister could not tell us which contractor was on the site. It was our information here that there was no work going on. So, who is the contractor undertaking this project here?

Mr. Muoki: Mr. Deputy Speaker, Sir, this contractor reported on the site during the first week of September, and we are now at the middle of October. I have confirmed that the contractor has been working on site.

An hon. Member: Who is he?

Mr. Muoki: I will give the name!

Mr. Deputy Speaker, Sir, I have confirmed that the materials are on site and the work is going on. The name of the contractor is Sajjan Building Contractors.

Hon. Members: Sajjad!

Mr. Muoki: Mr. Deputy Speaker, Sir, it is not Sajjad, but Sajjan.

Mr. Munyasia: Mr. Deputy Speaker, Sir, I have told the Assistant Minister that the buildings that we are talking about at the Bungoma Farmers Training Centre are two double-storeyed dormitories. Who is going to undertake to complete these two double-storeyed dormitories that were left by NORAD?

Mr. Muoki: Mr. Deputy Speaker, Sir, the hon. Member should appreciate the fact that this is a bigger project than the Kshs6 million we had allocated to it. This project will cost about Kshs19 million and will be done in phases. So, what I have told the hon. Member is what is going to be done in phase I and then the rest will be done in phase II and phase III.

Mr. Wetangula: Mr. Deputy Speaker, Sir, the Assistant Minister says that work on this project started on 25th September, 1997, and yet on 6th October, 1997, I held a meeting on the premises of this College and there was neither a contractor nor any work going on.

Mr. Deputy Speaker, Sir, if the Assistant Minister has been misled, could he go to the site and see whether there is any work going on or not? As I said last time, a lot of money has been sunk in this project and the buildings are wasting away. We would like them to be completed.

Mr. Muoki: Mr. Deputy Speaker, Sir, I have confirmed these facts. The truth of the matter is that, these buildings were rotting, but the work has started so that such a problem can be tackled.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member from that area has told this House that---

Mr. Deputy Speaker: Hon. Nthenge, that definitely is not a point of order!

Question No. 671

INTERRUPTION OF PROGRAMMES AT
PUBLIC UNIVERSITIES

Mr. Mak'Onyango asked the Minister for Education:-

(a) what steps he was taking to ensure that fourth year students at Maseno University College, who were due to complete their studies last month but were sent home on 21st August, 1997, are allowed back to the college to do so; and,

(b) what steps he was taking to ensure that programmes at the public universities are not interrupted and students not sent home as it occurred in Maseno on 21st August, 1997.

The Assistant Minister for Education (Mr. Komora): Mr. Deputy Speaker, Sir, I would like to seek the indulgence of the House and that of the hon. Member to allow me to answer the Question next week on Tuesday, because I was not satisfied with the draft reply.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, I will consent but I would like to remind the Assistant Minister that the sooner the better because this Question was originally asked by Private Notice.

Mr. Deputy Speaker: That Question will be deferred.

(Question deferred)

Question No.681

UNDERSTAFFING OF ST. JAMES PRIMARY SCHOOL

Mr. Deputy Speaker: Mr. J.N. Mungai is not here? That Question will be stood over for the moment. Next Question!

Question No.674

INTERDICTION OF MR. OMUSI

Mr. Ojode asked the Minister for Education:-

(a) whether he could explain the circumstances that led to the interdiction of Mr. Philip Ocholla Omusi, TSC No.159327, who was teaching at Rongo Primary School, P.O. Box 40 Rongo; and,
(b) whether he could order his reinstatement.

The Assistant Minister for Education (Mr. Komora): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Mr. Philip Ocholla Omusi was interdicted in accordance with the Teachers' Service Commission Act and the Teachers' Code of Regulation which he had violated by deserting duty.

(b) I cannot order for Mr. Omusi's reinstatement because he has not facilitated conclusion of the disciplinary process instituted against him by the Teachers' Service Commission. He has not refunded a salary overpayment and re-applied for employment as advised by the Commission in October, 1991.

Mr. Ojode: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister, there is no regulation which requires somebody who has been overpaid to refund the money first in order to be reinstated. Mr. Omusi was suffering from a migraine which required traditional treatment and it also required medicinal steam baths. In order words, he did not just desert duties. If Mr. Omusi pays that money, then he will have accepted liability and he will never be reinstated. Could the Assistant Minister order for his reinstatement first and then the money can be deducted from his salary?

Mr. Komora: Mr. Deputy Speaker, Sir, as far as the Ministry is concerned, he deserted duty. He has to comply with the regulations of the employer. The amount of money is little that the hon. Member can assist him to raise.

An hon. Member: How much is it?

Mr. Komora: It is only Kshs3,000. That will show that he is genuine in applying for the job and is prepared to comply with the regulations of his employer.

Mr. Ojode: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm to this House that, if Mr. Omusi pays the Kshs3,660, he will then be reinstated immediately?

Mr. Komora: Mr. Deputy Speaker, Sir, he was asked to re-apply for the job after refunding the money. That is why I am not able to say what will happen. The order implies that he will be considered for re-employment. Unless he meets his employer's conditions for re-employment, I will not be able to give an undertaking to that affect.

Mr. Ojode: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to confirm to this House. I had written a letter to TSC about this matter and they replied. The TSC replied that Mr. Omusi has to refund the Kshs3,660 in order to be reinstated. Now that the Assistant Minister is giving the same answer, could he confirm to this House that, if Mr. Omusi pays the Kshs3,660, he will be reinstated?

Mr. Komora: Mr. Deputy Speaker, Sir, I am happy that the hon. Member has had a reply from the TSC confirming that he had to re-apply after refunding the money.

Mr. Ojode: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is trying to evade my question. I have asked him a simple question but he does not want to answer it. I can pay the Kshs3,660, for Mr. Omusi. If he pays the Kshs3,660, will he be reinstated?

Mr. Komora: Mr. Deputy Speaker, Sir, I believe that the hon. Member is coming from the "UK" which is versed with the English Language. The letter he has shows that Mr. Omusi can be reinstated.

Question No.655

ELECTRICITY SUPPLY TO NYATIKE

Mr. Onyango asked the Minister for Energy:-

- (a) when the residents of Karungu, Mihuru and Lwanda Magwar, will be supplied with electricity; and,
- (b) what social benefits the Kenya Power and Lighting Company do provide to Nyatike constituents from the Gogo Hydro-electric Power Station.

The Assistant Minister for Energy (Mr. Nang'ole): Mr. Deputy Speaker, Sir, I have to apologise because the answer which I have with me here is not satisfactory and I seek the indulgence of the House so that I can answer this Question on Tuesday next week.

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. Now it has become too common for Ministers to realise that the answers they have are wrong when they are on the Floor of the House. What do they do during the time they are in their offices? They should correct that before they come here. Is it in order for them to keep on realising things on the Floor of the House?

Mr. Nang'ole: Mr. Deputy Speaker, Sir, as the hon. Member knows, it is not true that we have not been answering Questions. But from here to Nyatike, it takes a long time because the means of communication is bad.

Mr. Deputy Speaker: That Question will be deferred to next week.

(Question deferred)

Question No.685

INSTALLATION OF MATERNITY
EQUIPMENT AT KINYANGI HEALTH CENTRE

Mr. R.K. Mungai asked the Minister for Health:-

- (a) whether he was aware that equipment supplied to Kinyangi Health Centre in Makuyu Constituency in 1987 have been rotting due to disuse as the maternity wing has never been established; and,
- (b) if the answer to "a" above is in the affirmative, when the maternity wing will officially be opened.

The Assistant Minister for Health (Mr. Criticos): Mr. Deputy Speaker, Sir, I must apologise for not being attentive. However, I beg to reply.

(a) I am aware that the maternity wing at Kinyangi Health Centre is not yet operational and the equipment therefore, supplied is in disuse.

(b) Additional staff to the maternity wing have been posted and as soon as they report to their station, the maternity wing will officially be opened. The equipment have been in disuse because of lack of staff.

Mr. R.K. Mungai: Arising from that honest reply from the Assistant Minister, I would like him to tell this House why it has taken the Ministry 10 years to post staff to Kinyangi Health Centre. When I asked the same Question three years ago, I was given the same answer, that additional staff are required to be posted there and up to-date, nothing has been done. Can the Assistant Minister tell us why nothing has been done and when is it going to be done?

Mr. Criticos: Mr. Deputy Speaker, Sir, it is the sub-district health centre which is operational and, as we speak right now, we are waiting to post officers to that health centre at the end of November, after the next batch of nurses graduates from the Kenya Medical Training College (KMTC).

Mr. R.K. Mungai: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading this House by saying that they are waiting for staff to be posted there in November. What has happened since I asked this same Question three years ago? Nothing has happened. In any case, a clinical officer was posted to that health centre. The only thing that was remaining was the provision of a vehicle to make the health centre operational. Why is it taking so long to get this centre operational? In fact, the vehicle was even diverted to another health centre because there was no staff at this centre.

Mr. Criticos: Mr. Deputy Speaker Sir, I am not aware of any vehicle, but I am aware of the opening of a maternity wing at Kinyangi health centre. The sub-district health centre is operational. All I am saying is that, we thought it would be wise to get other health centres equipped and opened, with enough staff and other clinical officers, since **[Mr. Criticos]**

this particular health centre is already operational, except its maternity wing.

Mr. Moiben: Mr. Deputy Speaker, Sir, it is now 34 years since we attained Independence. Can the Assistant Minister assure this House that no other child from the neighbourhood of this dispensary will be born by the road side by ensuring that the maternity wing is opened, as soon as possible?

Mr. Criticos: Mr. Deputy Speaker, Sir, I have given the assurance to this House that we are waiting for the new batch of nurses to graduate at the end of next month, and the maternity wing will be operational.

Mr. Nyagah: Mr. Deputy Speaker, Sir, I do not know what problem my good friend over there has. We are ready to "donate" two maternity experts from Embu Provincial District Hospital who were transferred. One was transferred to Meru, he has refused to go, and the other one was transferred to Machakos, but he has also refused to go. Can we, through the Chair, donate the two most qualified maternity experts to Makuyu?

Mr. Deputy Speaker: I will not relay that donation. I will not accept to be the intermediary for the donation!

Mr. Criticos: Mr. Deputy Speaker, Sir, with due respect to the hon. Member, I would like to say that this is an internal affair. We are the people who post the staff. Obviously, there is nobody who has been taken from Embu, but they have been given instructions to go to another health centre. This is what I had said earlier on; that we are considering other new dispensaries and health centres which are yet to be commissioned. We are transferring staff from other areas to such health centres.

Mr. Deputy Speaker: Next Question, Mr. Kiliku.

Question No.666

ALLOCATION OF PUBLIC TOILETS
BY MOMBASA MUNICIPALITY

Mr. Kiliku asked the Minister for Local Government:-

- (a) if he was aware that Mombasa Municipal Council has allocated all its public toilets to individuals leaving the town without a single public toilet; and,
- (b) if the answer to "a" was in the affirmative, what action he will take to have public toilets maintained by the Council in accordance with the Public Health Act.

Mr. Deputy Speaker: Is there anyone from the Ministry of Local Government? This Question is stood over for the moment. Let us move on to the Next Question.

Question No.680

REHABILITATION OF CHUKA AND
CIAKARIGA WATER PROJECTS

Mr. Mutani asked the Minister Land Reclamation, Regional and Water Development:-

- (a) how much money was set aside for the rehabilitation of chuka and Ciakariga water projects,
- (b) what work has been done so far, for these projects and at what cost; and,
- (c) if he could inform the House why the tank which was being put up at Chuka Water Supply Station had collapsed.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The amount of money set aside for the rehabilitation of Chuka Water Supply is approximately Kshs1 million during the 1997/98 Financial Year. However, so far, no funds have been set aside for Ciakariga Water Supply Project during the current Financial Year.

(b) The following works have so far been undertaken on the Chuka Water Supply:-

- (i) Purchase of four inch PVC pipes at approximately Kshs30,000.00.
- (ii) Purchase of sand and ballast for construction of two storage tanks at both the Police Divisional Headquarters and Ministry of Public Works and Housing camp; at a total cost of Kshs90,000.00.
- (iii) Purchase of reinforcement bars for the two tanks at Kshs58,850.00.
- (iv) Purchase of three inch PVC pipes for the four kilometres distance from Chuka Town to Kathingirini village at a cost of Kshs.50,960.00.
- (v) Purchase of four GCI pipes and six inch PVC pipes for the road crossing at a cost Kshs63,000.00.
- (vi) Transport and accommodation allowance at Kshs95,000.00.

The grand total of the money so far spent is Kshs302,990, leaving a balance of Kshs551,1684.

(c) The tank that was being put up at Chuka Water Supply Station collapsed due to pressure by consumers to have water delivered to the town. The District team filled it with water before the concrete had fully cured, resulting in the shearing of the tank due to the weight of water. The tank will, however, be reconstructed as part of the rehabilitation programme for the Chuka Water Supply.

Mr. Mutani: Thank you, Mr. Deputy Speaker, Sir, for that answer by the Assistant Minister. Is he aware that the tank which he says was completed was actually half-way constructed? The cement which was set aside for constructing that tank was misappropriated. Is he aware that the tank was not filled with water because it was half way constructed? I come from the area and I know what I am talking about.

Mr. Ligale: Mr. Deputy Speaker, Sir, I am not aware of any material having been stolen. I have admitted that the tank had not quite been completed. It had not cured, it sheared and burst at the seams because of the sheer weight of the water.

Mr. Mutani: Mr. Deputy Speaker, Sir, the Assistant Minister says that it was not completed. He goes on to say that there was water inside it, while I maintain that the tank was not yet completed. It was half way done and nobody knows where the cement that was supposed to be used went to. It was stolen. Is he aware that the tank was not completed and there was no water in it?

Mr. Ligale: Mr. Deputy Speaker, Sir, if the hon. Member is aware of any materials that had been stolen and he has evidence, if he gives it to me, I will be more than happy to pass it on to the police for investigation.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member says, let alone water, there was no tank. It was not completed, but the Assistant Minister still insists that there was water. What is the position? The hon. Member says that there was no water because the tank was not completed. Are you not aware that these fellows are taking us for a ride?

Mr. Ligale: Mr. Deputy Speaker, Sir, there is no contradiction between us. I have said the tank had not quite completely cured. When they put in water before it cured, it burst.

Mr. P.N. Ndwigwa: Mr. Deputy Speaker, Sir, I happen to know the location of that tank. That tank was never completed. So, the issue of curing does not arise at all. We know that the Assistant Minister is an honest man and he gives us satisfactory answers most of the time. Could he, perhaps, undertake to carry out investigations on this project? The answer that he is giving, sincerely, is sorry a state of affairs because he is being misled and, as a result, he is misleading this House. I happen to know the truth on the ground. That place is really in my neighbourhood. To make matters worse, the place has now been alleviated to a municipality and there is no water. Could he now undertake to go and do fresh investigations? Even the money that he is talking about has since been called back to the headquarters. So, there is no money on the ground.

Mr. Ligale: Mr. Deputy Speaker, Sir, I have undertaken to investigate and further confirmed that there is

still a balance of Kshs551,684 on this project, which shall be utilised for the reconstruction of the tank.

Mr. Mutani: Mr. Deputy Speaker, Sir, the Assistant Minister seems to believe what he has been told by his officers. I have not heard him say that he will investigate to establish the truth, that the tank is half way built, and there has never been water in it. Can he undertake to do so?

Mr. Ligale: Mr. Deputy Speaker, Sir, if the hon. Member listened to my answer to hon. P.N. Ndwiga, he would have heard me undertake to investigate this matter.

Question No.661

PROTECTIVE MEASURES AGAINST
CARBACID EMISSION

Ms Wanjiru asked the Minister for Environment and Natural Resources:-

(a) whether he was aware that Carbacid, a natural resource that is emitted from natural holes in Kamae, Kereita, Karangatha and Rwanyambo forest, is dangerous and hazardous to the residents of Magumu and Kinale Locations;

(b) if the answer to "a" above is in the affirmative, what the side effects of this effluent were on human beings; and,

(c) what remedial measures the Government was taking to provide protective measures to the residents of these two locations.

Mr. Deputy Speaker: Is anybody here from the Ministry of Environment and Natural Resources? The Question is stood over for the moment!. Let us move on to Question No.681 for the second time.

Question No.681

UNDER-STAFFING OF ST. JAMES PRIMARY SCHOOL

Mr. Deputy Speaker: Since Mr. J.N. Mungai still not here, the Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Let us move on to Question No.666, for the second time.

Question No.666

ALLOCATION OF PUBLIC TOILETS
BY MOMBASA MUNICIPALITY

Mr. Kiliku asked the Minister for Local Government:-

(a) whether he was aware that Mombasa Municipal Council has allocated all its public toilets to individuals leaving the town without a single public toilet; and,

(b) if the answer to "a" is in the affirmative, what action the Minister will take to have public toilets maintained by the Council in accordance with the Public Health Act.

The Assistant Minister for Local Government (Mr. Kamuren): Mr. Deputy Speaker, Sir, I apologise for coming late because I was scared by the number 666. However, I beg to reply.

(a) It is not correct that the Municipal Council of Mombasa has allocated all public toilets to individuals, leaving the town without public toilets. The Municipal Council of Mombasa is running and maintaining 31 public toilets positioned in various strategic points in the town. However, not all toilets are operational.

(b) The Council is in the process of repairing the toilets that are not operational, and also, intends to sink more boreholes to provide water to some toilets which do not have nearby water supply, to ensure that all the toilets are operational. Repair work on the following toilets has already been completed: Makupa Market Toilet, Likoni Ferry Island Toilet, Likoni Ferry Mainland Toilet and New Nyali Bridge Toilet.

Mr. Kiliku: Mr. Deputy Speaker, Sir, we used to have more than 50 public toilets in Mombasa. Could the Assistant Minister tell this House what happened to the other 19 public toilets? He has stated that there are only 31 toilets, most of them not operational. What happened to the rest of the public toilets?

Mr. Kamuren: Mr. Deputy Speaker, Sir, I am addressing myself to the number of toilets that are on the list that I have. I know that there are other 31 toilets on the list, but I did not want to take more time reading them. What I have indicated is what is true on the ground. If there are other toilets not on the list, then I will investigate and come back with a new list.

Mr. Mwavumo: Jambo la nidhamu, Bw. Naibu Spika. Mimi natoka sehemu ya Likoni na sidhani kama Waziri Mdogo anasema ukweli kwamba, choo cha Likoni kinafanya kazi pamoja na vile vingine ambavyo amevitaja. Hakuna ukweli wowote! Ana haki ya kudanganya Bunge hili?

Mr. Kamuren: Bw. Naibu Spika, siwezi kudanganya Bunge lenye Waheshimiwa ambao walichaguliwa na wananchi kuja kutekeleza mambo ya nchi hii. Ninavyosema ni kwamba, vyoo hivyo vimeanza kurekebisha na pengine havijakuwa tayari.

Mr. Raila: Mr. Deputy Speaker, Sir, Mombasa town has a population of over 600,000 people. It is almost an insult for the Assistant Minister to come to this House and tell us that there are only 31 public toilets in such a town. The hon. Member has said that there used to be 60 toilets. Instead of increasing, the number has now dropped to 31 toilets.

Grabbing of public toilets in our towns is a daily occurrence. The other time, an hon. Member in this House was allocated a public toilet at Kariokor. What policy does this Government have for the provision of public toilets? What action does the Assistant Minister intend to take against these land grabbers who are grabbing all the public toilets, making people to shit along the streets? For example, Kenyatta Avenue is full of shit because the public toilets have been grabbed.

Mr. Kamuren: Mr. Deputy Speaker, Sir, I do not have in mind, any toilet allocated to anybody. I do not expect a civilised Kenyan to apply and be allocated a toilet by the Commissioner of Lands.

Prof. Ouma: On a point of order, Mr. Deputy Speaker, Sir. When we talk about public toilets in the urban areas, we are touching on public health. The more we reduce the number of toilets, the more we approach the cholera danger. What about Mwembe Tayari toilets in Mombasa? Were they not allocated to individuals? Could the Assistant Minister, in sincerity, assure this House that we are not going to have urban centres and municipalities losing toilets and therefore, approaching cholera? Can he undertake to make sure that no more toilets are allocated to individuals? That is robbing the public of where they should go.

Mr. Kamuren: Mr. Deputy Speaker, Sir, it is very true that the Ministry will not allow any allocation of any toilet to anybody within the urban centres.

Mr. Kiliku: Mr. Deputy Speaker, Sir, for the benefit of this House and the Assistant Minister, the public toilet of the Mackinnon Market, which is the busiest market in Mombasa, was allocated to an individual. Another very busy area in Mombasa is Mwembe Tayari. The public toilet near the Coast Bus stage, was allocated to an individual. Commercial houses have been constructed where those public toilets were. In Mackinnon Market, they have constructed a hotel on top of the public toilet. In Mwembe Tayari, near the Coast Bus stage, there is a building under construction. I do not know whether it is a hotel.

Could the Assistant Minister stop misleading this House that the Council has not allocated public toilets to individuals? These are good examples of the very many public toilets that have been allocated to individuals.

Mr. Kamuren: Mr. Deputy Speaker, Sir, I have been answering Questions from the Ministry in this House. It is a serious issue that toilets in a town like Mombasa which has a very large population, as indicated earlier by hon. Raila have been allocated to some individuals. My Ministry will ensure that this practice does not continue. If at all a toilet has been allocated to anybody, an act which we take to be a serious issue, then we will make sure that the policy of the Ministry, is to ensure that no toilets will ever be allocated to anybody.

(Several hon. Members stood up on points of order)

Mr. Deputy Speaker: Order! Next Question!

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

Mr. Deputy Speaker: Order, Mr. Mulusya!

Mr. Mulusya: Mr. Speaker, Sir, it is true these toilets have been allocated to individuals. When I was in Mombasa the other day, I had a meal in one of the hotels which have sprang up from a toilet.

(Laughter)

Mr. Kamuren: Mr. Deputy Speaker, Sir, it is a shame for an hon. Member of Parliament to eat in a hotel which sprang up from a toilet. As hon. Members of Parliament, we must avoid, as much as possible, appearing in

those hotels.

Mr. Mulusya: Mr. Deputy Speaker, Sir, my point of order is: If the Minister for Local Government has authorised the Municipal Council to approve building plans for a hotel to be built on top of a toilet; and an hon. Member of Parliament like hon. Mulusya, who is on a trip to Mombasa comes across a hotel selling cheap food and walks in for a meal, it is not an offence on him. I am prepared to pay for the Assistant Minister's fare to Mombasa so that he can go and have a meal in that hotel erected on the toilet, so that he may come back with a proper answer to this House.

Mr. Kamuren: Mr. Deputy Speaker, Sir, having come to this Parliament in 1963 and having now met hon. Member of Parliament for Kangundo who went and ate in that "beautiful hotel"; I would like to tell him that at no time, will there be any amount of pressure that can ever take me to a hotel of that magnitude. I would prefer eating outside that hotel in Mombasa.

Mr. Deputy Speaker: Question No.661 for the second time!

Question No.661

PROTECTIVE MEASURES AGAINST
CARBACID EMISSION

Ms. Wanjiru asked the Minister for Environment and Natural Resources:

(a) whether he was aware that Carbacid, a natural resource that is emitted from natural holes in Kamae, Kereita, Karangatha and Rwanyambo forest area, is dangerous and hazardous to the residents of Magumu and Kinale locations;

(b) if the answer to "a" is in the affirmative, what the side effect of these effluents on human beings was; and,

(c) what remedial measures the Government is taking to provide protective measures to the residents of these two locations.

Mr. Deputy Speaker: Is there anyone here from the Minister of Environment and Natural Resources?

Ms. Wanjiru: On a point of order, Mr. Deputy Speaker, Sir. I am a bit at a loss because I was with the Minister a few minutes before lunch and he brought this answer to the House. Where has he dashed to? Or can I give this answer to somebody there to read it out for us, so that we can transact Business?

Mr. Deputy Speaker: Well, I cannot order somebody to answer. We have never prevented a Minister or an Assistant Minister who wants to answer a Question in the spirit of collective responsibility. But now it appears to me that none is willing to do so. Therefore, the only thing I can do is to defer the Question.

(Question deferred)

Mr. Kiliku: On a point of order, Mr. Deputy Speaker, Sir. Whenever the Ministers or Assistant Ministers realise that they have no proper replies to give to this House, they absent themselves deliberately. Some of them might just be seated in the TV room, and soon after the Question time, you will see them walking in. We would like to be given some guidance from the Chair on such misbehaviour from the Ministers and their Assistants of deliberately absenting themselves from the House, to avoid answering the Question.

Mr. Deputy Speaker: Well, I am afraid, there is no guidance that I can give.

QUESTIONS BY PRIVATE NOTICE

SEIZURE OF LIVESTOCK BY
GICHEWA FARM MANAGEMENT

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

(a) Is the Minister aware that 48 head of cattle and 55 goats belonging to 42 residents of Chala Location in Taveta Constituency were illegally seized by management of Gichewa Farm in September this year?

(b) Is he further aware that the said residents were forced to pay a collective illegal fine of Kshs54,000 by a *Kangaroo Court* convened by the management of Gichewa farm?

(c) If the answer to "a" and "b" above are in the affirmative, could the Minister order the immediate release of the animals and a refund of the illegal fine paid to Gichewa farm?

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

(a) No report has ever been made to the police or Provincial Administration regarding the alleged seizure of livestock.

(b) I am certainly not aware.

(c) Arising from my reply in (a) and (b), (c) does not arise.

Mr. Ndilinge: On a point of order, Mr. Deputy Speaker, Sir. Arising from the reply given by the Assistant Minister, whom I respect so much; but is it in order for him to mislead this House by saying that his Ministry has not received any report concerning this issue? Is it not common knowledge that on 26th September, 1997, a Mr. Amos Mutungi, who is the village elder led the other residents to Taveta Police Station and they reported the matter? I have a copy of their report here which I will lay on the Table later. Although these people recorded a statement, they have never been given sufficient response. Even as I am talking to you here, the cattle are still in the hands of the management of this "notorious" farm. Even the Government classified roads cannot be used by wananchi from that end. Time has come for this Assistant Minister to be honest. So can he be honest and accept that this matter was reported to the police?

Mr. Nthenge: He has been misled!

Mr. Awori: Mr. Deputy Speaker, Sir, it is quite possible, indeed, that I may possibly have been misled. If the hon. Member would lay the document on the Table as he says, I undertake to go and look into the matter, and if necessary, bring a satisfactory reply.

(Mr. Maundu stood up in front of Mr. Ndilinge)

Mr. Deputy Speaker: Order, Mr. Maundu! You are blocking my view of the other hon. Member.

Mr. Maundu: Thank you, Mr. Deputy Speaker, Sir. I have two facts to assist the Assistant Minister to carry out his investigations. First, the local District Commissioner (DC) visited that farm two weeks ago. But that notwithstanding, now that the seizure of those animals and the levies made are all illegal, can the Assistant Minister order that the animals be returned to their owners and the refunds be made as quickly as possible?

Mr. Awori: Mr. Deputy Speaker, Sir, not until I have had a sight at the document that is supposed to be laid on the Table.

Mr. Ndilinge: Mr. Deputy Speaker, Sir, I am going to lay the document on the Table. But before I do that, I would like to remind the House of a recent incident involving cattle grazing. It is only a few months ago when each and every hon. Member in this House and the public at large witnessed Maasai cattle being grazed even at the Jomo Kenyatta International Airport (JKIA). Pilots could not see the airstrip properly because of those numerous cattle. Were those Maasai herdsmen arrested because they grazed their cattle at the airport? Why were those Kamba residents arrested? Can he tell us why these Kambas were arrested because of grazing their cattle?

(Mr. Ndilinge laid the document on the Table)

Mr. Awori: Mr. Deputy Speaker, Sir, our Government treats all members of all tribes equally. There is no way in which the Kambas are being discriminated against; I would not allow it as my wife comes from there.

(Applause)

Mr. Nyagah: Mr. Deputy Speaker, Sir, this is a very serious matter. This farm belongs to none other than Her Excellency Mama Ngina and we must try to exonerate her from the problems that are going on there.

Mr. Deputy Speaker, Sir, there is a man called Tom, who is the Manager and another one called Captain, who is his deputy and they are notorious for whipping people. The other day a very good friend of mine was visiting a camp called Ziwani and there is a road that runs into this farm right across and is a gazetted road, yet they have put a bump and they are not allowing anybody into this farm. This friend of mine had to travel last night, through the National Park, to get to this place. What action is the Assistant Minister going to take against these notorious people who are wrecking the name of Her Excellency Mama Ngina Kenyatta?

An hon. Member: The truth is coming out!

Mr. Awori: I ask the offended person to make a written statement and I will look into the matter.

Mr. Ndilinge: Thank you Mr. Deputy Speaker, Sir. Now that I have laid the document before the House, could the Assistant Minister order for the release of these animals and the refund of the money which was collected from these poor people?

Mr. Awori: Mr. Deputy Speaker, Sir, I have not even had sight of the document. I must look at it, study it, verify that indeed it is a genuine document and as I have undertaken, action will be taken.

Mr. Deputy Speaker: Next Question! Question two by Private Notice! Hon. Obwocha!

HARASSMENT OF MUGIRANGO RESIDENTS BY CHIEF

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

(a) Is the Minister aware that the Chief of West Mugirango Location is harassing residents of the area?

(b) Is he further aware that he recently beat up Mr. Matoke Nyachogo?

(c) If the answers to "a" and "b" are in the affirmative, what action is the Minister intending to take against the said Chief?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, I have spoken to hon. Obwocha. We have not yet got the reply from Nyamira and he has asked if, with your indulgence, the Question can be put on the Order Paper for Wednesday afternoon next week.

Mr. Deputy Speaker: Okay, request granted. Next Question! Hon. Mwaura!

IMPOSITION OF QUOTA SYSTEM ON KENYAN TEXTILES

(Mr. Mwaura): Mr. Deputy Speaker, Sir, I beg to ask the Minister for Commerce and Industry the following Question by Private Notice;

(a) Could the Minister inform the House what measures the Government has taken to safeguard the Kenya Textile Industry as a result of the quota restrictions placed on it by the American Government?

(b) How many people have lost their jobs as a result of this restriction?

(c) What led to the cancellation of a trip to the United States of America, which was to be led by Government Officials, to lobby against the quota system placed on Kenya Textile Industry?

The Assistant Minister for Commerce and Industry (Bishop Tanui): Mr. Deputy Speaker, Sir, I request that this Question be brought back on Tuesday next week. next week.

Hon. Members: Why?

The Assistant Minister for Commerce and Industry (Bishop Tanui): Mr. Deputy Speaker, Sir the answer is not ready right now.

Mr. Mwaura: Mr. Deputy Speaker, Sir, this is a very important Question to the Textile Industry. I am disappointed by the fact despite this being a Question by Private Notice, the Ministry has not even made an effort to prepare an answer. I would urge that by Tuesday, the House must be given a very comprehensive answer.

Mr. Deputy Speaker: Well, the Question is deferred and I hope the Assistant Minister understands that this is a Question by Private Notice and therefore, should not be delayed beyond Tuesday.

(Question deferred)

Mr. Deputy Speaker: Next Order!

POINTS OF ORDER

MISREPORTING BY KENYA TIMES

Mr. Ali: Mr. Deputy Speaker, Sir, I demand a correction by the *Kenya Times* for reporting that I said the Ministry is blocking attempts to change the law.

Mr. Deputy Speaker, Sir, I have the HANSARD here and there is nowhere in all these points of order raised by hon. Members, that I ever said, at any given time that the Ministry was blocking attempts to change the law. What I said in two places is that the Ministry will look into the matter in changing the policy.

So, Mr. Deputy Speaker, Sir, this report has caused gross damage to me personally and to the Ministry as well, and I demand, through the Chair, that this correction be made by the *Kenya Times*.

An hon. Member: With an apology.

INSECURITY ALONG MIGORI-KURIA BORDER

Mr. Achola: On a point of order Mr. Deputy Speaker, Sir, I rise to demand a Ministerial Statement regarding the insecurity situation in Migori District, along the District's border and Kuria District.

Mr. Deputy Speaker, Sir, for the last 11 days, we have had tribal clashes between the Luos and the Kurias living in the Locations of Upper Suna and Rabuor. Several people have been murdered and those who belong to the Luo community are being attacked by Kurias who are being protected by the Administration Police.

Mr. Deputy Speaker, Sir, on the 2nd of this month, seven Luos were murdered and one Administration Policeman was also killed. So far, the Government has done very little to contain the situation. I would like the Minister in charge of internal security in the Office of the President, to tell us Tuesday next week, as to what the Government is doing to establish what is the actual root cause of this insecurity. I would also like to request that hon. Shadrack Manga should not deal with this issue because he is an interested party.

The Assistant Minister, Office of the President (Mr. Awori): First of all, in reaction to that, I will certainly make sure that the Ministerial Statement is here. But I cannot guarantee that it can be on Tuesday. I would like, if the hon. Member can agree to bring the Statement on Thursday. I will see to it that hon. Manga does not do it, but I will do it.

MINISTERIAL STATEMENTS

DEATH OF CHRISTOPHER MAINA

The Assistant Minister Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, you will recall that on 13th August, hon. Matu Wamae, Member for Mathira rose on a point of order requesting for a Ministerial Statement in connection with a news item which appeared in the *Daily Nation* under the sub-title, "Victim of Strike Riots Dies." Hon Wamae wanted to know what circumstances the deceased died. In this regard, I would like to state as follows.

According to records in Karatina Sub-District Hospital, the late Christopher Mwangi Maina, a 24 year old hand-cart pusher, was admitted on the 8th August, 1997 and he died on the 10th August, 1997 at 1.00 p.m. The records indicate the victim was taken to Hospital by a group of good samaritans who did not disclose their identities. He had multiple injuries consistent with mob justice. After seeing the story in the *Daily Nation* on the 12th August, the OCS, Karatina, visited the Sub-District Hospital where he was informed that the relatives of the deceased had already collected the body and buried him without making any complaints or reports to the police. Efforts to have his next of kin record statements in regard to this incident have so far been fruitless. Whereas the Government is willing to investigate and bring to book whoever may have been responsible for the death of one Christopher Maina, his next of kin, together with those who witnessed the incident, have the responsibility to come forward to give all the relevant information that they may have so that the police can take action. Thank you.

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. That report by the hon. Assistant Minister is a cover-up by the police. The police know that this man was clobbered during the Nane Nane strike in Karatina when he was lying on his cart and was left there and was later taken to Hospital. There are many witnesses who saw this happen. When the police say they do not know, who was responsible? That is a cover-up because they know what happened. In fact it is the flying squad officers from Makuyu who were partly responsible for this and I am grateful the Government has disbanded it because this is a killer flying squad. Could the Assistant Minister go and investigate further? I am going to tell the relatives of that person concerned to report this matter to the police and I hope proper investigation will be done.

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, I have information that the relatives have not come forward to make statements, neither have any eye-witness come forward. I respect the hon. Member very much and, that is why I brought this and, if he can help me in getting these statements, I assure him that action will be taken.

DEATH OF MASTER DAVID MUTUGI

The Assistant Minister Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, on wednesday, 27th, August, 1997, I answered a Question by Private Notice asked by the Member of Parliament for Juja, on the death of Master David Mutugi. Hon. Ndicho disputed the answer which I gave. I undertook to issue a comprehensive statement regarding the issue today.

In this connection I would like to state as follows:

On the 7th, July, 1997, there were demonstrations in Thika, organised by people who were agitating for constitutional reforms. During the course of the demonstrations, the mobs become riotous, destroying property and looting shops. They then engaged the police in running battles as the police tried to disperse them. During the ensuing stampede, a group of unidentified persons dumped a dead body on the road and escaped. The dead person was later identified as Master David Mutugi, a student at Kairi Secondary School in Gatundu Division, Thika District. Police on mobile patrol removed the body from the road and took it to City Mortuary. After the postmortem, the doctor formed the opinion that the cause of the death was gun shot injury in the chest. Following the death of the late David Mutugi, Thika Police Inquest File No.49/97 was opened and statements were recorded. There was no witness who volunteered to give any information connecting police constable women, Fatuma Gedi, to the fatal shooting of the deceased, as alleged by the hon. Member. Some of the people who were near the scene of the shooting were reluctant to record statements, while others were outrightly hostile to the investigating officers. In the circumstances, it was decided that a public inquest be held so that circumstances surrounding the death can be examined further.

In the meantime, Fatuma Gedi was transferred out of Thika District to facilitate further investigations and also for her own security, as she felt unsafe in Thika.

Mr. Nyagah: She is in Embu!

The Assistant Minister, Office of the President (Mr. Awori): In conclusion, I would like to appeal to hon. Ndicho to assist the police by facilitating the recording of statements by those he alleges saw the crime being committed.

Mr. Ndicho: Mr. Deputy Speaker, Sir, you realise that the Assistant Minister's statement is even worse than the answer he gave on 27th, August, 1997. He says that property was destroyed at Thika on 7th, July, 1997 and shops were looted. There was no shop, not even a kiosk, which was looted at Thika. There was no single property destroyed. The Assistant Minister says that the body was dumped by unidentified people and then the mobile police collected it.

Mr. Deputy Speaker, Sir, the truth of the matter is that, the policewoman, Fatuma Gedi, shot this lad at close range and, when she was confronted by other police officers demanding to know why she did that, she said that it was a family affair. Now, the Assistant Minister has said that Fatuma was transferred from Thika to Embu for her own security. We want the Government to prosecute this lady because the witnesses who saw this lady shooting this boy were threatened by a Mr. Kamunde, who was the head of the flying squad at Makuyu. But now that the flying squad at Makuyu has been disbanded, these witnesses are ready to go back to the police station and give evidence as to what happened. Now, if these people go to the police station to explain what happened, is the Government going to prosecute this woman?

The Assistant Minister, Office of the President (Mr. Awori): Of course, so long as there are eye witnesses, the matter will go to court. There is not point in prosecuting when there will be nobody coming forward to support the prosecution. If the hon. Member will help, as I have stated in the statement, then obviously, action will be taken.

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

Mr. Deputy Speaker: Mr. Nyagah!

Mr. Nyagah: On a point of order, Mr. Speaker, Sir. It is rather sad to hear what the Assistant Minister is saying. I bear testimony to having talked to people who actually wrote statements at Thika Police Station. I also have the advantage or disadvantage of having accompanied them to the police station when they went to record statements. I want to repeat it here once again that, there is a police cover-up in the sense that this woman, Fatuma Gedi, who has now been transferred to Embu, had a boyfriend at Thika Police Station and, I had made that claim here before. Therefore, this will never see the light of the day.

(Applause)

We have buried this young man, but Kenyans are still asking themselves how this woman, who killed one of their own sons, can be brought to their door-step in Embu. Let me tell you what will happen. The same reason which made this woman transfer her children from Thika, under threat, is the same reason that she will be transferred from Embu, either in a coffin or through God's will.

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

Mr. Deputy Speaker: Disallowed! Next Order!

(Mr. Criticos stood up in his place)

Hon. Members: Cholera! Cholera!

Mr. Deputy Speaker: Mr. Criticos, do we understand you have a statement to make?

An hon. Member: Yes!

Mr. Deputy Speaker: Order! I am asking Mr. Criticos! Do you have a statement to make?

The Assistant Minister for Health (Mr. Criticos): That is correct, Mr. Deputy Speaker, Sir. I promised the House yesterday!

Mr. Deputy Speaker: You should have known the practice of the House, you should have contacted the Chair early enough. However, you can give the statement now.

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

Mr. Deputy Speaker: Disallowed! Mr. Criticos is on the Floor.

Mr. Ndicho: On a very serious point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Ndicho, I have given the Floor to hon. Criticos, and you are becoming a nuisance without any justification.

The Assistant Minister for Health (Mr. Criticos): Mr. Deputy Speaker, Sir, I do not want to waste the time of the House. I do apologize. I thought hon. Wetangula would have been on the Chair, for I had talked to him earlier before the sitting.

CHOLERA OUTBREAK IN NYANZA

The Assistant Minister for Health (Mr. Criticos): Mr. Deputy Speaker, Sir, I wish to give a Ministerial Statement which I promised the august House yesterday, in response to a point of order by Prof. Ouma. Since my Minister issued the last Ministerial Statement on Cholera, the epidemic has unfortunately worsened in Migori, Rachuonyo, Suba, Homa Bay, Kisumu districts and has spread to the Molo Division of Nakuru District.

As of now, we have 2,500 cases admitted in different health facilities of which 140 have died. To contain the situation, the Ministry of Health, in collaboration with the Provincial Administration and NGOs, has formed task force teams for planning and co-ordination in an effort to control the epidemic. These teams are responsible for case management, contact tracing and follow-up, preventive treatment of close contacts, community health education, improvement and enforcement of environmental sanitation and public health measures.

The Ministry of Health has continuously supported all the affected districts with the necessary drugs supplies and finances. So far, about Kshs12 million has been used in the affected districts. The Ministry is further sending teams of senior officers from the headquarters with immediate effect to reinforce the personnel on the ground. The Ministry is also in the process of requesting additional contingency funds from the Treasury to counter the spread of cholera.

We are further appealing to the local communities and local authorities to pay particular attention and emphasis on the provision and use of safe water and appropriate disposal of waste. I am further making an appeal to the media not to make matters worse by misreporting. In one of today's dailies, it was reported that no drugs were available except contraceptives which were distributed by the Director of Medical Services, Dr. Mwanzia, and I categorically deny that statement.

Prof. Ouma: Mr. Deputy Speaker, Sir, when this matter was raised three weeks ago, it was Migori and part of Homa Bay Districts that were affected. We were assured by the substantive Minister for Health that things were going to be put under control. Since then this cholera has "run wild" and the Director of Medical Services is not serious. Both from Homa Bay and Kisumu Districts, it has been reported that there are no enough drugs. In fact, one of the hospitals has reported that instead of the Ministry delivering drugs to combat cholera, the Director of Medical Services delivered condoms. Cholera victims do not need condoms and there is no way we can treat cholera with condoms! First of all, let us have no shame. There is no shame saying that we are unable to contain the situation. I am asking the Minister, on behalf of the lake-side districts of this nation, that the area be declared a disaster zone so that the World Health Organization (WHO) may come to our aid. We do not want experiments. Let that place not be used for experiments. So, that is one main request I am putting forward, even it includes having quarantines and so forth.

If we do not contain the cholera outbreak, it will be "exported" to Nairobi. It has already been "exported" to Molo. It will go to Kakamega and other places and then we will have an a situation that we cannot contain. There is no shame admitting that we are unable to contain it. Let the world come to our aid. Do not use the Luos as guinea pigs. The lake-side people are endangered species because they are already faced with the water hyacinth problem and now an outbreak of cholera. Where do they go? World Health Organization, please, come to our aid.

The Assistant Minister for Health (Mr. Criticos): Mr. Deputy Speaker, Sir, we do have a problem in this

country on the cholera outbreak. So far, we are combating it. We did say that everything is being done to raise funds from the Treasury. Failure to that, we have no objection in asking other NGOs, like the WHO to come to our assistance. But we feel that in the next two weeks this situation will be contained. We do not want people to die.

Prof. Ouma: On a point of order, Mr. Deputy Speaker, Sir. I have a lot of respect for hon. Criticos because he is a critical man and always says the truth, but at this stage, I want him to be more critical than usual. Let him not wait for this experiment, which if after two weeks it fails, hundreds more will have died before he calls the WHO. He should do so now. It is a critical situation, especially in the rural areas. The situation may be contained in Kisumu and Homa Bay Municipalities, but in Kochia and Kagan Locations in Rangwe Constituency and Kakdhimu, Rachuonyo Constituency, these people are dying in hundreds. Call the WHO and carry out no experiments!

The Assistant Minister for Health (Mr. Criticos): Mr. Deputy Speaker, Sir, I am not saying that our people should be used for experiment for the next two weeks. We have sent enough personnel to the ground to deal with the crisis. We have even recalled those officers who were on leave and sent them to the affected districts so that they can assist the local medical officers of health and the Provincial Medical Officers to combat the situation. More drugs have been supplied to the area and we are confident that we will contain this situation in the next 10 days. This is the assurance I was given by the Director of Medical Services who has been working there for a week. Also, we have a big problem there on hygiene. The people there have to be educated on the importance of observing simple rules of hygiene. I am requesting the media and the Members of Parliament to educate the people in these areas on the importance of observing hygiene.

Mr. Deputy Speaker: Next Order.

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(The Attorney-General on 15.10.97)

(Resumption of debate interrupted on 15.10.1997)

Mr. Deputy Speaker: Mr. Shikuku was on the Floor contributing.

Mr. Shikuku: Bw. Naibu Spika, wakati Bunge lilipoahirishwa jana, nilikuwa nimeanza tu kuzungumza juu ya Mswada huu. Lakini kabla sijaanza kuendelea kuzungumza juu ya Mswada huu, gazeti la leo la *East African Standard* linasema:-

"National Convention Executive Council (NCEC) yesterday predicted a national catastrophe unless it is allowed to address Parliament on reform proposals---"

Bw. Naibu Spika, tangu niingie katika Bunge hili mwaka 1963, sijawahi kuona kundi au mtu fulani au Rais wa nchi yeyote akihutubia Bunge hili. Hapa wanachama wachache waliobaki katika NCEC wanataka wahutubie Bunge hili. Pia wanasema---

(Loud consultations)

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. The hon. Members from the KANU side are consulting so loudly that we cannot hear what the Member on the Floor is saying.

Mr. Deputy Speaker: Order! Order! Would you consult in low tones, hon. Members, on the KANU side. Continue, Mr. Shikuku.

Mr. Shikuku: Asante sana, Bw. Naibu Spika. Nitaendelea kusoma.

"NCEC officials said today they would not be responsible for the catastrophe that would befall Kenya if their bid to address Parliament is rejected."

Kenya inaambiwa na watu wachache kwamba, kama Bunge hili halitawapa fursa wanachama wa NCEC kulihutubia, hawatukuwa wamehusika na vurugu litakalotokea. Ninataka kujua kama kuna Serikali---

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. I am seeking the guidance of the Chair because it has been ruled before here that newspapers shall not be used in this House as a source of authority. Is the hon. Member in order to continue to do that?

Mr. Shikuku: Bw. Naibu Spika, nimekuwa katika Bunge hili, na babake mhe. Mbunge kutoka mwaka

1963, ingawa babake alikuja mwaka 1957, hadi wakati huu. Mara nyingi magazeti yanatolewa katika Bunge hili ili kumjulisha Bw. Spika juu ya mambo ambayo yametendeka. Hiyo siyo mara ya kwanza kwa jambo kama hili kufanyika.

Bw. Naibu Spika, gazeti hutumiwa hapa, hata pia Spika hutumia, na nimeona mwaka huu, miaka-nenda-miaka-rudi, na nina haki ya kutumia hili gazeti kwa sababu jambo hili linahusu huu Mswada tunaozungumzia, na Miswada yote ambayo tumewahi kuzungumzia. Wanasema kwamba kama hatuhusiki na hatukubali, Bunge hili halikubali kuwa addressed kwa huu Mswada ni lazima kuwe na fujo katika Kenya.

Dr. Otieno-Kopiyo: On a point of Order, Mr. Deputy Speaker, Sir. First of all, I was at that Press Conference. So, I would like to say humbly to Mr. Shikuku that nothing like that happened, Secondly, it has been ruled by the Chair that newspapers cannot be used authoritatively as a source of material that bends what is debated here. What is the position of the Chair on that matter?

Mr. Deputy Speaker: What did you say the Chair ruled?

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, he is quoting the newspaper verbatim and using that to base his rebuttal of what is contained in that paper. That was not discussed here and the Chair has ruled before that should not happen.

Mr. Deputy Speaker: Order! I doubt if the Chair has ruled that before what he has done should not happen. I do not have the ruling you are talking about in front of me, may be it was by the substantive Speaker or somebody else, but I can understand the Chair would definitely be very guided apart from accepting statements purportedly or facts of serious matters as reported in the papers. That does not mean a blanket condemnation of anything stated in the paper. I think the hon. Member is just trying to elucidate his arguments by referring to what he considers a report of what transpired yesterday. If you think it is not an accurate report, it is perfectly within your province, if you get the opportunity to say actually that is a wrong report and this is the true state of affairs.

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika. Mimi sikuwako kwa huo mkutano, nasoma tu yaliyotendeka. Kama ni uwongo au si kweli, ni wajibu wa wale waliokuwa kwa mkutano kuwaambia waandishi wa magazeti wasilete fitina. Lakini naona hapa wanafanya katika "---" (inverted commas) yale mambo yalisemwa hakuna hapo. Mimi napinga, kwa sababu kwa miaka 30 ambayo nimekuwa hapa, hakuna kundi au mtu fulani amewahi kuzungumza na Bunge. Kwa hivyo, wanaposema kutakuwa na vurugu, je, nauliza kuna Serekali? Kama kuna Serikali, huu ni uchokozi na hawa watu wanaouliza wanataka kusema na Bunge walipata wapi madaraka hayo? Madaraka ninayojua ni wananchi wa Kenya walichagua watu wakaingia Bunge hili wakaitwa "waheshimiwa". Hao walichaguliwa na raia gani? Watu hao walichaguliwa na wananchi gani ili kuja kuzungumza na Wabunge waliochaguliwa na wananchi kuja katika Bunge hili? Huu ni uchokozi, na tumetukanwa siku nyingi na hiki kikundi cha watu wachache. Mmoja alituita wapumbavu na tena waoga. Mtu huyo si Mbunge lakini anawatukana Wabunge waliochaguliwa na watu. Sisi kama watu waliochaguliwa katika Bunge hili, hatuwezi kulivumilia jambo hilo tena.

Kama kuna Mbunge hapa anayeona yeye amechaguliwa sana kuliko Wabunge wengine haifai aende kuongea huko nje. Tunanmtaka hapa ili tupambane naye na kumwonyesha kwamba yeye ni kijana sana asiyestahili kuwatukana Wabunge wakongwe kama sisi. Kama yeye ni mwanamume aje hapa ili tumwonyeshe kwamba kuvaa suruali si hoja, na kwamba hatutaki matusi. Wabunge wengine wachache wanajifanya huko nje kuwa maarufu sana. Mimi ninawaambia wengi wao hawataliona Bunge hili tena.

Wabunge hawa wanaotaka vurugu, nataka kuwaambia jambo hili: Kulikuwa na kiongozi mmoja katika Middle East, kulipokuwa na vita baina ya Israeli na watu wa Misri. Watu walikufa sana. Lakini kwa bahati mbaya mtoto wa kiongozi mmoja alitimbuliwa kutoka juu akiwa ndani ya ndege na akauawa. Kutoka siku hiyo kiongozi huyo aliwacha vita na kwenda moja kwa moja mpaka Jerusalem. Alipofika huko alisema: "Sasa tuzungumze. Kutoka sasa hakuna vita baina ya Israel na Misri". Lakini wakati ule watoto wa watu wengine walipokuwa wakifa huyo kiongozi hakuona ni vibaya mpaka mtoto wake alipotimbuliwa ndipo akaenda Jerusalem.

Hawa viongozi wanaotaka vurugu ili watoto wa watu wengine wafe? watoto wao watakapokufa hawatasema tena. Vurugu ikitokea tutawatafuta watoto wao na watapoa. Kama wanafikiri wao ni wanaume waanze vurugu na tutawatafuta watoto wao. Tutawatafuta watoto wa Bw. Muite, Bw. Raila na wenzao na tutawachinja ili watapate akili kidogo. Sasa hawaoni ubaya wa vitendo vyao. Mama mmoja alikua akilia kotini juzi kwa sababu mtoto wake amekamatwa kuhusu kifo cha askari aliyeuawa katika ule mkutano wa NCEC hapo Uhuru park. Huyo mama anasikia uchungu kwa sababu mtoto wake ameshikwa na kushtakiwa kwa mauaji. Je, mama wa yule askari aliyeuawa anaonaje?

Viongozi hawa wanaotaka vurugu watoto wao hawajafariki. Wakati umefika wa watoto wao kufa ili wapate akili kidogo.

Mr. Raila: Point of Order, Mr. Temporary Deputy Speaker, Sir. I do not intend to interrupt hon. Member. But is it really in order for him to refer to other hon. Members the way he is doing? He knows very well that on *Saba saba* day the police murdered 14 innocent Kenyans, but he is not talking about them. He is only talking about the

police officer who was killed in *Nane nane*. Why talk about only the police officer? Is he a special Kenyan?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninamshukuru mhe. Raila kwa hilo jambo lake la nidhamu. Nilipokua katika Kamiti ya NCEC kuhusu mazungumzo niliwaambia kwamba watu waliowaua watoto wa chuo kikuu, na watoto katika mikutano ya *Saba Saba, Nane Nane* na waliohusika na mauaji mengine yoyote ni lazima wafikishwe kotini. Hii ni kwa sababu watu wote wako chini ya sheria.

Bw. Kivutha Kibwana amesema katika gazeti moja: "If the Government is ready for our input we should be allowed to adress Parliament and contribute our point." Sijui yeye ana watoto wangapi, lakini mtoto wake akiuawa hatasema tena. Kuna tabia kuwapa watoto wa watu wengine, hasa wa masikini, pombe na Kshs. 500 au Kshs.200 ili waende kuuawa wakati watoto wa wakubwa wanapokunywa kahawa na kuangalia televisheni na mama zao nyumbani.

Mimi pengine nitakuwa jemadari niwatafute watoto wa viongozi niwaue! Iliwalazimu watu wa Msumbiji kuwatafuta watoto wa viongozi wote na kuwachinja ili viongozi hao wapate adabu. Nimechoka kutetea watu wa kawaida wanaouawa na watu mashuhuri ambao huzunguka na walinzi wengi kwa sababu wanajua kwamba wao ndio wanaosababisha mauaji ya watu wengine. Wengine hawawezi kutembea kutoka hapa hadi Kariokor bila ya walinzi. Tabia hii ni lazima ikome.

Bwana Naibu Spika wa Muda, sisi wengine tunazungumza katika Bunge hili kwa sababu sisi ni wazazi. Tumewazaa watu tukawaleta hapa Kenya, na tunataka wapate raha kama vile sisi wengine tulivyopata raha. Haifai kuwatumia vibaya vijana ambao hawajaajiriwa kwa kuwaleweshwa pombe na bangi na kuwahusisha kwenye uhalifu ambao husababisha mauaji yao. Msumbiji inawauliza wakomeshe tabia hii la sivyo, tutawatafuta watoto wa viongozi na kuwaua halafu tuone watafika wapi.

An hon. Member: Hee!

Mr. Shikuku: Oh, yes! Hakuna mchezo, Bwana naibu Spika wa Muda. Tumechoka. Tunatafuta amani lakini wengine wetu hawana haja na hiyo amani, kwa sababu wao hawaongozi. Na kwa vile wao hawaongozi, kila kinachotekelezwa hapa kinakuwa si kizuri. Who are they? Wameifanyia nini Kenya hii? Wameifanyia nini? Hata hivi majuzi, mwaka wa 1990, rafiki yangu mhe. Raila alikuwa miongoni mwa wale ambao motokaa zao zilivamiwa tulipoanzisha kampeni ya vyama vingi nchini.

Bw. Naibu Spika wa Muda, mhe. Raila alitandikwa mara moja na akaondoka nchini Kenya. Mimi nilitandikwa mara nne na nikabaki hapa. Huu ndio ukweli, na watu waambiwe. Motokaa yangu, nambari KSW 993, ilishambuliwa na kuharibiwa vioo vya mbele na nyuma katika visa vinne tofauti. Mimi niliahidi kutoroka nchi hii kama alivyofanya mhe. Raila. Na gazeti la *Daily Nation* wakati huo liliripoti kwamba nilisema: "I will not run away like Raila. I will be right here." Nilibaki hapa, na nilienda Kamukunji. Sasa, kwa vile mambo yamekuwa mazuri, kila mtu anajigamba: "Mimi ninataka urais." Hawakuja Kamukunji kwa sababu walijua kwamba wangekufa. Kwa vile sasa mambo ni shwari, kila mtu anajigamba, "I want to be the President. Mimi ninataka kuwa rais." Umeifanyia nini Kenya hii? Unataka kuvuna mahali ambapo hujapanda? Sizingumzi juu ya historia ya miaka ya 50 au 60. Ninazungumza juu ya miaka ya 90. Hawa wabunge wote walikuwa wamezaliwa wakati huo lakini hawakuweza kuja kule Kamukunji tarehe 16 kwa sababu walijua kulikuwa na kifo.

Wananchi wamuulize kila anayegombea urais: "Umeifanyia nini nchi hii? What sacrifice have you made?" Wengine hata hawajawahi kuona ndani ya chumba cha kuzuilia washukiwa katika kituo cha polisi. Wengine hawana watoto. Waambie wananchi wamechangia nini nchi hii. Umeifanyia nini Kenya? Hata wengine ukiwauliza swali hili wanasema, "Si nilikuwa shule. Nikatoka huko nikafundisha, nikawa Mbunge na sasa ninataka kuwa rais." Hio tu?

(laughter)

Hawawezi kusikia uchungu wa mwananchi. Hawawezi kusikia vile ninavyosikia. What have they sacrificed? Wametoa nini kwa niaba ya wakenya? None! Wananchi watakuwa wapumbavu kuwachagua watu kama hao kwa sababu hawajapata taabu na hawajui taabu ya mwananchi ni nini. Hawajui taabu ya vijana. Unaposikia mtu amepigwa risasi inafaa ufahamu kwamba mtu huyo ana baba, mama, mjomba na ndugu zake. Watu wengi huwa wanahuzunika sana kwa jambo kama hili. Lakina wale wanaojitakia makuu hufurahia matanga kama haya na kutoa machozi ya mamba huku wakiilaumu serikali hali wao ndio wanaozusha matata.

Sasa tunaambiwa wako tayari kuleta vurugu licha ya kwamba sisi tunajaribu kuzuia hiyo vurugu. Mtu masikini inafaa apewe msaada wa kutosha, sio kupigwa avunjwe migui na kuawa. That is more than enough. Umaskini unaowakabili wananchi ni pigo tosha. Haifai wauawe na viongoza wanaopendelea vurugu.

Bwana Naibu Spika wa Muda, viongozi waliokuwa kwenye mkutano wa waandishi wa habari ni akina nani? Jawabu: Ni Wabunge wa Jumba hili. Gazeti linasema Wabunge waliokuwa huko ni mabwana James Orengo, Otieno Mak'Onyango, Njehu Gatabaki, Prof. Rashid Mzee na Otieno Kopyio. Hawa wote ni Wabunge wa Bunge hili. Idadi yao inazidi kudidimia. Wengine ambao si Wabunge lakini wanajigamba kwamba wanauwezo zaidi yetu sisi

tuliochaguliwa, ni mabwana Gibson Kamau Kuria, Suba Churchill, Kiama Wangai, Willy Mutunga, Onyang'o Midika, na katibu mkuu wa National Development Party, Bw. Charles Maranga. Hawa ndio watu ambao wanatakiwa kujua kwamba sisi tunataka amani. Hatutaki vita. Haifai wao kudai eti wanataka mazungumzo na sisi. Sisi ndio tuliokuwa, na bado tungali, waanzilishi wa National Convention Executive Council (NCEC). Bw. Naibu Spika wa Muda, nataka kukuonyesha ya kwamba watu hawa wanataka vurugu ili waharibu mambo katika Kenya. Ukweli ni kwamba kuna kijikaratasi ambacho kilijadiliwa huko Limuru akiwemo Mhe. Muite ambaye alihudhuria mpaka mwisho, lakini Mhe. Raila alikuwa "akiingia na kutoka". Waheshimiwa wengine pia walikuwa na sisi wakati wa hayo majadiliano ya Katiba.

NCEC ilikuwa na pointi sita. Ya kwanza ilikuwa ya Presidential Election, Sehemu ya tano ambayo walitaka tuongeze sharti ya kwamba rais mteule lazima apate asilimia 50 ya kura yote nchini juu ya ile asilimia 25 kutoka kila Mkoa. Sisi tulipokutana na wabunge wa KANU, tuliwapasha hii habari ya NCEC. Hawa akina Professor Kivutha Kibwana wanataka kutueleza nini?

Bw. Spika wa Muda, wakati tulipokutana, tukazungumza, lakini kama ilivyo desturi ya majadiliano ya kutoweza kufaulu kwa mahitaji yote, tukakubaliana baada ya mazungumzo ya karibu siku mbili. Tulikubaliana ya kwamba, hii asilimia 50, sasa itaahirishwa hadi wakati ule wa kubadilisha katiba mwaka ujao. Hiyo, sisi Wabunge wa Upinzani hatukufaulu kupitisha, ili itumike wakati wa uchaguzi unaokuja.

Pointi ya pili ilikuwa ya Serikali ya Mseto ambayo iko kwa sasa katika Katiba Sehemu ya 7, 15, 16 and 19. Hii tulizungumza na kukubaliana, na inasema badala ya Rais kuchagua baraza la mawaziri kutoka chama chake pekee, sasa achague kutoka kwa wabunge wote, hata kutoka upande wa Upinzani, akipenda. Hiyo haizuii kitu chochote, hata Serikali ya Mseto.

Pia, tulikubaliana ya kwamba, Mjumbe yeyote atakayeshindwa kwa kura, hawezi kuteuliwa kama Mbunge. Hiyo, tulikubaliana pamoja na Serikali ya Mseto.

Juu ya Tume ya uchaguzi, tulizungumza kinagaga namna makamishna wanaweza kuondolewa, kama kuna sababu, badala kama vile Waziri au Waziri Mdogo, ambaye anatangazwa leo saa saba kama Waziri Mdogo, halafu kesho kutwa, saa saba hiyo hiyo, anaambiwa kwa radio, hata akiwa ana kula ugali na mama, kuwa amesimamishwa wadhifa huo. Kwa makamishna, si hivyo, kwa sababu kuna kanuni inayowahusu katika Katiba. Hawa wanatikiwa wawe na Kamati maalum ambayo inatakiwa isikize makosa yao, na kupitiza kama kuna kosa au la. Lakini hiyo itachukua muda mrefu.

Halafu, tukakubaliana tusiguze hiyo kamati ya Tume ya Uchaguzi kwa sasa, ingawa wote ni wa "KANU", kwa sababu walichaguliwa enzi ya chama kimoja. Kwa hivyo, watu wa KANU walikubaliana na sisi kuwa, tuongeze watu kumi wa Upinzani kwa wale kumi na moja wa hivi sasa. Makosa gani yako hapa, bw. Naibu Spika wa Muda?

Dr. Lwali Oyondi: Ninasimama kwa jambo la ufahamisho. Ningetaka kumfahamisha Mbunge wa Butere ya kwamba niko naye hapa, ile faili ya NCEC ambayo tulitumia huko Limuru na baadaye mimi mwenyewe nikasoma maazimio yote. Yale tulipitisha yako kwa kifungu cha d (5). Hiyo sehemu inasema hivi: "The government should establish an inclusive Electoral Commission drawing membership from nominees of the Government, Opposition, Organised sectors of the civil society and then, the President should therefore appoint to the Electoral Commission an equal number of nominees suggested by the Opposition and Civil Society as those already appointed".

Mr. Shikuku: Hiyo ndiyo tulipitisha huko Limuru, na kila Mbunge ako na nakala ya azimio ya IPPG ambayo inagusia jambo hilo.

Bwana Naibu Spika wa Muda, kuna culture katika Kenya hii, ambayo Bw. Lee Muthoga ametaja. Culture iko katika Kenya hii kwa wana siasa na viongozi kusema mambo ambayo wao wenyewe wanajua si kweli. Na Mwakiri wameingia humu. Na Bw. Lee Muthoga anaita Mwakiri hawa wa NCEC - na kama hawana habari wasome ile barua ya Bw. Lee Muthoga on dishonest - wako dishonest. Wanajua, lakini wanasema mambo ambayo si ya kweli. Waliambiwa na Bw. Lee Muthoga ambaye ni wakiri. Hawataki kuambia raia ukweli, kwa sababu wanaogopa kwamba raia wakijua ukweli, hawatapata lolote.

Sasa wanasema: "Haya mambo hatujui". Na hayo maneno ni ya NCEC, na hapo umesomewa katika ile resolution yao ambayo tumepitisha hapa. Lakini nao wanasema kwamba hakuna kitu kilipatikana, kwa sababu Muite siye kiongozi; Raila siye kiongozi; au mtu mwingine siye kiongozi. Kwa hivyo, kama wao sio wako mbele, kila kitu si sawa. Lakini tunataka kuuliza wao ni nani katika Kenya hii kwa upande wa siasa? Kama walikuwa kortini, walikuwa wanatetea watu huko kortini, lakini kwa siasa wako wapi? Kwa mfano katika Army, Bw. Naibu Spika wa Muda. Huna Major General, Lieutenant, Corporal na wapishi ambao wanavaa uniforms. Wapishi wanavaa uniforms hata ikiw wa si askari. Kwa hivyo, walikuwa wapi? Na hawa walikuwa wamesaliwa, wakati hii Katiba ilipokuwa inatusumbua. Hiyo nitakuja kutaja baadaye. Tulifanya, hivyo wakati ule wa marehemu Kenyatta, na wote walinyamaza. Sisi tulipinga katiba hii wakati ule wa Kenyatta, na bado tunaipinga mpaka sasa. Kwa sababu tunataka ifanyiwe marekebisho. Lakini wao walikuwa wakivuna matunda huko au msambo kwao yalikuwa sawasawa. Sasa wanataka kuleta shida. Hiyo tukaongeza watu kumi wa upinsani. Tume ya uchaguzi. Tulikubaliana. Kuna kitu kizuri kushida hicho? Kile kitu

wanatafuta tu ni Chesoni kama Chairman aondoke. Huu ni ukabila. Tunataka kuwambia: Hapana.

Sasa umekalia kiti, Bw. Naibu Spika wa Muda, na nikimaliza utasema: "Fulani" akimaliza utasema: "Fulani" na mwisho wake utasimama useme, "As many as of the opinion say "Ayes". Na sii tutasema: "Ayes". And those of the contrary opinion say "No". Na wengine watasema "No". Sasa mambo yakishapitishwa hapa, ni wewe mwenye kiti umepitisha. Imekuwaje, huyu Chesoni ndiye mbaya sana na kwamba yeye ndiye anaharibu mambo yote na hali Commission si ya Bw. Chesoni pekee - yake. Commission ina Commissioners kumi. Sasa itakuwa na Commissioners ishirini. Imekuwaje, yeye akikaa kwa kiti, wakishakata habari, yeye ndiye mbaya? Majina yakitajwa hapa utapata ni watu wangapi wako huko? Na hata ijapokuwa mimi ninakubali wote si wa kanu. Kuna wengine wanaotuonea huruma katika hiyo Tume ya Uchaguzi. Ukweli ndio huo. Watu waachane na mambo ya kujifanya eti hiyo Tume ya Uchaguzi ni ya Mwenyekiti peke yake. Kazi yao imekuwa ni kusema Mwenyekiti ni mmbaya; hawasemi wale watu wao waliomo. Wafunge midomo yao kutoka leo. Tume ya Uchaguzi si ya Mwenyekiti pekee, bali hii Tume ni ya watu wengi.

Mr. Busolo: Wakome kumwingilia Chesoni!

Mr. Shikuku: Ndio, Bw. Busolo; ninawaonya wakome kutoka leo kumwingilia Bw. Chesoni. Bw. Chesoni hakutoka mbinguni, bali anatoka mahali fulani katika nchi hii.

An hon. Member: Ni mtu kama watu wengine.

Mr. Shikuku: Bw. Naibu Spika wa Muda, tukaja kwa jambo la Wabunge Maalum. Hiyo Sehemu ya 33 iko katika haya mapendekezo ya NCEC. Wao wanasema kwamba Wabunge Maalum waondolewe kabisa katika sheria. Hata mimi nilikuwa ninaunga mkono hilo jambo; waondolewe na badala yake, hivyo Viti 12 viongezwe katika sehemu ambazo ziko na watu wengi humu nchini. Lakini tulipofika kwa mazungumzo, tuliona kwamba tukiondoa sehemu hiyo, kuna watu wengine, kwa mfano viwete, na akina mama, ambao wana ujuzi fulani unaohitajika katika Bunge hili. Wakati tunapozungumza kuhusu mambo maalum hapa, wanaweza kutusaidia. Tulizungumza na tukakubaliana kutoa madaraka hayo kutoka kwa Rais, kwa sababu Rais anaposhinda uchaguzi, anateua watu wake kuwa Wabunge Maalum. Jambo hili ni la ukweli, kwa sababu wakati mmoja, tuliletewa hapa Mbunge ambaye hakujua kusoma wala kuandika. Ulipofika wakati wa kuapishwa, alishindwa kukariri yale maneno ya kiapo na akasema; "Mungu saidia", halafu akaenda kuketi chini.

(Laughter)

Bw. Naibu Spika wa Muda, tulikubaliana na Wabunge wa chama cha KANU na tukaona hayo ni makosa. Sasa, Wabunge Maalum hawatateuliwa na Rais, bali watachaguliwa na viama vya kisiasa vilivyo na Wabunge katika Bunge hili. Hivi vyama vitapendekeza majina ya wale watu ambao wangependa wateuliwe, halafu wao wenyewe watachagua wale ambao watakuwa Wabunge Maalum. Wote watatoka katika vyama hivyo. Tulikubaliana kwamba kati ya wale Wabunge 12 Maalum, sita watakuwa wanawake na wengine watakuwa wanaume. Hapo hatukupata shida, bali tulipendekeza madaraka ya kuteuwa Wabunge maalum yang'olewe kutoka kwa Rais na kuwekwa kwa vyama vya kisiasa.

Jambo la tano ni kuhusu tarehe ya uchaguzi. Tulikubaliana kwamba, tarehe ya uchaguzi iwekwe wazi. Baada ya miaka mitano, tutangaze mwezi na tarehe ya uchaguzi, katika huo mwaka wa mwisho ambayo kura itapigwa. Na Rais asiwe na madaraka ya kusema eti hii ni siri yake, kwa sababu madaraka hayo tumeyaondoa. Tuliona hakuna haja ya kuiweka hiyo sheria kwa mwaka huu kwa sababu mwaka uko karibu kuisha. Tulikubaliana ya kwamba Tume ya Uchaguzi, Wabunge wa KANU na wale wa Upinzani, tutakaa chini, na tutoe ratiba ya uchaguzi. Si hayo ndio mambo ambayo tulikubaliana?

Bw. Naibu Spika wa Muda, mpango wa constitutional review wa mwaka huu utafanywa na hao watu watatu. Hatutatengeneza timetable. Hivyo ndivyo tulivyokubaliana katika Bunge hili. Kwa hivyo, pengine wale wanaozungumza juu ya muda wa implementation wana pointi. Ikiwa wao sio waheshimiwa wa kuvuruga mambo, inafaa wakati wa Committee Stage walete amendments zao hata kwa Statutory Miscellaneous Amendments Bill ili tuweze kuziingiza katika mswada. Inafaa mhe. Muite na mhe. Orenge walete amendments zao katika Committee Stage ili tuingize humu na mambo yaendeleo mbele. Hiyo ndio njia muafaka ya kutekeleza mambo, wala sio kwa kufanya fujo. Ikiwa utachochea fujo na watoto wa wengine wakufe na wako wabaki salama, utajuta. Lazima hiyo timetable izingatie implementation period - kama vile NCEC walivyopendekeza - ili haya mabadiliko ambayo tutapitisha yatekelezwe.

Bw. Naibu Spika wa Muda, juzi nilikuwa na FORD(A) Executive District Committee kule Mombasa, katika ukumbi wa Tononoka. Tulikuwa watu karibu 50. Afisa mmoja ambaye alikuwa amevaa nguo za kiraia aliingia hapo na kusema: "Mr. Shikuku, you have already gone two minutes past the time. Will you wind up and go". Nikamuuliza kama hana habari kwamba wakubwa wa KANU, Mawaziri na wengine kama mimi tulikutana na kukubaliana kwamba, kama kuna mkutano wa kamati ya chama hakuna haja ya kumjulisha hata OCS. Huu haukuwa mkutano wa

hadhara, sisi tulikuwa kwenye mkutano wa kamati. Bwana huyo akaniambia kwamba, yeye ndiye OCS wa Makupa. Na nikamweleza kwamba, hata akiwa OCS wa Kenya, hana haki ya kuingia katika kamati ya chama na kujaribu kuivuruga. Tulikuwa tumeandaa mkutano wetu ukumbi wa Tononoka kutoka 2.00 p.m. hadi 6.00 p.m. na tungeendelea na mkutano baada ya 6.00 p.m. tungelipa. Kuna agizo kwamba, ukiongeza dakika, unalipa, na tulikuwa tayari kulipa. Nikamweleza aondoke. Lakini alipokataa kunisikiza nikatambua kwamba, hawa wenzetu wa KANU hawajawapasha polisi hawa habari. Bado wanafikiria kwamba, wao ndio wenye uwezo.

Bw. Naibu Spika wa Muda, inafaa implementation period iweko. Katika hiyo resolution yetu kule Limuru, tuliandika na kukubaliana kwamba, hata ikiwa ni kuongeza maisha ya Bunge kwa mwezi mmoja au miwili ili kuhakikisha kwamba implementation imetimia, ni sawa. Ni lazima tuangalie hilo jambo. Tukipitisha Mswada huu leo na kesho tunaenda kwa kura, haiwezekani. Kwa sababu, sisi Wabunge wa Upinzani kwa miaka mitano iliyopita hatukukubaliwa kufanya mkutano hata mmoja. Wakati tumekubaliwa kuwa na mikutano, hata nikiwa na mkutano wa kamati ya FORD(A) ya wilaya askari anatukatiza. Je, tukiwa na mikutano ya hadhara, kutatokea nini?

Bw. Naibu Spika wa Muda, wakati umefika ambao inafaa waheshimiwa wa IPPG wafanye mpango wa kwenda nje na kueleza watu yale walioyapitisha ili waelewe haki zao, nguvu za chifu, kwamba AP sasa hawezi kuingilia nyumba ya mtu na yale yote tuliyoyapitisha hapa. Ili wakati wa kupiga kura, watu watakuwa wamefahamu ni yapi tuliyopitisha. Lakini tukipitisha huu Mswada leo na kesho tuende kupiga kura, tutasababisha shida. Hayo tutazungumza wakati wa kuunda ile programme tuliokubaliana.

Bw. Naibu Spika wa Muda, katika NCEC tulitaka tuwe na independent candidates. Ili watu wawe na uhuru kamili. Kwamba, ikiwa mtu hataki kujiunga na chama chochote, awe na uhuru wa kusimama binafsi, apigwiwe kura na wananchi na aingie katika Bunge. Tulijadiliana pendekezo hilo kwa muda mrefu sana na mwishowe, baada ya siku mbili tukakubaliana kwamba: It is a question of give and take. Na tukakubaliana kwamba, jambo hilo linaweza kujadiliwa vizuri katika Constitutional of Kenya Review Commission Bill, ili wananchi wawe na nafasi ya kutoa maoni yao.

Bw. Naibu Spika wa Muda, kwa hizi pointi sita, kwa mfano, mapendekezo ya NCEC kwamba Rais apate asilimia 50 ya kura, na tuwe na wagombeaji viti binafsi hayakubaliwa. Lakini, mapendekezo mengine yalikubaliwa. Sasa, ikiwa mtoto atapata alama nne kwa jumla ya sita, je, ameanzuka mtihani?

Mr. Munyasia: Amepata distinction!

Mr. Shikuku: Bw. Naibu Spika wa Muda, mhe. Munyasia ni mwalimu, na anasema hiyo ni distinction. Sasa, hawa watu wanaotaka matata wanataka mabadiliko ya aina gani? Ni lazima wawe na nia tofauti wala sio marekebisha ya kikatiba. Na inafaa wajue kwamba sisi pia ni wanaume na tutaonana. Hatuwezi kunyamaza huku wao wanapiga kelele, kana kwamba, wamechaguliwa zaidi yetu. Sisi wengine tumechaguliwa Bungeni kwa miaka mingi zaidi yao. Hata Wabunge wengine wakija Butere, lazima niwatambulishie kwa wananchi. Lakini mimi nikienda kwao, wananchi wananitambua. Sisi tumekaa miaka mingi sana katika siasa. Mbona hawa vijana wanataka kuwavuruga wazee? Haiwezekani. Wao wameingia Bungeni wakati huu kwa mara yao kwanza. Je, mwanafunzi wa Kidato cha Kwanza anaweza kushindana na yule wa Kidato cha Sita? Mimi mhe. Shikuku ni graduate wa cells, prisons na kila kitu. Haifai kuingia Bungeni kwa mara ya kwanza na kuanza kupigania kiti cha rais, huku huna ujuzi.

Bw. Naibu Spika wa Muda, hayo yalikuwa ni mapendekezo ya NCEC kuhusiana na Katiba. Lakini wanasema kwamba sisi tuliokuwa kwenye mkutano wa IPPG hatukufanya lolote, ila kumpa Rais Moi nguvu zaidi. Lakini sioni ni wapi mapendekezo ya IPPG yamempa Rais Moi nguvu zaidi. Wanaposema hivyo, hawaelezi ni pendekezo gani ambalo limempa Rais uwezo zaidi. Tumetoa nguvu za rais katika kuchagua Wabunge na kutokubali siku ya uchaguzi kuwa siri yake. Hawa ni wajanja sana, lakini bahati yao ni mbaya, wengine tuko macho sana.

Bw. Naibu Spika wa Muda, ninakubaliana na mhe. Mkuu wa Sheria kwamba haya marekebisha ni ya 30 tangu tupate Uhuru. Mengi ya marekebisha haya yalifanywa 1964 na marehemu Tom Joseph Mboya, aliyekuwa Waziri wa Constitutional Affairs. Sisi tuliokuwa katika Upinzani siku hiyo tulishindwa kwa sababu KANU ilikuwa na Wabunge wengi na sisi tulikuwa wachache. KANU ilikuwa na Wabunge 71 na Upinzani ilikuwa na 40. Tulipinga Katiba hiyo katika kile Jumba la Bunge la zamani. Kwa sababu katiba ya Majimbo ambao tulitoka nayo Lancaster mwaka wa 1963 ilipomolewa mpaka watu wa KADU wakaona ni afhadali kuungana na KANU. Wote walienda lakini nilibaki peke yangu. Lakini nakumbuka nikiambia viongozi wangu wa KADU siku hiyo: "Mmeua Kenya na mtalipa. Mtakufa nyote na mimi nitakuwa wa mwisho." Na wamekwenda, Rais Moi na mimi tumebaki katika lile kundi la KADU; Bw. Ngala, Bw. Muliro, Bw. ole Tipis na Bw. Seroney, wote wamekufa. Sasa mimi na Rais Moi tumebaki. Mimi niliwaambia ni lazima wao wafe kwanza na mimi nitakuwa wa mwisho. I told them at that time and it is coming to pass. Mimi nitakuwa wa mwisho. Walitenda dhambi kwa kufanya Kenya kuwa na chama kimoja.

Mr. Obure: Jambo la nidahmu, Bw. Naibu Spika wa Muda. Nafikiri umesikia mhe. Shikuku akisema kwamba wawili wamebaki katika lile kikundi la KADU na yeye atakuwa wa mwisho kufa. Je, hii inatuonyesha kwamba mhe. Shikuku ni nabii au nani?

Mr. Shikuku: Bw. Naibu Spika wa Muda, mimi si nabii wala profesa. Lakini ajabu ni kwamba maneno ninayosema, hufanyika. Siku moja, nilimwambia mhe. Omamo ambaye alikuwa Waziri Msaidizi katika Wizara ya Serikali za Wilaya kwamba watu wanaumia kwa sababu ya Wizara yake na akacheka. Nilimwambia kwamba hataona Bunge hili na mpaka leo hajaona. Kulikuwako pia na Mbunge mwingine kutoka Kisumu Rural Constituency, Bw. Ayoki. Tulipokuwa tukishindana kuhusu habari ya maji, nilimwambai kwamba Wakamba wako na shida kubwa ya maji. Badala ya kuleta hii mifereji ya petroli, pelekoni maji katika sehemu ya Ukambani. Mimi si Mkamba na mimi siyo mtu wa Wakamba na wala Wakamba si wajomba wangu. Lakini ninajua kwamba Wakamba ni wananchi wa nchi hii. Wakati huo, huyo mhe. Ayoki, na mhe. Mutinda ambaye alikuwa Waziri aliye na umri mdogo sana katika Afrika walipinga Hoja hiyo. Nikamwambia mhe. Mutinda kwamba hiyo ilikuwa safari yake ya mwisho kuona Bunge hili na mpaka leo, hajaona na wala hataona. Kwa bahati mbaya, mhe Ayoki alipata ajali na akafa lakini alikuwa hajaona. Kwa hivyo, mimi si nabii lakini ikifika wakati ambao wewe unakanyaga na kuumiza wadogo, nikikwambia neno, halipiti. Mimi si nabii. Hiyo ndiyo taabu yangu.

Ninasikia uchungu katika roho yangu wananchi wanaponyanyaswa. Na nikisema yale ninasema, yanafanyika. Lakini mimi si nabii. Wenzangu wanisamehe kwa sababu ni kipawa nimepewa na Mungu. Nikikwambia jambo, ni lazima litakupata. Ni kama yule mzee aliyekuwa na kibara katika Biblia. Alikuwa mtu wa Mungu na alipokuwa akitembea, watoto walikuwa wakimfuata wakisema: "Kihara! Kihara!" Na akisimama, watoto wananyamaza. Akianza kutembea, watoto wanaanza kumwita: "Kihara! Kihara!" Mwishowe, aliambia Mungu: "Hawa watoto wananipigia kelele." Mungu alileta mbwa wa mwitu na wakala wale watoto wote. Hawa walio katika Bunge hili wajihadhari na mimi. Nikisema huji, huji kwa sababu siyo nia yangu lakini ninawatetea wale wanyonge. Wale mnaowapa pesa na kuwaua, mimi sitaki. Mchunge sana maneno yangu.

Mr. Obure: NCEC ni watu gani?

Mr. Shikuku: NCEC ndio sisi. Ni wanachama wa FORD (A), DP na FORD (K). Wale kina Kibwana walikuwa wafanyakazi na sasa wanajifanya kwamba wao ni wakubwa. Mhe. Acheing'-Onoko alituchekesha sana aliposema: "Siyo kawaida ya masikio kuwa marefu kushinda kichwa." Wale wanachama wa NCEC na Wabunge wengine katika Bunge hili walianza kumea masikio marefu kushinda kichwa, na hiyo si kawaida ya binadamu. Ni lazima yakatwe. Hawa wamemea masikio marefu kushinda kichwa. Kiumbe kilicho na masikio marefu kushinda kichwa ni punda, punda milia na sungura. Masikio yao hayashindi pembe kwa sababu punda hana pembe. Kwa hivyo masikio hushinda kichwa kama sungura. Sungura hushikwa kwenye masikio wakati wa kubebwa. Hiyo ndiyo taabu ya hawa watu wa NCEC. Hawa ni kama punda milia na punda wa kawaida kwa sababu wote wako na masikio marefu kushinda kichwa.

Bw. Naibu Spika wa Muda, wakati huo wa mwaka 1964, kulikuwa na demokrasia kidogo katika Bunge hili. Kwa wakati huo, tulikuwa tukisema maneno hapa bila kuogopa, hata kama mmoja alikuwa Waziri. Tulikuwa tukipiga kura na Serikali ilikuwa ikishindwa. Jambo ambalo ninataka kusema, na sifa iwekwe mahali inapotakiwa, ni kwamba marehemu Mzee Kenyatta, baada ya KADU kuingia KANU, aliulizwa na marehemu Oginga Odinga kutengeneza sheria ya kuifanya Kenya iwe na chama kimoja na marehemu Mzee Kenyatta alikataa. Marehemu Kenyatta apewe hiyo sifa. Lakini baadaye, katika mwaka wa 1966, marehemu Oginga Odinga ambaye alikuwa "architect" na Gama-Pio-Pinto wa kufunja KADU kuingia KANU "alikhona cha mtema kuni" katika Limuru. Alitoka huko moja kwa moja bila kusimama Nakuru. Nilikuwa nimemwambia katika mwaka wa 1960 kwamba: "Kule uendako, utatoka huko, na hutasimama Nakuru." Kama hiyo si unabii, basi sijui ni nini. Na ukweli alipotoka Limuru katika mwaka wa 1966, hakusimama Nakuru. Alienda mpaka Kisumu ndio akanywa maji na kula samaki. That was six years later after I had told him. Yeye alianza chama cha KPU kwa sababu alitaka demokrasia ile ambayo alikuwa amefunja na mimi nikalaani wale wa KADU kwamba "watakiona cha mtema kuni" na watakufa kabla mimi. Kama unafikiria kwamba ninasema uongo, tutaona ni nani atakufa kwanza. Mimi nitakuwa wa mwisho. I said that at that time.

Mr. Obure: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Shikuku in order to imply that President Moi will die before him?

Mr. Shikuku: Bw. Naibu Spika wa Muda, leo tumetoka kuhudhuria maombi ya marehemu Mutere. Kasisi kanisani alitwambia ya kwamba hata ukilala kanisani, utakufa. Hata Baba Mtakatifu hufa huko Vatican, licha ya kwamba hana bibi, watoto au kitu chochote. Kifo kinaingia huko Vatican City, tunauona moshi na kutangaziwa ya kwamba Baba Mtakatifu amekufa. Je, itakuwa si Rais Moi? Ninasema mambo ambayo niliyasema awali, ikiwa nitakufa mbele ya Rais Moi, ni sawa kwa sababu Mungu amekata kauli. Sisi ni "kuku" wa Mungu. Mungu akitaka "kuwachijia" wageni, atasema tu anamhitaji mhe. Waziri huyu! Ni kweli, iwapo wageni wameingia kwake, anachagua mmoja wetu na anakufa. Watu wanabaki wakiomboleza lakini mtu "amehitajika" Ikulu ya juu.

Bw. Naibu Spika wa Muda, tuliendelea mpaka mwaka wa 1969 ambapo chama cha KPU kilileta vurugu kule Kisumu na watu maskini wakauwa. Watu maskini walifyatuliwa risali na kufa. Na chama cha KPU kikapigwa marufuku mwaka wa 1969. Tukawa hatuna Upinzani tena. Tuliendelea hivyo hadi Mboya akafa. Nilileta Hoja

hapa ili tujadili kifo chake lakini si kupata wa kuniunga mkono. Tuliendelea vivyo hivyo hadi J.M. akafa. Hapo ndipo palipokuwa chanzo cha utawala wa kiimla katika nchi hii. Tuliokuwako tulifanya kazi kuhusu kifo cha J.M. Wengine wetu tuliwekwa kizuizini, si kwa sababu ya kusema "KANU imekufa" lakini kwa sababu ya shughuli zetu kutokana na kifo cha J.M.

Bw. Naibu Spika wa Muda, mwaka wa 1978, Moi alichaguliwa kama Rais wa nchi hii. Mwaka wa 1982, mhe. Njonjo alileta Mswada wa kuhlalisha chama kimoja cha kisiasa nchini. Mswada uliletwa na kupitishwa. Mhe. Njonjo alisema anataka Kenya iwe na chama kimoja kwa sababu ni sawa na kadhalika. Mhe. Kibaki aliunga kwa dhati Mswada huo kama vile imeandikwa katika HANSARD. Sote tunajua mhe. Kibaki anajua Kiingereza; alikizungumza hadi mwisho wake akasema, "I beg to second." Huo ndio ukweli ambao hatutaki kuuandika. Lakini haya yote yameandikwa katika HANSARD na watoto wetu watayasoma. Viongozi wengine wanaweza kubadilishwa au kubadilika kwa sababu ya siasa. Mwaka wa 1990, tulipoanza habari ya vyama vingi vya siasa tulimwambia ya kwamba angejiunga na vyama hivi.

Mswada huo haukuwa wa kawaida. Baada ya mhe. Njonjo kuuwasilisha, kuungwa mkono na Kibaki, Bw. Spika akapendelea usomwe mara ya pili kulingana na Kanuni za Bunge, tulidhani tungepata nafasi ya kuzungumza, lakini mhe. Biwott alisimama na kupendelea mwisho wa majadiliano ya Mswada huo na Bw. Spika akaweka swali na ukapitishwa. Huo ulikuwa ni utawala wa kiimla wa chama kimoja.

Wengine wetu tulitishwa na kufanyiwa mengi lakini hatukufaa moyo. Marehemu Oginga Odinga, marehemu Muliro, mhe. Nthenge na mimi pamoja na vijana wawili; diwani wa Mombasa, Bw. Bahamariz na Bw. Gachoka. Tuliwaomba waheshimiwa Wabunge watuunge mkono tupigania vyama vingi lakini hatukuwapata kwa sababu tulikuwa tukitaka watu tisa. Tunapozungumza hapa, ni lazima watu wafahamu historia ya mambo haya. Kuna watu ambao hawataki kusikia historia kwa sababu wanataka njia ya mkato. Tulimuuliza Bw. Rubia ajiunge nasi lakini alikataa na kusema kijana wake alikuwa akifanya harusi na angekwenda London kwa "honeymoon" na kama angejiingiza katika mambo hayo, angemharibia. Tulimuuliza mhe. Khalif, Waziri Msaidizi - ikiwa ninasema mambo ya uwongo na asimame kwa Kanuni nambari 69. Alitumambia ya kwamba bibi yake alikuwa mja mzito. Baadaye, nilimtafuta mhe. Akumu, naye akasema kwamba alikuwa akiishi katika nyumba ya mkopo. Tulipomuuliza mhe. Lempaka ajiunge nasi, alikataa na kusema hawezi kujiunga nasi kwa sababu yeye alikuwa akifanya biashara na mhe. Biwott. Ikiwa ninasema uwongo, mhe. Shamalla yuko hapa. Nilimtafuta Bw. Gachanja ili ajiunge nasi. Alinielea ya kuwa alikuwa akiyaunga mkono maneno yetu lakini kwa sababu ya mikopo mingi, pengine kama angejiunga nasi, mambo yangekuwa mabaya. Hata hivyo, aliwahi kutupatia Kshs1,000.00 ya kununua petroli. Ni lazima wananchi wajue taabu ambazo tumepata katika mambo haya. Wakati huo tukifanya mikutano na waandishi wa habari, tulikuwa tukisema watu wengine wangekuja baadaye na hapo tukawaomba msamaha waandishi wa habari. Lakini hawakuja tena, tulibaki watu sita tu.

Bw. Naibu Spika wa Muda, pia nilimuuliza Bw. Muniyua Waiyaki. Nilizungumza naye kwa muda wa masaa matatu. Aliniambia kwamba alikuwa akipata mshahara wake kutoka UNO. Lakini Mungu si Athumani, tulipata watu sita na tukapigana kiume mpaka waheshimiwa wa KANU, katika Bunge hili, wakabadilisha Katiba. Tulihudhuria ule mkutano wa Kamukunji wa 16 bila waheshimiwa Wabunge hapa, na wakati huu wanavuna matunda ambayo hawakupanda. Biblia inasema "ukivuna matunda ambayo haukuipanda, basi wewe ni mwizi." - Thou shall harvest what thou has sowed. He that harvests what he has not sown is a thief!

Wakati huu, Uhuru umepatikana. Wakati wa kwenda Kamukunji, tulikuwa watu wanne tu. Hata hatungezwa kujaza gari moja. Wengi wao hawakuja, na sasa wanajitokeza na kusema ya kwamba watapigania urais wa nchi hii. Ukiwauliza wamefanyie nini Kenya, hawana lolote la kuonyesha. Hawa wakishika ukubwa wataumiza raia kwa sababu hawajawahi kuteswa. Hawajawahi kuadhibiwa kwa njia yoyote, na sasa wanataka kuvuna kila kitu.

Bw. Naibu Spika wa Muda, Mkuu wa Sheria amesema FORD(A) ilisajiliwa Desemba 31, 1991 na tukafanya uchaguzi 1992. Kutoka wakati huo tumekaa Bungeni. Tumegombana hapa Bungeni lakini Mungu hufanya kazi; hatugombani tena kwa sababu tumeweza kuona ukweli wa mambo. Nimesema NCEC ni kama masikio ambayo yamekuwa marefu kushinda kichwa.

National Convention Executive Council (NCEC) ilianza hivi: Ilitokana na watu wa Kenya wenyewe. Tulipoenda Mikoa ya Nyanza, Central, Pwani na kwengineko, tulikuwa tunaambiwa tuchague mtu mmoja wa kugombea kiti cha urais. Tuliambiwa kwamba, tulikuwa wengi ndio sababu Rais Moi alishinda wakati wa uchaguzi wa 1992. Wananchi walitaka tuwe na mtu mmoja wa kugombea kiti cha urais.

Ndipo nilionana na mhe. Orenge, mhe. Wamalwa, mhe. Nthenge na mhe. Kibaki. Ilichukua miezi mitatu kusikilizana kwa maneno hayo. Tulipofikia uamuzi huo, tulitia sahihi kwamba mtu mmoja agombee kiti cha urais. Katika vyama vya Upinzani ni mhe. Maore tu ambaye hawezi kuwa rais, kwa sababu miaka yake haimruhusu kugombea kiti hicho, ingawa yeye pia alitia sahihi. Lakini wengine wote tunaweza kuwa rais. Kati ya Wabunge wote 78 wa Upinzani, Wabunge 75 walitia sahihi. Walikubaliana kuwa yeyote atakayechaguliwa kugombea kiti cha urais, ataungwa mkono na wengine. Hayo ndio yalikuwa makubaliano yetu. Tuliitisha mkutano huko Hilton na kuunda

National Alliance. Kati ya Wabunge 78, ni Wabunge watano tu hawakutia sahihi; mhe. Wanjiru, mhe. Matiba, mhe. Wanyange, mhe. Anyona na mhe. Akumu. Kwa hivyo, wengi walisema wataendelea mbele na mpango huo. Hata mhe. Raila alitia sahihi lakini baadaye akatoka na kujiunga na mhe. Matiba. Hii ndiyo siasa ya huku na huku, na wananchi wanajua.

Bw. Naibu Spika wa Muda, ninasema hivyo kwa sababu, kuna Kifungu hapa ambacho nataka kukitaja. Baadaye, tulikubaliana FORD(A), FORD(K) na DP wachague wajumbe watatu, Safina ichague mmoja, ambaye alikuwa mhe. Murungi, na wakawa 10. Tuliwapa uwezo wa kuongeza wawaakilishi wa makanisa, mashirika yasiokuwa ya Serikali na wengine. Walifanya hivyo na ndipo tulipata ile Convention iliokuwa Limuru, ambayo KANU ilikataa kuhudhuria. Kulikuwa na mtu mmoja wa KANU aliyekuwa kwa Youth for KANU 92, Bw. Evans Ondieki. Lakini watu wa nyanja mbali mbali waliitwa.

Bw. Naibu Spika wa Muda, katika gazeti hili ambalo nimeshika, kumenukuliwa: "NCEC announced to hold constitutional reform rallies country-wide, starting with Nyahururu rally on Sunday, to explain the difference between the NCEC, religious sector and IPPG reforms package". Watu wa dini walihusika katika mambo haya, wameyaunga mkono na kuyahubiri katika makanisa. Mbona NCEC wanazungumza kwa niaba ya watu wa dini? Wanafikiri hawana mdomo? Mbona hawasemi? Tumewaambia watu wa dini na wengine kuwa tutawaita tutakapofikia kuyafanya yale marekebisho makuu ya Kikatiba. Lakini haya yalikuwa ya marekebisho machache ya Kikatiba kutengeneza uwanja uwe tambarare, ili tuweze kupiga kura. Sasa, NCEC wanawachanganya na kuwahadaa wananchi kuwa, haya ndio marekebisho makubwa, na kwamba wengine wetu "tumenunuliwa" na KANU.

Bw. Naibu Spika wa Muda, kusema mheshimiwa kama mimi "nimenunuliwa" ni matusi makubwa sana. Hawa vijana walikuja juzi, na sitawaona katika kura zijazo. Kwani, pesa hazikuwako wakati wa Kenyatta na leo ndio zipo? Ni sababu gani ilitawanyisha watu kutoka KANU na kuingia KADU? Mbona wengine, mimi hasa, sikununuliwa? Hata mhe. Shamalla, Rais Moi nami tulipokula chakula cha jioni, sikukubaliana na yeye nilipokwenda Kakamega. Kula na mtu si eti, unakubaliana naye. Nilienda kumpinga Rais Moi huko na mhe. Matiba akapata kura nyingi katika Mkoa wa Magharibi kushida Rais Moi. Hajarudi, lakini tunasema ukweli. Ningekuwa mtu wa kununuliwa, ingekuaje nilienda kupinga Rais Moi katika Mkoa wa Magharibi? Haya ni matusi! Na watu wa magazeti wanaandika matusi haya. Ukweli ni kwaamba, nilimfanyia mhe. Matiba kampeni mpaka akamshinda Rais Moi huko Mkoa wa Magharibi. Wale hawaamini wanaweza kwenda kukagua rekodi za uchaguzi. Nilikuja hapa Nairobi tarehe 26 Desemba, 1992 na hiyo ndiyo ilikuwa turning point.

Kwa hivyo, kutumia matusi na kuita wengine KANU moles siyo mjadala. Huu utamaduni wa kusema uongo lazima uondolewe kutoka vichwa vya viongozi. Hasa mawakili, ambao nilikuwa nikifikiria kwamba, hawasemi uongo, lakini sasa nimejua. Wengi wao, hasa walioko NCEC wamefunzwa kuwa waongo. They are lawyers, trained liars.

Bw. Naibu Spika wa Muda, yale marekebisho yote tunayotaka kuyafanya yalitolewa kutoka kwa mapendekezo ya NCEC. Kwa hivyo, haifai viongozi wa NCEC kudanganya wananchi kwamba hatukufanya lolote. Tunataka kuona watoto wa hawa mawakili mstari wa mbele. Lakini, ikiwa hawana watoto, wanyamaze. Sisi wenye watoto tunataka kusema kwamba, tunajua jinsi ya kumlea mtu mpaka amee mvi kama mhe. Nyachae. Na kumlea mtu kufikia kiwango hicho si mchezo. Lakini watu wa NCEC hawajui. Kabla sijapata mvi, Mzee Oyondi alifanya kazi. Kwa hivyo, watu wengine ambao wanataka matata na hawana watoto wanyamaze. Sisi tunajua uchungu na jasho inayotoka wakati wa kulea mwana. Hata mkondo wa kwanza kabla ya mtoto kuzaliwa kuna jasho! Si eti, ni hivi hivi!

Bw. Naibu Spika wa Muda, tumetoka mbali. Lazima tuwakumbuke wale waliokufa wakipigania Uhuru wa nchi hii. Watu kama vile Bw. Dedan Kimathi na mhe. Achieng'-Oneko na wengine lazima wakumbukwe. Wale watu sita walioleta Uhuru katika nchi hii lazima waheshimiwe. Hatungefika mahali tupo ikiwa hawangekuwako. Ajabu ni kwamba, waheshimiwa wengine hapa walifanya mpango wa kuleta vijana kumtemea mate mhe. Achieng'-Oneko kule County Hall. Those kids and Members of Parliament who organised them stand cursed. Kutemea mate mtu alieleta Uhuru kwa sababu they are young turks ni aibu kubwa. How young are these turks? Wengi wao wako na miaka 50 na kitu na wanajiita vijana. How young are they? Wamekuwa kama wanawake. Mwanamke hata akiwa na miaka 60 ukimwambia anaonekana kama ana miaka 15 anakuambia: "Aha, wewe unanidanganya!" Lakini ukimwambia: "Haki ya Mungu", anasema: "Thank you very much". How young are these turks? Many of them are 50 years old and above, hata wako na watoto chuo kikuu. Kwa nini saa hii wanajiita "young" na wanataka kuleta fujo katika Kenya?

An hon. Member: Please complete your contribution

Mr. Shikuku: Bw. Naibu Spika wa Muda, mhe. mmoja ananiambia eti nimalize. Yeye hakunileta hapa, nililetwa na watu wa Butere. Yeye alikuja juzi kwa hivyo, aonyeshe heshima. Badala ya kupiga kelele hapa, angezungumzia ukosefu wa maji huko Ukambani. Wangekuwa wakileta Motion ya kupeleka maji Ukambani kila wiki hapa, lakini Wabunge kutoka Ukambani wanakuja hapa na kunyamaza.

Mr. Nthenge: Si uliwatetea wapewe maji, na wakapinga?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninakumbushwa na mhe. Nthenge kwamba mhe. Nyiva ndiye

aliongoza kunipinga niliposema wapatiwe maji. Ni lazima katika IPPG tuwaheshimu walioletea Kenya uhuru. Tukifanya hivyo, Mungu atatubariki. Ni vibaya sana mtu kama Bildad Kaggia anakula unga mchana na usiku, na ni mmoja kati ya wale waliotuletea uhuru. Kweli hiyo ni kuonyesha heshima? Wengine walikuja hapa juzi na wamepewa E.G.H; na bw. Kaggia hata hajapatiwa hiyo. Hao wengine wamefanyia Kenya nini? Bwana Kaggia apatiwe nyumba, dereva na wapishi na Serikali, ili aishi maisha mazuri mpaka afe, kwa kazi aliofanyia Kenya. Tunajua alileta uhuru.

(Applause)

Wale ambao bado wako hai wapewe heshima na misaada yote. Hii ndio heshima. Lakini hapa sasa unapata watoto wadogo wanakuja na kutemea wazee mate na kupiga kelele. Watapata mkosi kama hawatawaheshimu wazee, na wajue kuwa wao pia watazeeka. Wakumbuke kwamba wanawake bado wanaendelea kuzaa, watoto wengine wachanga bado wanakuja. Labda wawafunge wanawake wasizae tena, wabaki "young turks" kwa sababu hakuna watoto watakozaliwa nyuma yao. Hao watoto wanaozaliwa sasa watawaita wazee pia.

Bw. Naibu Spika wa Muda, ningependa sasa kwenda kwa Kifungu cha kwanza. Mkuu wa Sheria alisema, na pia tulipitisha hiyo katika IPPG, kwamba kutoka sasa, Kenya haitakuwa nchi ya chama kimoja tena. Ningependa bw. Mkuu wa Sheria, katika ile comprehensive reforms, iwe haiwezi kubadilishwa na chama chochote. Ningependa hiki Kifungu kitolewe na kiwekwe katika zile entrenched clauses, ambazo haziwezi kubadilishwa na mtu yoyote. Mini wakati huu sina nguvu ya kwenda Kamukunji tena. Kama hamtafanya hivyo, watu wengine tena watarudi Kamukunji. Siku ile nilienda huko, risasi zililia huko na singependa kurudi hapo tena. Mhe. Orenge, leo hayuko hapa. Huyo ni kijana shupavu kati ya wale vijana wanaojiita "young turks" na ninampatia pongezi zangu. Mwanaume hujulikana wakati matata yanapotokea. Wengi walio hapa walikuwa wamezaliwa lakini hawakuja Kamukunji; walitoroka. Lakini huyo kijana, tulikuwa na yeye katika pick up. Lakini risasi ya kwanza ilipolia, alipotea, nikafikiri ilimpiga. Nikamwangukia kila upande lakini sikumuona. Nikasema, "Ford, Ford" ili apate kujua pale niko lakini wapi. Nilikuwa nimekaa juu ya pick up na kumbe yeye aliruka chini bila mimi kumwona na akamlalia marehemu Muliro kule alikuwa amelala chini pamoja na mhe. Nyagah. Nikasema tena kwa sauti, "Ford, Ford", kidogo risasi ikalia mara nyingine. Nikashikwa na hofu. Nikasema hapa pamekuwa pabaya. Yule kijana dereva wa pick up, siku ile nitakuwa Rais wa Kenya, atakuwa dereva wangu, na mara moja atapata E.G.H. Huyo dereva hakutishwa na risasi na hakuondoka pale tulikuwa mpaka nilipomwambia baada ya risasi ya pili: "Now, move on!" Huyo kijana alijua kwamba risasi ya pili ilitoboa tangi ya mafuta na hakuniambia. He drove the vehicle as if nothing had happened. Tulipofika karibu na soko la Burma, risasi nyingine zikafiatuliwa na kwa bahati mbaya akauawa kijana aliyekuwa amesimama karibu na choo hapo na City Stadium. Huyo ambaye aliuawa hakuhusika na yale yalikuwa yakierendelea Kamukunji, alikuwa amesimama tu akiangalia vile mambo yanavyokwenda. Risasi ikampasua tumbo, matumbo yakatoka nje na akafa palepale. That is the price we paid to remove Section 2A. Na huyo kijana aliyeuawa anatoka Butere, alikuwa anaitwa Bw. Makhumba. Mtu kama huyu lazima tumkumbuke.

The Attorney-General (Mr. Wako): On a point of information, Mr. Temporary Deputy Speaker, Sir. From what hon. Shikuku has said, it appears as if that driver should not get E.G.H., but the Order of the Grand Warrior for his bravery. Amid firing of bullets and shouts of "Ford, Ford" he did not get scared. So, I think the Order of the Grand Warrior would suit him better than E.G.H.

Mr. Shikuku: Bw. Naibu Spika wa Muda, hayo ni maoni ya Bw. Mkuu wa Sheria. Lakini kwa maoni yangu na vile mambo yalivyokuwa wakati ule, ninamheshimu huyo kijana. Tulipoelekea Outer Ring Road karibu na round about ya kwenda Kariobangi, gari likasimama. Nikamuuliza dereva: "Kwa nini huendeshi gari?" Akanijibu: "Mafuta yamekwisha." Nikamuuliza: "Mafuta yamekwisha namna gani na tumejaza tangi hapa Kileleshwa." Hapo ndipo aliponiambia kwamba ile risasi ya pili iliingia ndani ya tangi na likatoboka. What a brave man! Iitubidi tutoke kwa hiyo gari na kuingia kwa nyingine. Tulipofika round about ya Kariobangi, tukakamatwa na kupelekwa ndani. Sote tuliwekwa kwa ndege; mimi, marehemu Muliro na mhe. Orenge. Tulipofika hiyo round about, mhe. Orenge--- You can listen to the cassette because BBC taped what I said. Walikuwa wakimshika masikio---

The Assistant Minister, Office of the President (Mr. Shamalla): On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform hon. Shikuku that I was also in that plane.

(Laughter)

Mr. Shikuku: Thank you, Mr. Temporary Deputy Speaker, Sir. Ninamshukuru mhe. Shamalla kunijulisha kwamba yeye pia alikuwa pamoja na sisi. Tuliwekwa kwa magari tofauti na tukakutana Traffic Headquarters na baadaye tukawekwa kwenye ndege kurudishwa kwetu. Kwa sababu marehemu Muliro alikuwa mgonjwa, tulipofika Kitale, akashuka. Lakini, mhe. Shamalla, mhe. Orenge na mimi tulipelekwa mpaka Kakamega. Tulipofika

Kakamega, mhe. Shamalla na mimi tukapelekwa Webuye na tukaingizwa kwa cell. Siku hiyo, mzee Shamalla, aliona chamtemakuni huko kwa cell. Kwa bahati nzuri, hatuingizwa ndani ya cell yenyewe, tulifungiwa ndani ya ofisi ya yule afisa aliyosimamia hiyo Police Station. Kwa bahati mbaya, mhe. Shamalla akawa mgonjwa, na nikamhudumia kama mwuguzi. Baadaye, dakdari alikuja kumtibu na alipopata nafuu kidogo, akapelekwa Kakamega. Mini nikaingizwa ndani ya cell na yeye akawekwa huko juu. These are some of the sacrifices we have made for our country. Mtu anayetaka uongozi aseme what sacrifices he has made for this country on behalf of Kenyans. Sio kutaka tu kuwa Rais. Hapana. Ni kweli magazeti yanaweza kumjenga mtu, lakini wananchi waambiwe ukweli. Hata maandishi wa magazeti wakipiga ngoma, wananchi watauliza kile ulifanyia Kenya hii. Sasa tunafahama kuwa kuna magazeti ambayo nia yao ni kujenga watu fulani.

Hon. Nthenge: Wamepewa pesa!

Mr. Shikuku: Bw. Naibu Spika wa Muda, hawa ni wafisadi. Tulilala ndani kwenye cell kwa majuma matatu. Ofisi kuu ya mende Kenya hii iko Kakamega Remand Prison. Kama unataka mende utazipata zote huko. Hizo mende zilimsumbia mhe. Shamalla na alipambana nazo kweli kweli. Ungefikiri kuna vita ndani ya ile cell alipolala.

Mr. Shikuku: Yafaa watu wakumbukwe. Kama si Mhe Japheth Shamalla, kila mtu apewe pongezi anyostahili, hatungekuwa na vyama mingi. Tulitumia ofisi yake, karatasi yake, simu yake, kila kitu, bila kulipa. Wengine sasa wanasema wanataka kuwa Rais. Je walifanyia nini Kenya hii? Huyu ndiye wakili mmoja tu ambaye alikubali kutupatia hizo huduma kutuleta mali tuko. Mhe. Muite hakuweza kukubali. Yuko hapa. Si asimame!

Bw. Naibu Spika wa Muda, cluase 1 iimarisha kabisa, kusiweko siku moja wenda wazimu wengine wataokujia warudishe kwenye mfumo wa chama kimoja. Ningemtaka Bw. Attorney General tukipitisha mswada huu sehemu hizo izingatiwe sana katika comprehensive reforms. Yafaa kifunfu hiki iwekwe katika entrenched clauses. Hii ni kwa sababu tumeonja taabu. Watu wamekufa. Hivi majuzi watu 14 walikufa. Bahati mbaya hawakuwa watoto wa Wabunge hapa. Ni watoto wa watu wadogo ambao walikufa ndio tukakubali kukaa chini. Kwa nini hatukukaa kabla ya watoto hawa kufa? Kutoka leo tusifanye fujo tena. Hiyo damu ya hao watoto waliokufa tukipigania mageuzi itoshe; tusiongeze nyingine tena. Yafaa tusikizane. Tumekaa hapa kwa sababu hawa watu wamekufa, tumepata vyama mingi kwa sababu Makumba, kutoka Butere Constituency, alikufa. Baada ya watu 14 kufariki ndio tunakubali kuzungumza! We are bad news! Sisi wabaya!

Bw. Naibu Spika wa Muda, mimi pia ninaunga mkono ibara ya tatuambayo inasema Rais atachagua watu kutoka kila mahali. Tutakapokuja hapa au wale watakao kuja, wataanza kuzungumza juu ya comprehensive amendments katika Katiba yetu kwa miaka miwili.

Hii habari ya uteuzi wa wabunge maalum tumeshamaliza, nimesema juu yake. Na hao Wabunge ambao watateuliwa na vyama wakifika hapa yafaa wawe wakikaa na kuzungumza katika Bunge. Mbunge ambaye anapata mshahara na hakai hapa ni mwizi. Tunalipwa kukaa na kuzungumza katika bunge. Wengine wanasema hawatiki Bunge lakini wanataka mshahara wa Bunge! Mbunge mmoja kutoka chama changu ambaye jina liliwekwa kule analia "siko huko---", Lakini nilimwona jana akiingia hapa! Mwingine anasema hachukui mshahara wake na mimi ninajua anachukua mshahara! Kshs70,907.60 zinapelekwa Barclays Bank, Queens Way Banch; lakini yeye anadanganya watu. Niko na documentary evidence.

An hon. Member: Huyo ni nani? Your former Chairman?

Mr. Shikuku: Yes, my former Chairman. Anakuja hapa na kukaa kwa muda wa dakika mbili na anapata mshahara! That is wrong. He is robbing the people!

An hon. Member: He is still your Chairman!

Mr. Shikuku: He is not my Chairman, he is my former Chairman. My current Chairman is hon. G.G.W. Nthenge. Na yafaa mhe. Wanyange pia afanye adabu. Haifai kuja kujionyesha hapa dakika mbili na anapata hiyo pesa yote!

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. As much as I respect hon., Shikuku, who is our teacher on the Standing Orders, he has used two unparliamentary words; "Lies and thief." Is he in order to use those unparliamentary terms? Would I not be in order to request the Chair to compel my former Secretary-General to withdraw those two words?

An hon. Member: Mpe nafasi babako azungumze!

Mr. Shikuku: Bw. Naibu Spika wa Muda, Waluhya wanasema ukizingatia mambo anyofanya kuku, huwezi kumla. Ni kuangalia tu halafu unaacha.

(Laughter)

An hon. Member: Hiyo inamaanisha nini?

Mr. Shikuku: Kwa hivyo sina haja---

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have asked the Chair to rule whether the hon. Martin Shikuku is in order to use the terms "thief and liar" and secondly, he has used a Luhya saying. Could he explain to me what it means so that I know?

Mr. Kariuki: Msikilize babako anapongea!

Mr. Shikuku: Bw. Naibu Spika wa Muda, tafsii ya hayo ni kwamba ukitazama vitu kuku anavyo kula, huwezi kumla! Kwa hivyo mimi sifuati maneno yanayosemwa na watu wengine. Na habari ya wizi, nimesema hapa kwamba imeandikwa katika Biblia, sio na Shikuku, kwamba, "yule anayevuna yale ambayo hakupanda, ni mwizi!" Hakuna njia ingine. Pia imeandikwa katika Biblia, kwamba "mshahara wa dhambi ni mauti,"; sio maisha marefu. Sasa wewe ukija katika Bunge hili, unatakiwa ukae hapa, uzungumze hapa, uwafanyie wananchi kazi hapa Bunge, na huji, unakuja dakika mbili na kwenda, na unapata mshahara wa Kshs70, 907.60! Sasa, wewe ni nini?

An hon. Member: Including mileage!

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I have a lot of respect for hon. Shikuku. But is he in order now to call hon. Kenneth Matiba a thief, now that they have parted ways, yet when Mr. Matiba was his Chairman, he could not do so? Now he has the courage to call him a thief because they have parted ways. Is he in order? Is that not disrespect for his former Chairman?

Mr. Shikuku: Bw. Naibu Spika wa Muda, wakati wa Maswali umekwisha na huyo Mbunge---

The Temporary Deputy Speaker (Mr. Mcharo): Order! Order, hon. Shikuku! Bw. Shikuku umetumia neno "mwizi" kuhusu Bw. Matiba?

Mr. Shikuku: Bw. Naibu Spika wa Muda nimesema hivi; jambo la kwanza, inafaa tuvune yale tuliyopanda, na ukivuna yale hukupanda, Biblia inasema, hata Quran inasema hivyo, wewe ni mwizi. Sasa ikiwa mimi Shikuku, na wengine - Nimemtaja hata Mhe. Wanyange. Utaona kwamba Mbunge anaingia hapa na kukaa muda wa dakika tatu au sekundi tano, na anapata mshahara wa mwezi mzima! Ukifanya hivyo fahamu kwamba hujafanyia wananchi kazi! Sisi sito fauti. Mimi nimejua haya maneno tangu awali. Lakini nimeyaleta hapa sasa ili kueleza kazi ya Mbunge. Na kama hukai hapa na kuzungumza, na kufanya kazi ya wananchi na unapata mshahara ule ule, basi wewe si sawa. Unachukua mali ya wananchi bila idhini. Na sasa nikisema hivyo, ubaya uko wapi? Hata kama mimi sikai hapa na ninachukua mshahara wote, mimi ni mwizi!

An hon. Member: Na Matiba naye ni mwizi!

Mr. Shikuku: Bw. Naibu Spika wa Muda, nikiendelea---

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Despite the fact that the Chair has asked hon. Shikuku whether he has used the word "thief", he has not answered or responded to the Chair.

Mr. Shikuku: I have answered!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, it is not only hon. Matiba who comes here for two minutes. President Moi comes here for two days in a year and he gets a bigger salary than hon. Matiba.

(Applause)

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

Mr. Ndicho: I am still on my point of order. Is he in order to cast aspersions on one Member, when there is still another Member, the Member for Baringo Central, who does not even say a word here, and he gets the biggest amount of money?

The Temporary Deputy Speaker (Mr. Mcharo): Order! Order! I think, hon. Ndicho, you do not necessarily have to refer to the President on this matter. Mr. Shikuku, I think, to be on the safe side, you had better withdraw the word "thief."

An hon. Member: It is unparliamentary!

The Temporary Deputy Speaker (Mr. Mcharo): The word "thief" is unparliamentary and it should not be used to refer to any Member in whatever form.

Mr. Shikuku: Bw. Naibu Spika wa Muda, sina ugomvi na uamuzi was wako. Nimesema kwamba, kama unachukua mshahara bila kufanya kazi, wewe mwizi! Pia nimesema kwamba, hata Bw. Shikuku, akikaa bila kufanya kazi na anapata mshahara, yeye ni mwizi. Sasa ikiwa mimi bado nina---

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

The Temporary Deputy Speaker (Mr. Mcharo): Order! Mr. Shikuku, it is the word "thief" which is causing problems and the Chair would like you to withdraw the word "thief" which was used with reference to Mr. Matiba.

Mr. Shikuku: Okay. Bw. Naibu Spika wa Muda, sina haja ya kugombana na wewe. Ninaliondoa neno "thief"

na kubadilisha na neno "udanganyifu." Na si mhe Matiba peke yake, kuna wengine pia. Ningependa kuendelea na kusema kwamba---

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. Si sawa kwa mhe. Mbunge kusimama hapa na kutamka neno la matusi dhidi ya Mbunge mwingine. Mhe. Shikuku hana haki kamili kuja kuwadharau Wabunge wengine. Mhe. Shikuku anaweza kutuambia kama yule Shikuku ambaye alishikwa kule Tanzania akiiba mali ya umma, ambayo yalikuwa ya Reli, alikuwa mwizi au hakuwa mwizi?

Mr. Shikuku: Asante sana, Bw. Naibu Spika wa Muda.

An hon. Member: Kumbe hata yeye ni mwizi!

Mr. Nthenge: Ni wa Imbusi yule!

Mr. Shikuku: Bw. Naibu Spika wa Muda, mimi si mwana wa Imbusi. Mimi ni mwana wa Oyondi. Haya maneno yaliletwa hapa na Bw. Koinange. Kwa hivyo---

The Minister for Land Reclamation, Regional and Water Development (Mr. Nyachae): On a point of order, Mr. Temporary Deputy Speaker, Sir. You have asked hon. Shikuku to withdraw the word "thief" and there is not dispute about that. But, I think, what hon. Ndicho said, brought in the issue--- This is because the word "thief" was uttered when the name of the President was dragged in. By implication, he was saying that, if Mr. Shikuku is calling hon. Matiba a thief and the President who comes here twice a year as he said it--- He has forgotten that the President is on daily duties for the public and, therefore, whether he is in Parliament or out of Parliament, he is working. He cannot be associated with the word "thief" which they were objecting to. So, is it not fair also, to insist that the name of the President should not be dragged into this matter by hon. Ndicho?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I do not know where hon. Nyachae got the word "President" from. I said the Member for Baringo Central. Why do you want to---

(Laughter)

The Temporary Deputy Speaker (Mr. Mcharo): Order, hon. Ndicho! Mr. Shikuku has withdrawn the word "mwizi" which he used with reference to Mr. Matiba. You also used the word "thief" in a way referring to the Member for Baringo Central. You have a duty also to withdraw that word in the same manner, Mr. Shikuku did.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I do not want to engage myself in a war of words with the Chair. I want us to refer to the HANSARD tomorrow or Tuesday to prove that I never called the Member for Baringo Central a "thief." What I said is that he comes here twice a year. There is no way hon. Shikuku can call somebody who appears here technically, a thief, when there is somebody else who also who comes here for only two days. It is him who has been implying that if you come here technically, then you are a thief. President Moi is not a thief! He is not a thief!

The Temporary Deputy Speaker (Mr. Mcharo): Order, hon. Ndicho! Mr. Shikuku has already cleared himself. It is now your turn to clear yourself. It was very clear that you used the word "thief" in reference to the Member for Baringo Central.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I used the word "if" but because I want to give hon. Shikuku time to contribute--- Everybody in this country knows that President Moi is not a thief and it is not the hon. Member for Juja who can call him a thief.

Hon. Members: Withdraw! Withdraw!

The Temporary Deputy Speaker (Mr. Mcharo): Mr. Ndicho, there is no compromise on this one now. There is going to be no compromise in the same way as there was no compromise with regard to hon. Shikuku. It is your turn now to withdraw the word "thief" which you used in reference to the Member for Baringo Central. The Chair demands that you withdraw the word "thief."

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I still have no problem with the withdrawal of the word "thief." You also know that there is nobody here---

Hon. Members: Withdraw! Withdraw!

Mr. Ndicho: Keep quiet! Mr. Temporary Deputy Speaker, Sir, all these people here--- Hakuna hata mmoja ambaye ni rafiki ya Rais Moi kunishinda. Not even one! There is no way that I can use the word "thief" in reference to my friend!

The Temporary Deputy Speaker (Mr. Mcharo): Order, Mr. Ndicho!

Mr. Ndicho: I withdraw, Mr. Temporary Deputy Speaker, Sir.

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

The Assistant Minister, Office of the President (Mr. Shamalla): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Raila, from nowhere, sprung up and made an allegation about hon. Martin Shikuku. He

alleged that hon. Shikuku was convicted as a thief. He did that without a substantive Motion. So, could he withdraw those remarks in the absence of a substantive Motion?

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

The Temporary Deputy Speaker (Mr. Mcharo): Order, Members! Order, hon. Muluya! We want to clear this mess before Mr. Shikuku continues. Mr. Raila, what do you have to say in response to what hon. Shamalla has said?

Mr. Raila: Bw. Naibu Spika wa Muda, nilisema kwamba si sawa kwa mhe. Shikuku kuja hapa na kujaribu kuathiri majina ya Wabunge wengine kwa kuwaita wezi. Ndipo mimi nikauliza kama yule Shikuku ambaye alishikwa na akafungwa kule Tanganyika kwa sababu ya kuiba mali ya umma, ya Shirika La Reli, hakuwa mwizi?

Mr. Shikuku: Uliuliza? Bw. Naibu Spika wa Muda, wakati wa Maswali umekwisha. Wakati huu sasa sio wakati wa Maswali. Jambo hilo lilisemwa hapa, sio na mwingine bali na Bw. Mbiu Koinange. Alikuwa anazungumza kuhusu Bw. Shikuku, mwana wa Imbusi.

Mimi si mtoto wa Imbusi, lakini mtoto wa Oyondi. Kuna watu wengi ambao wanaitwa Shikuku. Hata kuna wachezaji kandanda wengi wanaoitwa Shikuku. Shikuku ni jina la kawaida. kwa hivyo, unaweza kutambua kwamba Shikuku Oyondi ni tofuati sana na Shikuku Imbusi.

Bw. Naibu Spika wa Muda, hawa waheshimiwa Wabunge wanataka kuchukua wakati wangu bure. Section 42---

The Assistant Minister, Office of the President (Mr. Shamalla): On a point of order, Mr. Temporary Deputy Speaker, Sir. I raised a point of order which has not been replied to. I said that Mr. Raila should withdraw his remarks in the absence of a substantive Motion.

The Temporary Deputy Speaker (Mr. Mcharo): Order! Mr. Shamalla has reminded me of what Mr. Raila had said. It is true that Mr. Raila used the word "thief" with reference to hon. Shikuku. I think Mr. Raila too has a duty to withdraw the word "thief" because it is unparliamentary.

Mr. Raila: Bw. Naibu Spika wa Muda, neno ambalo nimetumia ni tofauti sana na neno "mwizi". Sikusema kuwa Bw. Shikuku ni mwizi. Nimemwuliza kama yule Shikuku ambaye alishikwa kule Tanganyika na hatia ya wizi ni mhe. Shikuku naye amesema kwamba yule alikuwa Shikuku Imbusi wala si Shikuku Oyondi. Sijamwita mwizi, lakini Imbusi na Oyondi wana uhusiano gani?

The Temporary Deputy Speaker (Mr. Mcharo): Order! Order, Mr. Raila! The word "thief" is unparliamentary and the Chair requires you to withdraw it now before Mr. Shikuku carries on with his contribution.

Mr. Raila: Bw. Naibu Spika wa Muda, sijamwita mhe. Shikuku mwizi, lakini yeye ndiye amesema hivyo. Nilimwuliza atueleza kama yule Shikuku aliyeshikwa alikuwa mwizi.

The Temporary Deputy Speaker (Mr. Mcharo): Order! Order! Bw. Raila umetumia neno "mwizi" kuhusu mhe. Shikuku na Kiti kinakutaka uyaondoe matamshi hayo.

Mr. Raila: Bw. Naibu Spika wa Muda, ninataka nipewe nafasi ili nilete thibitisho.

The Temporary Deputy Speaker (Mr. Mcharo): Bw. Raila, ingekuwa jambo la busara kama ungeliondoa neno hilo kwa sababu sote tunajua kwamba neno hilo halifai kutumiwa katika Bunge hili. Ondoa matamshi hayo ili tuendelee na pengine utapata nafasi ya kuzungumza hapo baadaye.

Mr. Raila: Bw. Naibu Spika wa Muda, ningependa nipewe nafasi ili nilete thibitisho juu ya matamshi yangu. Kama mtu ameshikwa na kupatikana na hatia ya kuiba, yeye si mwizi? Yule mtu ambaye aliiba kule Tanganyika na akafungwa, si alikuwa mwizi?

Hon. Members: Yes! Yeye ni nani?

Mr. Raila: Bw. Shikuku!

The Temporary Deputy Speaker (Mr. Mcharo): Order! Order, hon. Members! Bw. Raila, unajua wazi kwamba neno "wizi" halitumiki hapa na umelitumia kuhusu mhe. Shikuku. Kiti kinakutaka uliondoo neno hilo halafu tuendelee na mjadala huu.

Mr. Raila: Bw. Naibu Spika wa Muda, nimeyaondoa madai yangu.

The Temporary Deputy Speaker (Mr. Mcharo): Order! Order, hon. Members! Carry on, Mr. Shikuku.

Mr. Shikuku: Bw. Naibu Spika wa Muda, katika ukurasa 1029, Clause 7---

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are very happy because of the way you are guiding the House. Hon. Shamalla has alleged that hon. Raila Odinga comes from nowhere. I have gone to hon. Raila's home and house. He also comes from Lang'ata. Is he in order to imply that there is a hon. Member in this House who comes from nowhere? Mr. Raila has got a wife and children!

The Temporary Deputy Speaker (Mr. Mcharo): There is nothing unparliamentary in what Mr. Shamalla said.

(Laughter)

The Attorney-General (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Shikuku in order just to tell us that he is the son of Oyondi and the other Shikuku was a son of Imbusi without explaining to us the meanings of these names so that we all understand?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninafikiri mhe. Mkuu wa Sheria anataka kufurahisha nafsi yake. Kuna Oyondi mmoja hapa ambaye ni Mkisii na si baba yangu. Kuna Oyondi wengi dunia hii. Mbunge wa Nakuru Mjini na mimi ni watoto wa Oyondi lakini anayezungumza ni mhe. Shikuku Oyondi.

Ninataka kuendelea katika ukurasa 1029, Clause 6(2)(a) ambao unazungumza habari ya Wahindi.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. I keep repeating that I did not participate in the IPPG talks. I consider the constitutional debate very serious and the fate of this country hangs on what we are discussing here. For the last 10 minutes, I have listened to platitudes, heresy and unnecessary debate. Is it in order for hon. Shikuku who has been here since 1960s when the constitutional change to make this country a single political party was effected, to preoccupy this House and prevent people who are capable of contributing substantiatively, effectively and intellectually from contributing?

(Applause)

[The Temporary Deputy Speaker

(Mr. Mcharo) left the Chair]

[Mr. Deputy Speaker resumed the Chair]

Mr. Shikuku: Bw. Naibu Spika, nitaendelea na Clause 6(2)(a) katika ukurasa wa 1029 ambao unasema kwamba mwenyekiti na naibu wake watakuwa watu ambao wamehitimu sheria. Tumeondoa sharti hilo na tunataka kupitisha marekebisho haya. Ukiangalia katika historia ya nchi hii, tulikuwa na Jaji Mkuu mmoja, marehemu Kitili Mwendwa, katika miaka ya 1960. Imekuwaje kutoka wakati huo hatuwezi kupata Jaji Mkuu mwingine mweusi kama Shikuku tena Mkenya? Kumetokea nini? Tulipopigania Uhuru wetu, watu wetu ndio walikufa na tulijua kwamba kulikuwa na makabila manne katika Kenya hii; Wazungu, Wahindi, Waarabu, Wasomali na Mwafrika hata choo zilikuwa na daraja hizi.

Sasa Waafrika wakapigania Uhuru, sasa haya ndiyo matunda tunapata. Imekuwaje Kitili Mwendwa ndiye wakili peke yake amewahi kuwa Chief Justice? Isitoshе, Bw. Naibu Spika, wengi wa watu katika Kenya hii ni nani wengi?

Mr. Mulusya: On a point of information, Mr. Deputy Speaker, Sir I want to inform hon. Martin Shikuku on that issue he has just raised that we are now on the brink of the current Chief Justices retirement but unfortunately, another one is going to be appointed who is not a black, Kenyan of African origin. He is somebody of Asian origin whose is formally British citizenship who was given Kenya citizenship two years ago. And the in Court of Appeal, there are nine Judges and out of the nine, four of them are asians today, and there is likelihood of three more being increased to make the number of non-Africans more than the Africans.

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika. Huyo Mhe. Mbunge amesema yale ningesema kwa sababu ikiwa Waafrika ni wengi, yafaa wapewe nafasi nyingi na kwa sababu Wahindi ni wachache, asilimia moja, wapewe kiasi cha asilimia moja. Je, haki iko wapi kwa wale waliokufa?

The Minister for labour and Manpower development (Mr. Masinde): On a point of order, Mr. Deputy Speaker, Sir. Is it in order that hon. Mulusya should mislead this House by talking about a Chief Justice being appointed who is not a black African when, in reality, as far as we are concerned, no appointment has been done? Can he substantiate that?

An Hon. Member: He said he was going!

The Minister for labour and Manpower development (Mr. Masinde): Well how does he know?

Mr. Shikuku: Bw. Naibu Spika, mimi sina haja ya kuchukua muda wa mhe. Mbunge aliyenipa habari kwa sababu alisema "He is going" yaani kuna yule aliyeko na hatakaa milele; kuna wakati atazeeka na sharti aende nyumbani. Kwa hivyo, yule atakayekuja tunampa Mkuu wa sheria on----

Mr. Deputy Speaker: Mr. Shikuku, I have been at pains listening to the debate before the House I would rather like you to stick to the Bill before the House, and I want to say whereas, what hon. Mulusya has said, what you have said and others are trying to say about suspected impending appointment of candidate X of such racial origin and so on may not be in violation of of Standing Order 72 but I think it is in violation of the spirit, of that standing Order. If

Members feel very strongly on the matter of particular individuals in the Judiciary, it is proper that he introduces a substantive Motion. I would rather therefore we stick to the Bill before the House.

An hon. Member: There is no Question of appointment of Chief Justice.

Mr. Shikuku: Hapana. Wale watakaoteua ni lazima wawe na madaraka kama hayo, ambayo sisi hatuna. Hii ndio sababu nilisema aliyekuwa na madaraka kama hayo alikufa, na hatujakuwa na mwingine. Mkuu wa Sheria amenisikia, na ningependa ajue kwamba sisi ndio tuliouawa kwa wingi wakati wa kupigania Uhuru. Ikiwa wakati huo Mkuu wa Sheria alikuwa amezaliwa nafikiri alikuwa mchanga sana. Mnamo miaka ya 1950 alikwa bado mwanafunzi. Tunamtaka achukue lile jawabu na kuhakikisha kwamba tunafanyiwa haki yetu katika Sehemu ya 7 kifungu cha 42(a) cha Katiba. Kifungu hiki kinahusu uchaguzi huru na wa haki.

Mimi ninajua kwamba kupitisha mswada hapa na ni jambo moja, lakini kuutekeleza ni jambo lingine, ambalo kwa kawaida huwa ni gumu. Tunataka hawa watu wa Electoral Commission wahakikishe kwamba kuna haki katika upigaji kura. Hii ndio sababu tunaiongeza Tume hii ili wanachama kutoka upande wa Upinzani. Mtu atakayeleta matata katika uchaguzi ujao inafaa achukuliwe hatua, hata akiwa ni shikuku ili wananchi wapate uhuru wa kuweza kuwachagua wawakilishi wao bila ya kutishwa.

Ninawaunga mkono wale waliosema DC, PC, DO, machifu na manaibu wa machifu wasionekane pale, isipokuwa kama wanapiga kura. Haifai waende kwenye vituo vya kupigia kura wakivalia kofia na nguo zao rasmi. Hii ni kwa sababu akina mama wakiwaona wataanza kutetemeka kwa hofu. Jambo hilo lisifanyike ili tuwe na uchaguzi huru na wa haki. Hii itawawezesha watu kuushinda uchaguzi ujao kulingana na matakwa ya wananchi.

Jambo lingine ni kuhusu kuwaelimisha Wakenya juu ya upigaji kura. Inaonekana kwamba ukisema na Serikali hii yetu inasikia kwa sikio moja na kupoteza maoni yako kwa sikio lingine. Tumesema kwamba muziki katika KBC upunguzwe ili masaa mengine yatengewe kazi ya kuwafunza watu na kuwahoji wananchi ili wajue jinsi kura zinavyopigwa na wanachohitajika kufanya ili waweze kupata Mbunge wanayempenda. Muziki huhezwa redioni kuanzia saa 5.00 a.m mpaka saa 8.00 a.m. Huo ni muziki mwingi sana. Wananchi wangependa kujua kwanini maneno tunayosema hapa Bungeni hayatangazwi. Kwanini huko Tanzania Mbunge anapozungumza Bungeni maneno yake yanatangazwa moja kwa moja redioni?

Angola ilipata uhuru mnamo mwaka wa 1975. Wabunge wa Angola wanapozungumza Bungeni wanaonekana katika televisheni na kusikika katika redio. Kenya hii ina nini? Mbona Wabunge hawasikiki? Wananchi wanatangaziwa mukhtasari tu wa majadiliano Bungeni, lakini hawaambiwi majadiliano yenyewe yalivyokuwa. Wakati umefika kwa wananchi kuwasikia na kuwaona Wabunge wao katika televisheni moja kwa moja. Baada ya miaka 34 ya Uhuru hatuwezi kufanya jambo ambalo watu wa Angola, waliopata uhuru katika mwaka wa 1975, wanafanya? Sisi tunaweza kufanya hivyo na inafaa muziki upunguzwe ili wananchi waelimishwe kuhusu mabadiliko tunayopitisha hapa. Wananchi wanapumbazwa kwa sababu hawapati habari hizi. Wanaambiwa maneno mengi na NCEC lakini hawaambiwi kuhusu mambo tuliyopitisha hapa. Hata tukizungumza namna gani hapa mambo yote hayaandikwi katika magazeti wala kutangazwa katika redio.

Jambo lingine ni kuhusu Clause 44 ya Mswada huu ambayo inaondoa Section 5 ya Katiba. Ninamuunga mkono kabisa Mkuu wa Sheria katika yale anayoyasema hapa na tunataka matokeo yaonekane mara moja.

Nitamalizia na Clause 9. Pendekezo la 9 halikuwa katika mapendekezo ya NCEC. Sisi ambao tulikuwa katika Kamati ya Kuirekebisha Katiba tulitoa pendekezo hili na tatalipitisha bila ya maswali mengi.

Bwana Naibu Spika wa Muda, ningependa kuzungumza juu ya Section 10, Clause 10 ya Sheria za Kenya inayohusu korti ya rufani ya uchaguzi. Sikuwa katika ile kamati ya mhe. Mulusya ambayo ilishughulikia jambo hili lakini nimepata habari kwamba wameongeza malipo ya kukata rufani katika korti hili. Mbeleni, mlalamishi alihitajika kulipa Kshs50,000 lakini nilipinga kiasi hicho siku hizo. Kulikuweco na mhe. mmoja kutoka Lamu aliyesema: "Acha iwe Kshs50,000 kwa sababu tumechoshwa na watu wanaokata rufani kila wanaposhindwa kwenye uchaguzi. Malipo hayo yatawaweza."

An hon. Member: Alikuwa Bw. Madhubuti!

Mr. Shikuku: Hakuwa Bw. Madhubuti. Alikuwa yule mwingine, aliyekufa. Nimesahau jina lake. Huyu marehemu mhe. alisema kwamba kiwango hicho kingewazuia watu kukata rufani. Ajabu ni kwamba, baadaye mheshimiwa huyo alipoibiwa kura alikuja kuuliza afanyiwe mchango ili akusanye Kshs50,000 za kusimamia gharama za kusikizwa kwa kesi yake. Mtu ambaye amesumbuliwa na shughuli za uchaguzi mpaka mwisho, atazitoa wapi Kshs50,000? Wakati huo, nilipendekeza malipo kati ya Kshs10,000 na Kshs15,000, lakini wenzangu walipinga pendekezo hilo na kusesitiza malipo ya Kshs50,000. Sijui kama kamati ya mhe. Mulusya iliongeza idadi ya pesa hizo au la.

Mr. Mulusya: On a Point of Information, Mr. Temporary Deputy Speaker, Sir. I want to inform hon. Shikuku that the Electoral Code Committee agreed to enhance the Kshs50,000 fees because of the inflationary trends which have affected the country since 1992, and also because of the habit of filing numerous election petitions by parties, particularly KANU which files a petition in virtually every constituency won by the Opposition since it has the

ability to pool resources together. To deter them from repeating this after the forthcoming elections, we fixed the election petition fee at Kshs250,000. This time round, KANU will be required to sell Kenyatta International Conference Centre (KICC) to raise the amount of money required to file petitions in all the constituencies we are going to win and I am sure these constituencies are going to be many.

(applause)

Mr. Shikuku: Bwana Naibu Spika wa Muda, hao waheshimiwa waliokuwamo katika kamati hiyo - mhe. Mkuu wa Sheria pia alikuwa katika kamati hiyo - inafaa wafahamu kwamba wanapotoa maoni yao lazima wazingatie masilahi ya wanyonge. Nimekuwa Mbunge kutoka mwaka wa 1963 hadi sasa na ninaelewa vyema kwamba baada ya uchaguzi mkuu mtu huwa amedhoofika sana kiasya na kifedha na hapo kumuuliza atoe Kshs250,000 ili kesi yake isikizwe, ni kama kumdhulumu maskini ambaye hana nguvu. Kwa sababu hiyo, haki haitakuwepo. Kwa sasa, tuko katika mjadala. Pendekezo hilo likipitishwa linaweza kufanyiwa mageuzi baadaye kwa sababu hiyo sio Katiba. Linaweza kujadiliwa katika committee stage ili kupunguza kiwango hicho. Kwa sababu tusipofanya hivyo, itakuwa tunamunyima maskini aliyedhulumwa haki yake.

Kwa hivyo mimi, Bw. naibu Spika, ningeluliza mabadiliko haya yafanywe wakati kamati la Katiba litakaloanza kazi.

Lakini hapo zamani, korti la kura likishapitiza lolote kuhusu kesi la uchaguzi, lilikuwa la mwisho na halikurudiwa tena. Sasa, imepitishwa ya kwamba tutakwenda hata kwa Korti la Rufani kuhusu jambo hili, na hiyo ni afadhali badala ya kuitegemea hukumu la kikao kimoja. Na ukweli ni kwamba, majaji pia, wanaweza kufanya makosa. Lakini, tuna matarajio kuwa Korti la Rufani halitafanya kosa. Kwa mfano, ile kesi ya Mhe. Kiliku alipopatwa na kosa na korti, angalau hakupatikana na kosa la uchaguzi, ilimfanya aende kwa "korti la rufani la wananchi", ili aende tena kuomba kura, na akashinda na yuko hapa Bunge. Hii ni dhahirisho kuwa, majaji pia ni binadamu na wanaweza kukosa. Hata hivyo, waliwasahihi majaji hawa kwa kumpigia kura Bwana Kiliku, na hivyo basi kumrudisha katika Bunge hili.

Kwa hivyo, kama tungekuwa tunauliza Kiliku atoe shs 250,000 pengine angeweza. Lakini alijaribu na akapata hiyo pesa. Hii inaonyesha kuwa, haki inaweza kukosekana, na raia waone ni bora kumrudisha mtu kama huyu kwao, ili wamkubali au kumkataa kumpigia kura badala ya majaji watatu kumkataa. Ni heri Korti la Rufani na watu wote kumkubali mtu kama huyu wakati wanapiga kura na kumpatia ushindi.

Kwa hayo machache, ingawa nimesema mengi, ningependa kusema ya kwamba---

(Wabunge kadhaa walisimama pahali pao)

Mr. Shikuku: Bw. Spika wa Muda, tuko na Wabunge wawili wanaosimama.

Mr. Deputy Speaker: Order! order! The rules of the House only allow one Member to stand at a time. That one should be Mr shikuku.

Mr. Shikuku: Asante, Bw. Naibu Spika. Tunataka kuondoa desturi tatu ambazo ni za uwongo, vita na kiimla. Na kwa mwelekeo wa IPPG wa hivi sasa, tutafaulu kwa sababu tunataka amani, lakini sio vita. Hii, iwe juhudi la kila Mjumbe wa IPPG la kuenda nje, baada ya kupitiza huu Mswada. Pia tupewe fursa ya kutembea pamoja, tukieleza wananchi kuwa wana huru wa kumpigia kura mtu yeyote wanayependa.

Bw. Naibu Spika, kwa hayo machache, naunga mkono Mswada huu.

Mr. Angwenyi: Thank you Mr. Deputy Speaker, Sir, for giving me this chance to contribute to a Motion that is very close to my heart. Although some of the Members of this House may not know, I was one of the first initiators of the idea of IPPG. Before we disclosed to other Members of this House, we enlisted the support of Members like Mr. Shikuku, Mr. Oneko and others.

Mr. Deputy Speaker, Sir, IPPG has done a lot more than what NCEC was demanding. As you know, and everybody else knows, we have dealt with all the six major items NCEC demanded as Minimum Reforms before we can hold our elections and, then give chance to the next Parliament which will have the mandate of Kenyans to carry out a comprehensive repeal of our Constitution.

Mr. Deputy Speaker, Sir, out of the six items demanded by NCEC, only four were allowed by the ruling party after the persistence of some Opposition Members of Parliament who participated in the IPPG discussions. The lobbying of some people like Mr. Martin Shikuku, Mr. Kiraitu Murungi, Dr. Mukhisa Kituyi and Dr. Oki Ombaka, who even without eyes participated more than a lot of Members who have got eyes to read, helped to initiate the new Bills.

I am probably the youngest Member in this House, in the sense that I have been here for only some months. But, I am surprised to find that some of the people whom I thought would support the IPPG package opposing it. This

makes me get shocked when my friend Hon. Raila Odinga who is enjoying the fruits of IPPG package happens to be one of them. The other day he was in Kisii, yesterday I understand he was in Meru, freely expressing his views which he could not do before.

An Hon. Member: Shame Raila!

Mr. Angwenyi: I am sure, by the end of the day, we will convert him and his colleagues to join IPPG in unison, and pass the Bill so that we can give our people a chance to hold a free and fair election.

Mr. Deputy Speaker, Sir, the elections in this country are conducted by people of Kenya. As I continue to learn, now I know that, you can go around the country looking for votes. In fact, there are some of our colleagues who are running around the country and I do not know whether they have been marked to have been absent for more than eight days, because they are enjoying the fruits of the IPPG spirit.

(Laughter)

Mr. Deputy Speaker, Sir, even where we have had incidents of leaders of the opposition parties being harassed, the Government has come out strongly condemning those incidence. So, as we go along, and pass a Bill, I am sure by the time we get to the elections, we will have had a level playing ground for all the parties in this country. I do know that it was not possible, in fact, I worked mathematically, to have the clause on 25 per cent requirement and the one on 50 per cent requirement passed to affect the Presidential elections. To do that, in order to have a perfect combination, we need to carry out 3,280 elections. I worked out that and found out that it is not possible to have a combination of 25 per cent and 50 per cent. It is now possible to have a coalition Government. In fact, we look forward to having a Government of national unity. We need to have a Government which can accommodate Members of all the parties.

Members of different parties should come together, and form a Government for this country so that we can develop our country.

Mr. Deputy Speaker, Sir, the clause which gave the President from the ruling party powers to form a Government has been amended.

Now, even my friend hon Muite, who want to become a President quite quickly, can find his way to the Government after these elections through the amendments we have made on that clause.

Mr. Deputy Speaker, Sir, previously, nominated Members were being nominated by Kanu. But, from now onwards they will be nominated by political parties that are presented in this Parliament. Political parties now, want to see their intentions and interests being felt in this country by nominating people of integrity. As we go along---

The Assistant Minister, Office of the Vice-President and the Ministry of Planning and National Development (Dr. Misoi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Angwenyi to inform this House that, hon. Muite, wants to become the President of this country quickly?)

Mr. Angwenyi: Mr. Deputy Speaker, Sir. There is nothing wrong with hon. Muite. He is a smart man. This is one man who made a lot of money during the Kenyatta Government. He was a lawyer to all the parastatals in this country. This is one man who thought that the late Mr. Odinga would become the President, but his people did not give him the votes. This is one man who does not want to be under hon. Wamalwa. Now he does not even want to be under this other Dr. Leakey. But the IPPG has made it possible for him to join the Government. As regards the Electoral Commission, as you know---

Mr. Mulusya: On a point of order, Mr. Deputy Speaker, Sir. I know the Chair was very busy consulting, but hon. Angwenyi has made a very categorical statement to the effect that, hon. Muite during Kenyatta era made a lot of money, and that is why today he is very smart. He has also said that because he is very rich, he can now quickly become the President of this country. Is it in order for hon. Angwenyi to impute that hon. Muite is the only person who is rich who can become the President of this country?

Mr. Deputy Speaker, Sir, as you know, those parties which are lead by poor people have not made a mark in this country. Both Mr. Mukaru Ng'ang'a's party and Mr. Anyona's party have never made it, because they do not have money.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to actually make a categorical statement, that I want to be President? In any case, there is nothing wrong for any Kenyan who is 35 years old and over, to want to be President. Out of all the people who have declared that they want to be President of this country look through the records I am not on record anywhere, at any time, for having declared that I want to be the President of this country. Is it in order for him to suggest that I have said that I want to be the President of this country?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, now that Safina has not been registered, we know hon. Muite does not want to become President.

(Laughter)

Mr. Deputy Speaker, Sir, one major step taken by the reforms to our Constitution was in respect of the Electoral Commission. As we know now, although Members of the Electoral Commission come from all over the country, they are perceived to be Members of the ruling party, KANU. However, through the Inter-Parties Parliamentary Group (IPPG), the Opposition parties have been allowed to nominate up to 10 Members to the Commission. I am sure that the Opposition parties will appoint people of integrity, regardless of their party affiliation; people who can guide this country and make corrections in the Electoral Commission, if such a need arises.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Angwenyi to mislead this House that the Bill we are debating; the Constitution of Kenya Amendment Bill, which is amending Section 41 of the Kenyan Constitution, allows the opposition parties to nominate 10 Members to the Electoral Commission, when Clause 6 is very clear, that the only amendment suggested and agreed to at County Hall by the IPPG, is that Section 41 of the Kenyan Constitution is now being amended, to say that the Members of the Electoral Commission will not be less than four and will not be more than 21, and all of them will be appointed by the President? Where in this Bill, is there any provision that the Opposition parties will nominate 10 Members?

An hon. Member: Tell us.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I am thankful to my friend on the other side for reminding me of that, but I would like to urge him to read the full package of the IPPG. We have had a problem with people having no parties to stand on.

The Assistant Minister, Office of the President (Mr. Shamalla): On a point of order, Mr. Speaker, Sir. Hon. Muite's point of order is based on his non-participation in the discussions that have gone on in the IPPG. It is true that we are recommending for additional Members in the Electoral Commission, but it is also understood that those additional 10 Members, will be nominated---

Mr. Muite: Where is it written in this Bill?

The Assistant Minister, Office of the President (Mr. Shamalla): Listen! You do not know. You were not there. I am standing on a point of order.

Mr. Deputy Speaker: Order! Order! Mr. Shamalla, so far, you have not indicated your point of order. That sounds like a point of argument.

Mr. Deputy Speaker: Mr. Shamalla, so far, you have not indicated your point of order.

The Assistant Minister, Office of the President (Mr. Shamalla): On a point of order, Mr. Deputy Speaker, Sir. Is hon. Muite in order to query the nomination of 10 members of the commission, based on the understanding between KANU and the Opposition, when he was not there and does not know the background of the nominations of those additional members?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the nomination of 10 members by the Opposition parties is guaranteed in our IPPG package. Had Mr. Muite joined to discuss with us, with his bright ideas, he could have made it much clearer. Even hon. Raila would have done us a lot of good if he had contributed to the IPPG recommendations.

Mr. Deputy Speaker, Sir, the other issue is about independent candidates.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. I hate to interrupt the hon. Member, but there is a very important point of order which has been raised by hon. Muite here, and which has not been addressed. This is the question of Section 41. It is not in order for the hon. Member to try to bring in extraneous matters, which are not contained in this Bill. In this Bill, there is nowhere, where it is stated that Opposition parties are going to nominate 10 members for appointment by the President. This Bill merely says, that the minimum number of members will be four and the maximum shall be 21. Is the hon. Member, therefore, in order to mislead the House that, Opposition parties are going to nominate members when it is not in the Bill?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I am sure we are going to have a more independent Electoral Commission. That is why I would like to urge Members opposed to the IPPG package to join us as we prepare for the elections. We should not fear the elections. We know we have been here for five years; we have served our term. Let us give the people of Kenya the chance to give us a new mandate to represent them, or elect new people to come here and amend or change our Constitution.

Mr. Deputy Speaker, Sir, among other fruits of IPPG is that, many parties have now been registered, except for Safina which I understand, was not registered because Dr. Taita-Toweett took the case to court because they used the name of his wife. If they could get a new name and leave Dr. Taita-Toweett's wife name, they could be registered. Today, I noticed that one more party from Kikuyu has been registered. So, all people from Kikuyu who do not want to join the existing parties can join it.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. I hate to interrupt hon. Angwenyi's contribution. But is he in order to mislead the House that the reason for the non-registration of Safina is because of the name when, in fact, Dr. Taita-Toweett went to court seeking an injunction to restrain the Registrar of Societies, from registering Safina as a political party, because he had some hotel or brothel somewhere that he called Safina? The court gave a ruling, and throughout the application for injunction, it was dismissed. The court said that there was absolutely no prohibition, and that the Registrar of Societies should proceed as **[Mr. Muite]** quickly as possible to decide, whether to register Safina or not on other grounds, and not on the basis of the name. Is the hon. Member in order to mislead the House, when he knows or ought to know that the IPPG recommendation was that all the parties, which had applied for registration should be registered? If they are not registered, then independent candidates should be allowed. He should be asking for the implementation of that agreement by the IPPG.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, Safina can now go to court and challenge the decision of the Registrar of Societies. One aspect which we were not able to decide on, was the aspect of the election date.

Mr. Deputy Speaker, Sir, as we know, those countries who have their election dates fixed, do not have the clauses that deal with the fall of Government during the life of that Parliament. In our situation, if the Government is defeated in a substantive Motion, it could fall. If that does happen, there will be a by-election or a new general election. Because of that, it was not possible for us to have a fixed election date. I am sure that when we will be doing the comprehensive review of the Constitution, this matter will be revisited by people who have the interests of this country at heart, who are knowledgeable about the development of our Constitution, and people who can place the interests of this country before their own.

Mr. Deputy Speaker, Sir, we do now have access to the KBC. The other day, they covered a function which I was conducting at Marani. I understand they did the same when hon. Raila had a function in Embu, where somebody tried to molest him. I am sure hon. Makau had better do something about that. If he does not, I understand hon. Maundu and his group have already got a good recipe to clear him out.

Mr. Deputy Speaker, Sir, the electoral code is going to ensure that there will be no more violence during elections. They have also allowed for an appeal, if one is taken to an election court and he loses, he can appeal to the High Court of Appeal. These are the fruits of IPPG. These are the fruits of the efforts of wazee like hon. Achieng'-Oneko, hon. Wako and even hon. Moiben who has not gone back to his constituency for the last five months. The IPPG wants to move on into important issues like the economic policies of this country and also on how to eradicate corruption which has made a few people in this country into billionaires while millions of Kenyans have been condemned into poverty. As we move along, we would like to have contributions from all Members of this House, even those who do not support the IPPG. They should join us now so that we can move on and tackle issues that are important to this nation. We can hold joint rallies throughout the country to tell people to live in peace so that they can prosper. We can educate the people on how to tackle unemployment and abject poverty which is rampant in our country. We should join the President in fighting corruption. We should ask him to fire those people who are corrupt. He should also fire Ministers who use the Ministries' vehicles as if they were their own private properties and those who take public money to their own constituencies. By so doing, the national resources will reach every corner of this country regardless of the party affiliations.

Mr. Mbeo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order, to bring in the name of the President, by asking us to join the Head of State to help combat corruption when the President himself is unable to combat corruption beginning with those who are here?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the spirit of the IPPG package is that we all come together for the good of this country. The Head of State, in his capacity as the Member for Baringo Central, is as concerned about the welfare of this country as we all are.

Mr. Deputy Speaker, Sir, the hon. Members from the other side of the House want to perpetuate corruption, but we want to stomp it out so that we do not have a few billionaires who control this country when, in fact, there are many Kenyans who are unemployed and who cannot earn a living. So, when I make that appeal, I make it in the spirit of the IPPG proposals, which is the spirit of togetherness, trust and confidence among ourselves. Through the IPPG proposals, we want to ensure that the Eighth Parliament will be more capable than the Seventh Parliament of tackling the issues of this country.

Mr. Deputy Speaker, Sir, I urge my friends to come to my constituency. For example, hon. Raila and hon. Muite should come to my constituency and contribute towards development. They will all be welcome. I think that we will all be allowed to tour the whole country to sell our ideas freely, as has been stated by KANU, the Attorney-General, the Vice-President and also by the President himself. We want to have trust among ourselves. We are, first, Kenyans and, secondly, party affiliates. There are many Kenyans who are not even associated with any political party. So, we should go ahead and achieve the goal of togetherness before we address the problems of the parties that we belong to. Political parties are vehicles to leadership and that is why we have 22 Presidential

candidates. It is as if that seat is vacant! Everybody wants to become the President of this country. There is nothing wrong with that, but they are confusing our people. I wish we had only two or three candidates, then we could "square" the issues. If we all adhere to the IPPG spirit, I am sure some of those candidates who know that they cannot make it, can step aside, so that we have President Moi, hon. Raila, hon. Wamalwa, hon. Kibaki and, maybe, hon. Muite, running for the presidency.

Mr. Deputy Speaker, Sir, the Electoral Code is very important. There are hon. Members here who are very violent. They have learnt guerrilla warfare and martial arts like *karate* and they can attack people during elections and so on. The Electoral Code has been prepared by the IPPG which condemns the idea of violent electioneering. It will ensure that we have---

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. The hon. Angwenyi has said that there are some hon. Members here who have fought guerrilla warfare. I am not aware of that and, if there is any, it is very serious. Could he substantiate that?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, what I said is that there are hon. Members here who have knowledge of guerrilla warfare and *karate*. There are even some who know how to throw stones, from what we have seen all over the place. Some people are gifted in murdering others. For example, during the *saba saba, nane nane* and *kumi kumi* riots, people were killed. Some people do not want to convince others, instead, they want to force them to accept their ideas, and so on. That is what the IPPG proposals are against. The IPPG is against any violence and imposing decisions on people against their own will. This is the essence of the IPPG; a package that I would like to be associated with. I would also like my friend, hon. Raila, to associate himself with this package, so that when he goes to Marani, Oyugis and so on, he can associate with the people in the spirit of peace, love and unity. Hon. Sunkuli can learn to live with his neighbours peacefully and so on. In this way, we will not have people killing each other day in, day out.

Mr. Deputy Speaker, Sir, we will not have people killing each other like they did in Likoni and Laikipia. So, everybody can walk around this country knowing pretty well that this is their country where they can sell ideas, participate in development and discuss amongst themselves how the country can move forward.

The idea of not allowing independent candidates is a very good idea. If it was allowed, a lot of parties would have been rendered useless. Most parties would be one-member parties. Let us take for example, hon. Anyona's party. It is a one-man party and it is like an independent person. Some other parties like PICK have sunk into oblivion from this Parliament.

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

Mr. Angwenyi: Mr. Deputy Speaker, Sir, hon. Mulusya wants to make noise! But I would like you to quell him down for the time being! He wants to be sent out over this issue!

Mr. Deputy Speaker: Order! Hon. Angwenyi, hon. Members do not make noise! Hon. Mulusya, what is your burning point of order?

Mr. Mulusya: My point of order is that this House is now under total siege of mosquitoes. We are being mauled by mosquitoes like nobody's business! If you look at my skin, it has mosquito bites everywhere! Where are reforms in this Chamber? These mosquitoes should go! This place is completely unsafe for hon. Members now!

Hon. Muite: NCEC!

Mr. Mulusya: Mr. Deputy Speaker, Sir, have you heard hon. Muite saying that these mosquitoes came with the NCEC?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I offer to buy a can of doom next week to destroy the mosquitoes because, hon. Mulusya is about to run away.

The idea of having independent candidates is a constitutional right for everybody, but if we want to develop democracy in this country, we must develop the existing parties by having people affiliated to them.

Mr. Deputy Speaker, Sir, 22 parties for this country is a lot more than those in the United Kingdom (UK), United States of America (USA) and Canada, which are the so-called democracies that we follow blindly. The candidates who want to be independent - I wanted to be one - can now join a party of their choice which can articulate their ideas. If the Registrar of Societies was unable to register additional parties, we had provided for independent candidates. If the un-registered Safina party can go to court and is registered, we are going to have independent candidates. That has been provided for very clearly in the IPPG package. In fact, some of the clauses in respect of independent candidates were proposed by our friends from that side of the House; the people who were concerned about the development of democracy in this country.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time to interrupt the business of the House. The House stands adjourned until Tuesday, 21st October, 1997, at 2.30 p.m.

The House rose at 6.30 p.m.