

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 17th April, 1997

The House met at 2.30 pm.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following papers were laid on the Table:

1996/97 Supplementary Estimates, Recurrent Expenditure

1996/97 Supplementary Estimates, Development Expenditure

(By the Assistant Minister for Finance

(Mr. Keah) on behalf of the Minister for Finance)

Sessional Paper No. 2 of 1997 on Industrial Transformation to the year 2020

*(By the Assistant Minister for Finance (Mr. Keah) on
behalf of the Minister for Commerce and Industry)*

NOTICES OF MOTIONS

SUPPLEMENTARY ESTIMATES (RECURRENT AND DEVELOPMENT) FOR 1996/97

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

- (a) THAT, a sum not exceeding K£304,714,744 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 1997 in respect of Supplementary Estimates of 1996/97 Recurrent Expenditure, having regard to the reduction of K£62,931,202 therein appearing;
- (b) THAT, a sum not exceeding K£212,099,073 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 1997 in respect of Supplementary Estimates of 1996/97 Development Expenditure, having regard to the reduction of K£66,397,109 therein appearing".

*(His Excellency the President has signified
his consent to these Motions)*

ADOPTION OF SESSIONAL PAPER NO.2 OF 1997

The Minister for Commerce and Industry (Mr. Angatia): Mr. Deputy Speaker, Sir, I wish give notice of the following Motion:-

"THAT, this House adopts Sessional Paper No.2 of 1997 on Industrial Transformation to the year 2020 laid on the Table of the House on 17.4.97."

QUESTIONS BY PRIVATE NOTICE

MEASURES TO COMBAT FAMINE

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

(a) What measures has the Government taken to combat the bewailing famine under the provisions of Preservation of Public Security Act (Cap 57)?

(b) Is the Government satisfied that it is necessary to resort to this oppressive and intimidating piece of legislation to contain the famine in some parts of Kenya?

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

(a) The Government is importing 200,000 metric tonnes of maize to combat the bewailing famine. It has also put in place the Social Dimensions of Development Programme to assist vulnerable groups to be on their own. The Government has also appealed for assistance from donors and other well wishers.

(b) The Government is satisfied that it was necessary to resort to the Preservation of Public Security Act to combat the national disaster. To combat the disaster the Government had to invoke this Act, so that commodities could be imported into the country without duty and Valued Added Tax (VAT) being paid. The law makes provision for such duties to be lifted either by Parliament or through a declaration of emergency under the Preservation of Public Security Act. Since Parliament was in recess invocation of the Act was the only legal channel available to the Government.

Mr. Murungi: Mr. Deputy Speaker, Sir, this is a ridiculous answer. We did not need to invoke the provisions of the Preservation of Public Security Act to import 200,000 metric tonnes of maize, to put in place the Social Dimensions of Development Programme, make an appeal for assistance and waive duty and VAT. This Act has always been abused by the Government to oppress and detain Kenyans, like hon. Anyona and hon. Shikuku, who speak against oppression in this country. We suspect that the only reason why this Act was invoked was to make a provision for detaining Members of the Opposition in the runner-up to the next general election. Can the Minister assure this House that nobody from this side of the House is going to be detained as a result of this Act as we go to the next general election?

Mr. Koech: Mr. Deputy Speaker, Sir, we are very serious people and do not have any such intention. I find this question nonsensical.

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. People who are appointed to high positions like the Cabinet should learn how to use Parliamentary language. Are you satisfied that the use of the word 'nonsensical' is parliamentary.

Mr. Deputy Speaker: I am sorry, because I was reflecting on the consultations which I had with Dr. Kituyi. Frankly, what he said escaped my ears. But if he did use the word 'nonsensical' there are very clear precedents to show that it is unparliamentary.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I hope my question does not exclude the necessity that the hon. Minister has to withdraw that unfortunate statement.

Mr. Deputy Speaker: Mr. Koech, will you withdraw? Did you use the word nonsensical?

Mr. Koech: Mr. Deputy Speaker, Sir, you know very well I do not normally use very strong language. But I also want to know whether this word "ridiculous", is parliamentary.

Mr. Deputy Speaker: If you were dissatisfied with the use of the word 'ridiculous', you would have been allowed, if you wanted, to complain about the use of un-parliamentary language. I am asking you to withdraw the use of that word 'nonsensical'. Withdraw it now.

Mr. Koech: Mr. Deputy Speaker, Sir, I withdraw the use of the word 'nonsensical' and I want to request my hon. colleague on the other side also to withdraw the word 'ridiculous' as I believe it is also un-parliamentary. It is very insulting particularly when we are discussing a serious matter which affects the lives of people.

Dr. Kituyi: Thank you, Mr. Deputy Speaker, Sir. First, I wish to request my hon. colleague to know that the word 'ridiculous' is not un-parliamentary. But my question is this: If this Government believes that it is a serious Government it--

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. Can I also request the hon. Member to also withdraw the word 'ridiculous'?

Mr. Deputy Speaker: Continue, Dr. Kituyi.

Dr. Kituyi: Thank you very much, Mr. Deputy Speaker, Sir. If this Minister believes that this is a serious Government, he should realise that this Government controls all the instruments of monitoring the situation of food and drought in this country. This Government saw the collapse of primary production because of adulteration of input

and escalation in prices. It should have known by mid-last year that there was going to be a famine in this country. Can this Assistant Minister tell this House.

(1) Why the Government did not seek approval of Parliament for waiver of duty before the first week of December, 1996, for importation of cereals because it was already obvious in the country that we were going to have a major shortfall?

(2) Why the Government did not consider recalling Parliament in time to give such a waiver if there was a national emergency, instead of using to a very ridiculous and oppressive piece of Colonial legislation?

Mr. Koech: Mr. Deputy Speaker, Sir, I expected somebody like Dr. Kituyi to know the geography of Kenya. We expected some rains to come towards the end of the year. Some farmers planted crops and the crop failed. We had not realised before the end of the last Session of Parliament that the crop was going to fail. That crop failed and if you go to the fields, it has all dried up.

Mr. Deputy Speaker: Order, Mr. Anyona! What is burning you?

Mr. Anyona: Mr. Deputy Speaker, Sir, I think it would be very unfortunate if this Parliament continues to debate a matter that is illegal without raising the illegality of that matter. As far as I am concerned, the declaration of the famine disaster is illegal, it is unconstitutional.

Mr. Deputy Speaker: Order, Mr. Anyona! I do not think that was such a burning point of order for you to stop him in his tracks. I think that the very fact that hon. Murungi asked the Question as he did, does suggest that it is his view that the declaration in question was not proper. So, did you really have to insist on a point of order to stop the Minister in the middle of his answer to Dr. Kituyi's question? I do not think it is a proper point of order.

Mr. Koech, you may finish.

Mr. Koech: Mr. Deputy Speaker, Sir, what I was saying was that, the crop failed---

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

Mr. Deputy Speaker: Mr. Anyona, you can wait until he finishes what he is saying.

Mr. Koech: In fact, I went myself, inspected some farms in Eastern Kenya and the maize crop failed in a large number of farms. The maize failed after December. So, the Government had no other alternative, but to do exactly what it did.

Mr. Anyona: Mr. Deputy Speaker, Sir, the reason I am saying this is: If a matter is fundamentally unlawful, it would be unfortunate for Parliament to continue that illegality, and I want to be able to demonstrate why I think the matter is unlawful.

Mr. Deputy Speaker: Do you think that in discussing this Question we are---

Mr. Anyona: Mr. Deputy Speaker, Sir, I will do it in the form of a question. Is the Minister aware that the declaration that they are implementing is illegal in view of the following:

(1) That under Section 3 of the Preservation of Public Security Act, the President is entitled to make a declaration, but that under Section 3 (2), he is required to make regulations to be able to implement that declaration. It is in the regulations that you spell out the extent of the operation of the declaration. As far as I know, no regulations have been made at all under Section 3 (2).

(2) Under Sub-Section 6 (1)---

Mr. Deputy Speaker: Order, Mr. Anyona! I am afraid I cannot allow you to continue like this. This is Question time. You have the Floor to ask a question. If you think there is a matter more serious which cannot be treated within the ambit of a question, and if you want to advance the argument as you are doing, you either wait for an opportune moment in the course of a debate or you approach the Speaker in his Chambers in advance to raise a point of order after Question time. I am afraid we cannot allow you to go on lecturing the House on your knowledge of the Constitution and the law in the course of Question time. I am afraid it is not the proper use of this time.

Mr. Anyona: Mr. Deputy Speaker, Sir, may I ask my question then?

Mr. Deputy Speaker: Yes, ask your question.

Mr. Anyona: Mr. Deputy Speaker, Sir, is the Minister aware that, in view of what I was saying, the matter is unconstitutional? That is a perfectly good question.

Mr. Deputy Speaker: Yes, fine.

Mr. Anyona: Mr. Deputy Speaker, Sir, I was merely demonstrating that under those two Provisions, they have not complied with the law. Section 6 requires them to table the regulations in this House, they have not done so. Section 34 of CAP 2, requires the same, but it has not been done. Is he aware of that? Therefore, are they in order to implement a regulation that is illegal?

Mr. Koech: Mr. Deputy Speaker, Sir, as far as we are concerned, it is legal.

Mr. Deputy Speaker: Next Question!

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

Mr. Deputy Speaker: Order! We have spent 15 minutes on this Question. I do not think you will get anything better out of the Minister.

(Dr. Otieno-Kopiyo stood up in his place)

Order! Hon. Kiliku's Question.

WITHDRAWAL OF GUNS FROM HOMEGUARDS

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

- (a) Why has the Government withdrawn guns from the homeguards in certain parts of the country?
- (b) Is it true that the Government has failed to eradicate banditry and cattle rustling in the country?
- (c) What concrete measures is the Government taking to stem the banditry and cattle rustling menace in the country?

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

(a) The Government has disarmed some homeguards in interior districts because the other security forces are adequately equipped to deal with the situation.

(b) No.

(c) Security personnel have intensified patrols and ambushes with a view to stemming out the menace.

Mr. Kiliku: Mr. Deputy Speaker, Sir, it is quite unfortunate for the Assistant Minister to answer part (a) of the Question the way he has. After the withdrawal of guns from the homeguards, banditry cases have increased in those districts of the 'forgotten' people of this country, including Marsabit where, recently, more than 70 people were killed, including security personnel.

This Government should consider establishing permanent security bases in well appointed or convenient places in those districts to protect the innocent people from any attack.

Mr. Awori: Mr. Deputy Speaker, Sir, there are no forgotten people in the whole of this Republic. Two, in certain areas, including those quoted by the hon. Member such as Marsabit, what we have done is to convert certain homeguards into police reservists and give them equipment.

Mr. Maore: Mr. Deputy Speaker, Sir, in view of the Assistant Minister's response to part "b" of the Question that the Government has not failed to eradicate banditry and cattle rustling in the country, is he satisfied that the withdrawal of homeguards in the said interior districts has actually caused the escalation of incidents of banditry specifically in Isiolo, Nyambene and other parts that I am not aware of?

Mr. Awori: Mr. Deputy Speaker, Sir, I am quite satisfied with the steps that the Government has taken.

Mr. Shikuku: Bw. Naibu Spika, mhe. Waziri amesema kwamba ametosheka na ulinzi. Ana habari kwamba tuna wananchi ambao wanapata taabu kwa sababu ya kutokuwa na ulinzi wa kutosha na hata hivi leo katika gazeti imeandikwa kwamba watu wa Marakwet walifanya maandamano kwa sababu walikuwa wameingiliwa na Wapokot? Hivyo ndivyo kutosheka na hali ilivyo?

Mr. Awori: Mr. Deputy Speaker, Sir, I am still quite satisfied. In spite of that, we will continue to be 'maandamano' from time to time, but I am quite satisfied with the steps that we have taken to safeguard the security of wananchi.

Mr. Kapten: Mr. Deputy Speaker, Sir, the areas bordering Pokot Districts - I am talking about the Turkanas, Luhyas, Tugens and Marakwets - have been terrorised by the Pokots, year in year out. Recently, the President ordered all homeguards from West Pokot to be disarmed and that was done, but immediately the President left Kolongolo in Trans-Nzoia, same Pokots were re-armed. Why has the Government re-armed the Pokots who are terrorizing everybody in this country?

Mr. Awori: Mr. Deputy Speaker, Sir, the Government has not re-armed Pokots. In fact, the following areas constitute areas where all the homeguards have been disarmed and they are as follows: Kajiado, Nyambene and West Pokot.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, in view of the recent incidence of insecurity and banditry, particularly in the Northern part of Kenya, and given the fact that the Government was unable to protect people and their livestock, what urgent steps have the Government put in place to ensure that there is no repeat of an incident like the one we had in Marsabit? We have some information that the Ethiopian Government may not be in control of the situation at the time. Are they going to put a military post there to prevent marauders from crossing into Kenya or what are they going to do? It has been demonstrated that they are unable to contain the situation.

Mr. Awori: Mr. Deputy Speaker, Sir, we have put in place steps to ensure that there will be no repeat of the Marsabit incident and if there will be a repeat, we will be prepared. We do not intend to use the military for internal security.

SALE OF COTTON STORES

(Mrs. Asiyo) to ask the Minister for Co-operative Development:-

(a) Is the Minister aware that the Cotton Board of Kenya is selling cotton stores in Karachuonyo which belong to Rachuonyo Farmers' Co-operative Union?

(b) Could the Minister take immediate steps to stop the sale and recover whatever might have been sold to the Board?

Mr. Deputy Speaker: Is Mrs. Asiyo not here? We will move on to the next Question.

MEASURES AGAINST MISCARRIAGE OF JUSTICE

Mr. Anyona: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney-General aware that the Nyamira District Magistrate declined to allow arbitration in a case involving a family dispute (Case No.812/95) and convicted Samuel Angwenyi Machogu without giving him opportunity to defend himself and call witnesses?

(b) Is he further aware that the magistrate declined to provide certified proceedings for purposes of appeal and kept the file under lock and key?

(c) What measures will he take against this gross and mischievous miscarriage of justice?

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

(a) I am not aware of the refusal by the Nyamira District Magistrate to allow arbitration. However, I am aware of Criminal Case No.812/95, Republic versus Samuel Angwenyi Machogu who was charged with the unlawfully assaulting Alice Ogeto Nyabuti. The records show that the accused was allowed to defend himself and gave unsworn statement. The records also show that the accused told the court that he had no witnesses.

(b) I am not aware. However, certified copies of the proceedings are in the file.

(c) In view of the answers to parts "a" and "b", part "c" does not arise.

Mr. Anyona: Mr. Deputy Speaker, Sir, we are talking about the question of justice and it seems to me that this Attorney-General, whom I know very well because I brought him up in school, is not serious about the administration of justice in this country. Maybe a little background will help him because he is being told lies by these corrupt magistrates. The story is like this--

Mr. Shikuku: Jambo la nidhamu, Bw. Naibu Spika. Je, ni haki kwa mhe. Mbunge kutumia neno "lies"?

Mr. Deputy Speaker: Mr. Anyona, what did you say?

Mr. Anyona: Mr. Deputy Speaker, Sir, in my understanding, if I allege that another Member is telling lies, I am out of order. If I say that an officer out there has told lies to the Attorney-General, that will not be out of order.

Mr. Deputy Speaker: You will be in order in that case.

Mr. Anyona: Mr. Deputy Speaker, Sir, the problem is that the Attorney-General, like all these other Ministers, are told things that are not true. A little background will help. This man was arrested by an assistant chief who had a vendetta against him. He took him to Nyamira and asked the police to charge him. The entire family refused and said that they would let the matter be taken back home and then they would sort it out. The magistrate refused. Now, they then wanted to produce witnesses, but were not allowed. The man was then convicted and unfortunately he has served the sentence. They had even hired a lawyer who asked for proceedings to enable him to appeal, but the magistrate put the file under lock and key and the man served his sentence. There was miscarriage of justice in this case.

I prepared a report on violation of human rights in Kitutu Masaba and gave them a copy. On page 26 of that report, this magistrate has been cited as taking bribes through APs. What action is the Attorney-General going to take to make sure that this magistrate is transferred from Nyamira. We do not want him and he might be lynched.

Mr. Wako: Mr. Deputy Speaker, Sir, if it is true that the magistrate is taking bribes, that is a very serious allegation and I would expect those people who are giving him bribes to report the matter to the police so that he can be dealt with properly.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member who leaves in the area knows the exact truth and what has been given to this House. The Attorney-General should go back and establish an investigation team so that the truth of the other side is known and take action on behalf of the Government. If he finds

that, that is the case, then that person should be taken court. Whenever a matter like this is brought into the House it should not be treated like a joke. I agree with hon. Anyona that the magistrate was being difficult because he could not even give out the file.

Mr. Wako: Mr. Deputy Speaker, Sir, I can only go by the facts in the file. The file is here and before I can answer further questions, the hon. Member can come and read it himself. But on the issue of corruption, we are determined to deal with it within the judiciary. I would appeal to people to make reports so that these issues are investigated and prosecuted. We cannot proceed on the presumption of guilty; everybody is assumed innocent until proven guilty.

Mr. Gatabaki: Thank you, Mr. Deputy. The Attorney-General has said that we should report to the police cases of corruption. Every Kenyan knows about corruption in the police force. Is it in order for the Attorney-General to mislead this House that a corrupt Police Force can act on corruption?

Mr. Wako: Mr. Deputy Speaker, Sir, as this House is in no doubt aware, there has been a few magistrates charged before the court on corruption charges; and we have followed the same procedure. If anybody feels that by reporting to a police officer at a particular place, the police officer may not investigate, one can report the matter to me and I will take the necessary steps.

Mr. Anyona: Mr. Deputy Speaker, I do not know what we are supposed to do. When we ask the Attorney-General a question, he takes us backwards. I have just stated that in the earlier case, I had prepared a report on the violations of human rights in my constituency a copy of which I tabled here and the other one I gave to the Attorney-General. Paragraph 9.10 reads as follows:-

"Although Gesima Location is in Rigoma Division and falls under the jurisdiction of Keroka Police Station, the APs prefer to take people to Nyamira Police Station instead of Keroka. It is alleged that the APs have special arrangements with Nyamira District Magistrate in such cases where heavy fines are imposed in order to encourage and procure "*Kangaroo*" fines by the APs. The bribes are then shared with the magistrate."

Mr. Deputy Speaker, Sir, this is a report we made to the Attorney-General. What has he done? He is coming here to say that we should report. I will table it again.

(Mr. Anyona laid the report on the Table)

Mr. Wako: Mr. Deputy Speaker, Sir, as far as this case is concerned, I think, I have answered all the questions. The court file is here and the hon. Member can come and peruse it for himself. As regards the general allegations that were in that report, I can assure this House that these general allegations regarding, not only this case, but other cases that are going on in other courts, in Nyamira and other places are under investigations.

Mrs. Asiyi: Mr. Deputy Speaker, Sir, I apologize very much for being late, but I have already explained the circumstances that made me get here late.

An hon. Member: Do not do that again!

SALE OF COTTON STORES

Mrs. Asiyi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Co-operative Development the following Question by Private Notice.

(a) Is the Minister aware that the Cotton Board of Kenya is selling cotton stores in Karachuonyo which belong to Rachuonyo Farmers' Co-operative Union?

(b) Could the Minister take immediate steps to stop the sale and recover whatever might have been sold by the Board?

The Minister for Co-operative Development (Mr. Munyi): Mr. Deputy Speaker, Sir, it is good that you have apologised. I beg to reply.

I am not aware. However, I am aware that the Cotton Board advertised in the newspapers about the sale of some stores in Karachuonyo, in Esena and other places. Therefore, with regard to what the hon. Member has already said, I am aware of some stores which were sold in some areas.

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

Mr. Deputy Speaker: Are you sure that you are not asking a Supplementary Question?

Dr. Kituyi: Mr. Deputy Speaker, Sir, I do not have a Supplementary Question. When a Minister starts replying and says; "I am not aware" and, as the hon. Member has said, "I am aware" what are we supposed to make of that?

Mr. Deputy Speaker: That is what you make of it.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir. Waziri hakujiu sehemu (b) ya swali hili. Could the Minister take immediate steps to stop the sale and recover whatever might have been sold by the Board?

The Minister for Co-operative Development (Mr. Munyi): However, I am aware that the Cotton Board did advertise the sale of some stores in Karachuonyo, Homa Bay and several other places. Any other sale of stores owned by co-operative union is not allowed.

Mrs. Asiyu: Mr. Deputy Speaker, Sir, the Minister is misleading this House and he knows it. When the Karachuonyo farmers saw the advertisement, they wrote to the Minister, but he did not respond. I brought this Question to this House in October and also on the 4th, December and the Minister was deliberately absent and he did not respond to this Question. These stores were built by a company called Hegemon in the early 1940s and cotton farmers were deducted at source each time they made delivery to the Cotton Stores and, therefore, the stores became theirs. I know that the Cotton Board does not have any title deeds. Can the Minister, therefore, tell us whether the Cotton Board has title deeds for Kosele, Kadel, Kendu Bay, Kala and Mboga where we have cotton stores because as far as I know, the farmers have the title deeds?

Mr. Shikuku: It belongs to the farmers.

Mr. Munyi: Mr. Deputy Speaker, Sir, I would like the hon. Member to listen. I have already said very clearly that some store which were advertised for sale did not belong to the Co-operate Society; they belonged to some private individuals who owned the land where the stores were put up. As a result, I did direct the stores which are owned by the co-operative societies not be interfered with and that is what has happened. They have not been interfered with. With regard to the stores which are in private individuals' land, I do not have any power. But as far as the Ministry is concerned, where I have powers, I have already directed action to be taken. But where I do not have powers, I cannot do that. Therefore, I did something very good, and even the hon. Member should be thankful for what I did because I interfered.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, arising from the Minister's answer, is he aware that there are cotton farmers who are co-operators and who are, indeed, going to be affected by the sale of these cotton stores whether they are located on private land or not? The people who are going to suffer are co-operators. What steps is the Minister taking to ensure that these co-operators do not to lose these facilities because they have no where else to store the cotton?

Mr. Munyi: Mr. Deputy Speaker, Sir, the co-operative members are not going to lose anything. Everything that is owned by the Co-operative is property of the members and nobody will interfere.

Mr. Deputy Speaker, Sir, I made sure that there was no interference from the General Manager of the Cotton Board and others. Even Mrs. Asiyu is aware and must also be thankful for what I did.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, first of all there are no private cotton stores in the whole of Rachuonyo District. So, the Minister is telling the house what could not be true.

An hon. Member: He is lying!

Dr. Otieno-Kopiyo: I am not saying he is lying, I am just saying that he is saying something which cannot be true.

Mr. Deputy Speaker, Sir, secondly, how does the Cotton Board get involved in the sale of stores which belong to private individuals? It is a contradiction. How can they advertise stores which belong to private entrepreneurs, if that was the case?

Mr. Munyi: Mr. Deputy Speaker, Sir, I have made it very clear and what he is saying now is his own personal opinion.

Mrs. Asiyu: Mr. Deputy Speaker, Sir, can the Minister then, tell this House - now that he has admitted that some of the stores were sold - and give us the list of those stores which were sold by the Board? Who bought these stores and at what price?

Mr. Munyi: Mr. Deputy Speaker, Sir, if she wants me to get the list, I will do it next time, even in writing.

Mrs. Asiyu: Mr. Deputy Speaker, Sir, the Minister has had this question since October last year. He cannot, therefore, come back here today and say he does not have any answer to some of these questions that I had put to him earlier. Can he tell us when he is going to bring the list of the stores which were sold by the Board, who bought them and what they paid for them.

Mr. Munyi: Mr. Deputy Speaker, Sir, I will do that next week.

Mr. Deputy Speaker: Mr. Munyi, tell us what day next week? I think that will solve a lot of problems.

Mr. Munyi: Mr. Deputy Speaker, Sir, it will be on Wednesday, next week.

Mr. Deputy Speaker: Can it be on Wednesday, afternoon?

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

Mr. Deputy Speaker: Good! Next Order!

PERSONAL STATEMENT

PRESIDENTIAL RESETTLEMENT ORDER

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, I rise on a point of order to make a Personal Statement with regard to the directive by His Excellency the President, to resettle the people of Chapakundi Farm in Olenguruone, Molo Constituency as directed by him on 12th April, 1997 at St Peter's Girls' School, Elburgon.

Mr. Deputy Speaker, Sir, I have a reason to do so, because of a statement appearing in today's *Daily Nation* on page 5, where my hon. colleagues in the Opposition decided to oppose the move.

Mr. Deputy Speaker, Sir, the resettlement order did not come from the President; it was a request made by me as the area MP representing the people on what they wanted. My people wanted to be resettled on an alternative land, and the President did not give a directive that these people be moved by force from their normal farms to other farms.

Mr. Deputy Speaker, in response, the President ordered, that if it is the wish of the people, they should be moved from Olenguruone and resettle near Elburgon Town Forest. My people appreciated it so much. The matter was received very happily by my constituents.

Mr. Deputy Speaker: I allowed you about a minute for this kind of statement, would you please wind up?

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, my people accepted this very kindly. I stand to exonerate the President of being accused that he ordered the people to move to an alternative land.

Hon. Members: Jogoo! Jogoo!

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, I also stand to tell my colleagues, that it is very important indeed, to make consultations. They should consult with one another because, had they consulted with me, I would have told them what was on the ground. If they wanted to ignore that, they should have taken the courage to go down to the warehouses where these people live and consult them on their wishes.

Mr. Deputy Speaker, Sir, we must not try to gain political mileage by trying to penetrate into other people's constituencies.

Mr. Deputy Speaker: Order! Order, Mr. Njenga! Mr. Minister, do want to respond?

Mr. J.N. Mungai: On a point of order, Mr. Deputy Speaker, Sir. What I wanted was the hon. Minister in charge of settlement to stand up in future in this House and clarify the position of the President.

Mr. Deputy Speaker: That is why I gave you the Floor!

Mr. J.N. Mungai: I would like to know when this exercise is going to start and where it is going to be done? It is in Elburgon Forest, but which direction in Elburgon forest? How soon are the title deeds going to be given out?

Mr. Deputy Speaker: Order, Mr. Njenga! Mr. Anyona, you better give your statement in not more than 60 seconds!

POINTS OF ORDER

SUBSTATION: PHANTOM COMPANIES

Mr. Anyona: Mr. Speaker, Sir, I undertook to do two things in the course of this week with regard to phantom companies. The first one was a company called Trade Mark Company Limited which had swindled the Government Press and I undertook to give the names of the Directors: They are, Frederick Kiptanui, Susan Chepkene and Samson Nyamweya. Then, I also undertook yesterday to lay on the Table of this House today, a copy of a certificate issued to a company whose file in the Attorney-General's Office had gone missing and when I went to inquire, they issued me with a copy of the certificate. I do not know where they got this copy from if the file was missing. The certificate number is C40---

Mr. Deputy Speaker: Are you laying it on the Table?

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

Mr. Deputy Speaker: Proceed and do that! Would you please lay it on the Table?

Mr. Anyona: Mr. Deputy Speaker, Sir, you are harassing me!

Mr. Deputy Speaker: I am not harassing you.

Mr. Anyona: No, you are harassing me!

(Mr. Anyona laid the document on the Table)

Mr. Deputy Speaker: No, I am not harassing you; you know the rules. Mr. Nyagah!

SUBSTATION: KENYA MAIZE RE-EXPORTED
BACK INTO THE COUNTRY

Mr. Nyagah: Mr. Deputy Speaker, Sir, during my contribution on the Speech by His Excellency the President, I undertook to make substantiation after being challenged by hon. Kalweo. It was in relation to the fact that, this Government sells maize to European countries, but it does not leave this country; they re-export that maize within the country.

Now, I have such documents showing 8,000 metric tonnes of maize imported from Freight Island Limited, by the National Cereals and Produce Board at US\$6.6 million. But it was in turn, sold to NCPB in Nairobi at a much higher price. I also have a letter by the Permanent Secretary, Prof. Karega Mutahi, again on the same issue of selling maize and guaranteeing this company. I do not need to read it, but he assures them that there will be plenty of buyers in Kenya because we have a drought. Thirdly, I have the actual irrevocable letter of credit done through a bank in London and KCB, Moi Avenue.

(Mr. Nyagah laid the document on the Table)

MINISTERIAL STATEMENT

INTIMIDATION OF THE PRESS

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I rise to make a Ministerial Statement as requested by hon. Orengo last week, to assure Kenyans that the Press will not be intimidated, ignored or prejudiced in the discharge of its legitimate functions, because of the remarks recently made by Members of the Judiciary.

During the recent judges colloquium which was held in Mombasa, the Chief Justice is reported to have described journalists as "the lowest and meanest of characters" who never went beyond Form Four in education. Journalists, just like politicians and lawyers are used to being abused and called all manner of names. In a Shakespeare play, one of the conspiratorial characters said:

"The first thing we have to do is to kill all the lawyers."

I believe it was Mayor Richard Delo who said:

"A newspaper is the lowest thing there is and politicians will just have to try hard."

The Press coverage of the recent events shows that the Press was not intimidated into silence, but it reported that journalists are now academically and professionally qualified. There was also a suggestion in the Press that the judges' comments were a prelude to the Attorney-General introducing soon in Parliament, draconian measures to control the Press. This is not true. The issue of reform of media laws is in the hands of the Task Force on Press Laws which has been mandated to make recommendations on the Press Law providing for a comprehensive legal framework for exercise of the freedom of the Press and the development of a dynamic and responsible print and electronic media. The Membership of that Task Force is almost, entirely, the journalists and publishers from the private media and academia. Through the Task Force, the Government is facilitating the journalists themselves to come up with proposals for the best media legislation.

Still on the issue of intimidation, there was a suggestion in one of the Sunday newspapers that the law of contempt of court may be used against journalists. I want to give an assurance that the law of contempt of court will not be invoked. In my opinion, the law of contempt of court does not apply to the judges and journalists because they have simply had an exchange of opinion on general issues and further, I do not think that we have acted with deliberate untruths or values. The issue remains whether, in view of what was said by the judges, having regard to their high and esteemed positions, the Press will be ignored or pre-judged.

There were other issues which were raised at the judges' colloquium such as the law of contempt, the *sub judice* rule and news coverage which is an issue that has engaged the attention of the meeting of Commonwealth Chief Justices and Judges of Appeal. The issues of: fair and accurate reporting, the hearing of cases in court, the need for the journalists who report on legal matters to have, at least, some basic rudiments of the law and the issue of objectivity in handling matters which touch on the judiciary. I want to emphasize that all these discussions and criticisms proceeded on the basis, as stated by Justice R.S.C. Omollo, in a working paper he presented on the topic: The Judiciary and the media. The paper states partly as follows:

"The media is now an important institution and does perform useful and vital functions on behalf of the public; to inform, educate and entertain the public."

An independent judiciary and an independent Press are vital to the vibrant democratic society under the rule of law and essential to the promotion and protection of human rights. That is why very high standards of professional conduct and ethics are expected of them. There is, therefore, need to be appreciative and sensitive to the role and functions of the others. A constructive dialogue is necessary. It is because of this that at the judges' colloquium, the judges themselves resolved that a professionally qualified Public Relations Officer should be appointed by the Judiciary to deal *inter alia* with major issues. The issue, therefore, of the Press being ignored does not arise.

The Press gave extensive coverage to the off-the-cuff remarks by the hon. Chief Justice and ignored his written closing address. I hope we can begin a new chapter by the Press publishing or giving coverage to that address by the Chief Justice which covered some of the achievements of the Judiciary and the views of the Chief Justice, on the important issue of the independence of the Judiciary.

On the issue of the Press being pre-judged in cases before the court involving them, let me say that judges and magistrates, by virtue of their profession, are trained to take a dispassionate view of the matters before them. When hearing the cases, they divorce their minds from any previously expressed views or opinions. In fact, members of the judiciary are under duty to decide cases before them impartially and only on the basis of facts and in accordance with the law. The issue of pre-judging journalists when they come before the court in cases involving them does not, therefore, arise.

Mr. Orengo: Mr. Deputy Speaker, Sir, I just want to seek a clarification on the Ministerial Statement. When somebody of the stature of the Chief Justice makes such strong sentiments against a profession or its members, we may hide behind the legal fiction that those views cannot be imported into the court room.

I remember an incident in 1991 when hon. Muite said in an audience which I was attending, that the National Democratic Party should be registered and a judge of the High Court who was formerly a policeman walked out and when the case for the registration of NDP went before the court and I was handling that case, he literally placed a policeman in the courtroom to intimidate me during the hearing of that case.

So, could the Attorney-General ask the Chief Justice to say something to clarify the issue, because he talked of journalists being lowest and the meanest in terms of education? But the Chief Justice also forgot that the person who appointed him did not go very far either.

Probably, some of the journalists are better educated than he is. But we need just a little clarification from him that, what you have said is what he believes in, because you are not going to sit in court. Please, talk to him so that he can make that clarification and also admit that he was appointed by somebody who did not go very far in education.

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I do not want to comment on the insinuations and innuendos which have characterised my learned friend's contributions to this House. But on the issue of the judges, they are supposed to be objective, impartial and dispassionate in matters that come before them, and divorce their minds completely from any privately-held views. I believe that we have a Bench which can do exactly that.

Therefore, I am confident that what I have said here will apply in future. As I said, let us begin a new chapter with a constructive dialogue between the Judiciary and the Press. Let the Press lead the way by publishing the speech of the Chief Justice which covered the achievements of the Judiciary and also, the Chief Justice's views on the independence of the judiciary.

Mr. Deputy Speaker: I think you are seeking a clarification and this is not really an occasion for a debate. Proceed, hon. Orengo.

NOTICE OF MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO. 20

UNWARRANTED VIOLENCE AGAINST MEMBERS OF PARLIAMENT

Mr. Orengo: Mr. Deputy Speaker, Sir, I stand here to give notice of my intention to seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent national importance, namely; the unwarranted violence used against hon. Members of Parliament lately, and particularly the following incidents: The attack on hon. Michael Wamalwa Kijana in which his life was endangered and his bodyguard was shot in Kakamega District, and secondly, the attack on hon. Raila Odinga and hon. Dr. Oburu Oginga in which they suffered serious injuries.

Mr. Deputy Speaker: I accept that it is definitely urgent and of national importance. Therefore, I accept it subject to support by hon. Members.

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

Mr. Deputy Speaker: We will discuss the Motion from 4.30 p.m. this afternoon. Next order!

The Minister for Health (Gen. Mulinge): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Please, consult the Chair in advance so that we can plan the management of time. Will you present your Statement?

MINISTERIAL STATEMENT

DEATH OF STUDENTS DUE TO MYSTERIOUS DISEASE

The Minister for Health (Mr. Mulinge): Mr. Deputy Speaker, Sir, yesterday I promised to give a Ministerial Statement of an incident which occurred at Katheri in Meru District.

On the evening of 8th April, 1997, the students of Katheri Mixed Secondary School were served with dinner as usual. They ate *githeri*, a mixture of maize and beans. Later, they went to sleep. In the morning of 9th April, 1997, they were served with porridge for breakfast. Soon after that breakfast, a number of students developed symptoms of vomiting, diarrhoea and general body weakness. They were rushed to a number of hospitals namely: Nkubu Hospital, Meru District Hospital, Milimani Nursing Home, Woodlands Nursing Home and Chogoria Mission Hospital.

Four students died on arrival at Nkubu Hospital and one student died at Chogoria Mission Hospital, bringing the number of the dead students to five. The rest were admitted in hospitals where they are being treated and they are showing signs of recovery. These are nine admissions at Nkubu Hospital, six admissions at Meru District Hospital, three admissions at Milimani Nursing Home and three admissions at Woodlands Hospital. The total is 21 admissions.

Preliminary investigations show that the cause of death was acute food poisoning. Samples of the foodstuffs have been taken to the Chief Government Chemist for analysis. The Ministry of Health has mobilised medical teams and adequate drugs, and the situation is now under control. We have also ruled out any possibilities of acute haemorrhagic virus or typhoid. We are now awaiting the report from the Chief Government Chemist.

Mr. Deputy Speaker: Hon. Murungi, do you have something to say?

Mr. Murungi: Thank you, Mr. Deputy Speaker. I wish to thank the Minister for the Statement he has given. Yesterday, they said that they will investigate the cause of death, and the Minister says it is acute-food poisoning. Is the Minister in a position to tell the House what the cause of this food poisoning is? This is because we are worried as to whether it is foul play or not. Could the Ministry take action to ensure that the food which is consumed in secondary schools in this country is fit for human consumption before it is fed to students with such disastrous consequences like we have seen at Katheri Mixed Secondary School? Can the Minister take corrective action?

The Minister for Health (Gen. Mulinge): Mr. Deputy Speaker, Sir, it is difficult for me to give the reasons, or clarify whether it is true that the food was poisoned or not. But I have said that samples of the food have been taken to the Government Chemist. When the results are out, we will know whether it was food poisoning or not.

BILLS

First Readings

THE KENYA REINSURANCE CORPORATION BILL

THE NSSF (AMENDMENT) BILL

*(Orders for First Readings - Read the First Time -
Ordered to be read a Second Time Tomorrow)*

Second Reading

THE CUSTOMS AND EXCISE (AMENDMENT) BILL

The Assistant Minister for Finance (Mr. Keah): Mr. Deputy Speaker, Sir, I beg to move that the Customs and Excise (Amendment) Bill, Bill No. 1 be now read a Second Time.

Mr. Deputy Speaker, Sir, the object and purpose of this Bill is to amend Section 119 of the Customs and

Excise Act, Chapter 472 of the Laws of Kenya, in order to empower the Minister for Finance to waive duty on essential commodities during periods of civil strife, national disasters or calamities. Currently, the Minister has power to reduce the existing rates of duty by an amount not exceeding 30 per cent.

Mr. Deputy Speaker, Sir, as hon. Members now know, this country has experienced one of the worst droughts in the recent years. This drought has led to very serious food shortages, resulting in wide-spread famine. The Government on its part, mindful of the welfare of the citizens of this country, has taken steps to ensure sufficient supply of food is available for both free distribution and also for sale to those who can afford. However, the prices have to be affordable.

Mr. Deputy Speaker, Sir, for this reason a twin approach was made to encourage commercial imports while the Government sought to address its disadvantaged members of the society.

Mr. Deputy Speaker, Sir, Section 119 of the Customs and Excise Act has limitation on the percentage by which the current import duties on maize, wheat, sugar and milk can be reduced. The Section provides that a reduction of the import duty on these products should not exceed 30 per cent. However, given the type of crisis which the country is in, this is not adequate. Given the high-world-commodity-prices of these products, we need to remove the duty altogether in order to ensure that these commodities reach the majority in the famine-hit-areas, either freely or at affordable prices. Furthermore, we have to ensure that these basic commodities are available in adequate quantities throughout the country. This is the only way we can be assured of addressing the food crisis that has threatened the country effectively.

Mr. Deputy Speaker, Sir, to achieve this twin-objective, the Government has launched a two-pronged-product-approach. First, His Excellency the President, through the Legal Notice No.7 dated 28th January, 1997, issued under the Public Security Act and declared a disaster situation in the country.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, this enabled the waiver of duties on these commodities under Section 119 of the Customs and Excise Act, when donated for free distribution.

Mr. Temporary Deputy Speaker, Sir, as result of this Bill--

Mr. Orenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has just quoted what is supposedly an Act of Parliament, but as far as I am concerned, there is no Act of Parliament known as Public Security Act. He said that the President issued an order under the Public Security Act. And to my knowledge, there is no such Act of Parliament. Is he not misleading the House that the President could exercise such powers?

The Temporary Deputy Speaker (Mr. Wetangula): Indeed, there is no such Act of Parliament like Public Security Act.

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I am sorry. It is under the Preservation of Public Security Act. I apologise for saying it is under Public Security Act and I want to thank the hon. Orenge for making that observation.

Mr. Temporary Deputy Speaker, Sir, as a result of this Bill under an appropriate legal notice, we have to take measures to ensure that Kenyans have adequate food to take them right through the famine period. In this year, at least, we need a total of 6.1 million bags of maize. Out of this, 4.1 million bags of maize will be imported commercially, while one million bags of maize will be brought in by donors and agencies as well as the NGOs; while the Government, through the National Cereals Produce Board (NCPB) will import two million bags of maize.

When these targets are reached, we will lift the duty waive, so as to ensure that there is no flooding of the local market with imported commodities at the expense of the local farmers. The commercial imports are open to any interested party and no authorization is required. The Government share of maize was done through open competitive tenders, and the best bid selected.

Mr. Temporary Deputy Speaker, Sir, subsequently, we issued a Legal Notice to waive duty on beans; that is Legal Notice No.43 under Kenya Gazette Supplement No.25 dated 27th March, 1977 when it became clear that they too were required during the famine period. I shall, therefore, move an amendment to the Bill at the Committee Stage to include beans as one of the products where duty can be reduced when disaster is declared.

At this juncture, Mr. Temporary Deputy Speaker, Sir, representations made to the Treasury with regard to sugar indicate that there is adequate supply of sugar in the country and there is, therefore, no need to have any waiver of duty in this respect. With this assurance given to me and represented to me by the sugar growing industry, I shall, therefore, bring an amendment at the Committee Stage to remove sugar from this particular Bill.

(Applause)

Mr. Temporary Deputy Speaker, Sir, all these measures will expire on 30th June, 1997 as we hope by then, hopefully, the rains will have come and the food situation will have improved based, on our projections. The Government will not, however, hesitate to revoke this legal notice to protect the local producers, should food become available earlier than June and should it be evident that there is no threat of famine in the country. Mr. Temporary Deputy Speaker, Sir, all these measures have been taken with the ultimate concern for ensuring public interests are protected, but with fairplay and the highest degree of transparency. I am sure hon. Members will support this Bill and I urge them to do so.

With these few remarks, I beg to move.

The Minister for Commerce and Industry (Mr. Angatia): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me a chance to second this important Bill.

Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Minister for Finance for acting promptly and in good time to assist the procurement of food for our people when famine befell us.

Mr. Temporary Deputy Speaker, Sir, it is proper that we take note that the Minister for Finance has been monitoring the situation of food closely both that produced locally and that which is imported, in order to make sure that when it became necessary, he was able to invoke the necessary instruments of the law to allow food importation without duty.

Mr. Temporary Deputy Speaker, Sir, I also want to congratulate the Minister for Finance for assuring us that the duties on sugar will not be removed. It is important to note here that there are people in this country who do not care what happens to wananchi, theirs is simply to make profits. People have been bringing in sugar both illegally and also under the allowances that people may import sugar, but without paying duty.

Mr. Temporary Deputy Speaker, Sir, I think that it is important that people separate what is in customs officials' behaviour; what is illegal and what is not legal. It is now clear that duty has not been waived from sugar and yet there is a lot of talk around and it is also true that we see imported sugar being sold more cheaply than locally manufactured sugar. If people really import sugar properly from as far as Brazil and, considering the costs of transportation and the levels of duties that have been put in the law, if all these were made properly, imported sugar could not sell at a lower price than sugar that is locally produced. It leaves us with no other alternative than to reach an unfavourable conclusion that Customs officials are allowing sugar into the country without charging the import duty.

Mr. Temporary Deputy Speaker, Sir, at this juncture, I think, I would like to appeal to Kenyans, especially those who want to enrich themselves very quickly; those who bring in the sugar and those who do not charge the duties that are supposed to be charged. I know that it is very difficult to stamp out corruption at this level completely unless you attach a policeman to every individual who participates in this industry although some of these policemen are of questionable character. It is the concern of all of us that in the reform process which we are undergoing and the liberalisation process which has taken place, it is imperative that those who practice corruption also undergo reform. These people should also change their behaviour and know that the security, development and welfare of this country does not depend on the Government only. It depends on all Kenyans wherever they are functioning.

Mr. Temporary Deputy Speaker, Sir, it is not a secret that what goes on at the Port of Mombasa causes everybody a lot of concern. Recently, we were all amazed to see that people who were reported to have indulged in a lot of corruption with regard to importation of vehicles, and some of them were found with millions of shillings in their houses; shillings that you could not accumulate however hard you may have worked honestly, have gone scot-free, just because the investigating officers assigned to this case decided to do a very poor job and those who constructed the charges also decided to do a terrible job so that the court had no choice but to set these people free.

Mr. Temporary Deputy Speaker, Sir, all these are acts of inhospitality; acts of violence against this country. People like these should be sought out and removed from the service of the Government and I want to say the same to those customs officers who tell the whole country that goods are in transit to other countries and yet they have made arrangements with the importers of those goods and eventually those goods---

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Minister clarify to the House whether he is seconding this Bill or he is opposing it?

The Temporary Deputy Speaker (Mr. Wetangula): I do not see any opposition in his contribution!

The Minister for Commerce and Industry (Mr. Angatia): Mr. Temporary Deputy Speaker, Sir, I did say at the beginning that I was happy to be given the opportunity to second this Bill. There are people who are undermining the well-being of Kenyans and of this country by committing acts which are obviously harmful and unfriendly to Kenyans and the country itself.

Mr. Temporary Deputy Speaker, Sir, we want to once again tell the Customs officers that since we introduced

the Kenya Revenue Authority (KRA), it did a very fantastic job at the very beginning and everybody could see that if we collected all our taxes due, the Treasury was going to have enough money to run the services of this country for both Recurrent and Development votes without borrowing too much from outside. We have seen a deterioration in the collection of import duties, particularly, through Customs because officials in this Department are not being as honest as they should be. I am convinced that the people who are indulging in these corrupt practices are not very many. It is not the entire Department. There are a few people who are allowing these acts of corruption to go on. There are a few people who are actually being dishonest to this country, who are undermining the well-being of this country and I want to call upon the Commissioner for Customs to check thoroughly among his staff and weed out these corrupt officers.

Mr. Temporary Deputy Speaker, Sir, sugar to this country is very important because although it is known that deficits abound in Kenya's sugar production, the sugar is not enough to meet our needs, the exact amount that needs to be imported is grossly distorted by the importations which are aimed, not at meeting the gap that is missing, but at making huge profits, sometimes illegally because of failing to pay Customs duty. I would like to urge my colleague in the Ministry of Finance to ensure that these regulations are implemented as strictly as possible.

Mr. Temporary Deputy Speaker, Sir, the sugar industry right now is undergoing some difficulties and we are witnessing a very strange development at Nzoia Sugar Factory. Again, I wanted to urge my colleague, who does not happen to be here, to resolve the industrial stalemate at the Nzoia Sugar Factory as soon as possible so that the factory can produce the amount of sugar that it is destined to produce in the current twelve months of this Budget without undue problems. I think that at this point it, would be proper to appeal to our people; to our workers both in the sugar industry and also in other industries that under liberalisation and structural adjustments programmes, the workers are supposed to look not only after their jobs but also after the industry for which they are working. When workers wake up with a very strange reason for downing their tools like rejecting one of them to the extent that they can down tools and even threaten their own jobs, it therefore, looks like the mentality of Kenyan workers has not kept pace with the reforms which we have been undergoing in the past few years.

Mr. Temporary Deputy Speaker, Sir, I also want to appeal to workers' leaders to realise that jobs are very scarce. These jobs should be looked after not only by the Government and the management, but also by the workers themselves. They should take care of their own jobs and produce sufficiently to be able to sell for the companies to make enough profits and to consider increasing their salaries. This is because what is happening is sabotage against the management which, in turn, leads to sabotage against the workers themselves.

Mr. Temporary Deputy Speaker, Sir, when duties are imposed on various goods that are imported in this country, they are aimed at several things. First, to raise some money for the Exchequer but, equally important, is to make sure that the goods that are imported are sold at prices either equal to similar goods produced in this country or even at higher levels so that we can protect our own industries. And the protection of our own industries will not be done, as I have already said, by the Government alone but it will be done by all those who are involved, both in the industries concerned and also in the business trade.

Mr. Temporary Deputy Speaker, Sir, we have recently witnessed the Government statements on the intended establishment of a sugar factory in Busia. This, I am hoping, will go a long way to meet the deficits which have been there and which have been used by certain people as an excuse to indulge in the importation of sugar and failing to pay duties on it. I am hoping also that the necessary machinery will be set up so that wananchi of Busia benefit as much as they should from the establishment of this factory. I want to thank the Minister for Finance again for the manner in which the restructuring of the proposed factory has been handled. Right now, we are supposed to be industrialising as fast as possible and we are supposed to be establishing, among others, factories to produce enough sugar to feed this country. But the farmers of this country and even the ordinary Kenyan will not be able to raise the money needed to be put down as equity for a big project of this kind.

Mr. Temporary Deputy Speaker, Sir, it is important and proper that as we liberalise the market, and as the Government divests from companies or factories, the Government should take care of the interest of Kenyans, particularly the indigenous Kenyan people. Therefore, while we have liberalised the market and the Government is divesting from big projects of this kind, it is proper that we do not necessarily follow the IMF and World Bank "prescriptions to the letter". So, the Government has to find ways of assisting indigenous Kenyans to invest in projects of this nature. It is only in this way that indigenous people would ever at all control the manufacturing sector of this country, and would also own shares in some of these factories. If we leave it only to those with money and outside investors, even if they do come to invest in this country, eventually we shall end up working for foreigners who own property in our own country without Kenyans having any shares in those factories.

Mr. Temporary Deputy Speaker, Sir, I want to commend the Minister for Finance and also the Government in general for making sure that while we open doors for investments into factories and in very many other sectors, we still keep a hold on the level of investment of outsiders and make sure that our local people also participate.

Mr. Temporary Deputy Speaker, Sir, I want to comment on the drought and famine which is the cause of this

waiver of duty. Drought cannot be controlled by the Government. Everybody has insisted on the restructuring and liberalisation of the economy, the social scene, the political scene and so on; there are bound to be changes which would affect our stocks of food. So, if the drought comes and upsets our stocks of food, it is necessary that we take immediate measures to make sure that wananchi do not starve. It is strange that hon. Members are speaking as if they are critical of the steps the President took to make sure that our people do not starve.

The Minister for Finance would not have done what he did; to remove duties and make sure that cereals and milk are imported immediately, unless the President facilitated that by issuing the Public Security Order Pronouncement that he made. All these things have to go together and I want to appeal to wananchi, especially those who have received some seeds; it is a very strange behaviour of people in this country. It is obvious that the Government cannot supply seeds to all farmers in this country because there is no money for that amount of seeds.

So, when seeds are given to the various districts, these seeds are supposed to go to the poor people in that district; those who cannot completely afford to buy their own seeds are the ones who are supposed to be assisted. But the Kenyan mentality is so strange that even those who are able to buy their own seeds and even those who have already bought seeds also want to be given these seeds which the Government has bought for the poor people. They either go and sell it, hoard it or plant it in their farms, thereby continuing to deprive wananchi of this country.

Therefore, Mr. Temporary Deputy Speaker, Sir, all of it does not depend on the drought or shortage of food, but it depends also on the behaviour of our people, those who will never admit that they have enough of whatever they have. It is true that nobody knows "how much is enough", but I think some people have so much that when you look at them and you look at those who do not have, it is obvious that some of the people who are reported to be grabbing the seeds or queuing for some seeds should not be queuing there. But it is a mentality which needs to undergo reform and the necessary changes in order to develop the kind of society that all of us here are keen to develop.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to second this Bill.

(Question proposed)

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, I will try to be very brief. But this Bill, in my consideration, is unfortunate because it gives the Minister powers under the proposed Clause 2(d), to reduce the rates of duty. The amount of reduction is entirely in accordance with this discussion. Section 119 which this Clause qualifies gives the Minister only authority to reduce the rates of import duty in accordance with the Schedules which are indicated in Section 119 only to an amount not exceeding 30 per cent.

Mr. Temporary Deputy Speaker, Sir, I think that a little bit of history is important. As regards the situation of the maize stocks in this country, between 1994 and 1995, arising out of earlier importations of maize at the time when this Government again said there was drought and the subsequent year when there was a bumper harvest; the country had huge stocks of maize. And eventually, this Government decided to export a considerable amount of this maize to countries like South Africa, and a year later now, we are dealing with a situation where we have a huge deficit of maize, and we have to import maize. But most significantly, this act on the part of this Government has killed the initiative of farmers who, in 1995, planted a lot of maize, harvested a lot of maize on the basis of guaranteed prices, they made good income. But because of the subsequent importations of maize and liberalisation of the market, the farmers last year and even this year, were not really enthusiastic in planting maize to the extent that they had done in the past and, particularly, when I am saying this, I am talking about the areas referred to as the "granary of Kenya" in the Rift Valley.

Mr. Temporary Deputy Speaker, Sir, it is quite clear to me that there is a larger agenda in this Bill. If this Bill was giving a time-frame that within two or three months, the Government is allowed to import a certain definite amount of maize at a

reduced rate of import duty, it would be understandable. But what I know is; this Government is trying to give opportunity for those who have been in the habit of importing cereals and foodstuffs and failing to pay duty, and thereby affecting the farmers and the local market. Already, if one looks at the list of importers who are bringing maize, they are the same people who have profited over the years; the same private importers of maize who have benefited over the years. This is what I think this Government is trying to do, to raise a little bit of money through its appointed agents for the elections.

If this Bill was supposed to be confined to the time-frame of the order made under the Preservation of Public Security Act, then that time-frame should have been in the Bill. It should not be left that the Minister for Finance has a discretion and that discretion would only last until June. We do not know what you are going to say in June because hon. Angatia has just said that the Government is not in control of drought and, therefore, come June, another excuse or another calamity will come. I do not know whether that calamity would be elections, but the point I am trying to make is that the Bill should have given a specific time frame I think at the appropriate stage, that amendment should be

made, so that the Minister is not given a blanket authority.

In fact, he should be given a limit to which he can reduce duty, for instance, 50 per cent instead of the 30 per cent as it is spelled out in Section 119. You will remember that when hon. Nyachae was responsible for Agriculture he tried to propose that there should be a ban in the importation of sugar, which was "killing" the local sugar industry.

In fact, it was quite clear that although duty was being charged officially on some of the sugar that was being imported, some people were being given exemptions and imported sugar without paying duty. This sugar was cheaper than the locally manufactured sugar. It was the local farmers and sugar factories in the Nyanza and Western Province who suffered extremely.

So, Mr. Temporary Deputy Speaker, Sir, I although this Bill may be desirable I would propose that it is going to "kill" the "patient" it is supposed to treat. The same thing goes for milk. If it were not for the interference by this Government in the Kenya Co-operative Creameries we would not have had deficits of milk. Again, there were large importations of powdered milk and other types of milk brought into the country by politically well-connected persons. For that reason we have had a lot of problems with milk production. So, I think the Government should initiate appropriate policy which is not going to make this House pass *ad hoc* Bills on the basis of whether there is rain or there is no rain. We should be able to build our own stocks and ensure that farmers are well taken care of, and our farming community well looked after, instead of leaving the agricultural sector in the hands of those who benefit at the times of strife or famine. As I said, I do not want to take long on this. On that basis I oppose the Bill and at the right time will move appropriate amendments to it.

The Assistant Minister for Local Government (Dr. Wameyo): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill. I take this opportunity to thank the Minister. In moving this Bill he said that he will move an amendment at the Committee Stage to delete sugar from the Bill. When I read it for the first time I got very worried. This is because early last year this country was flooded with a lot of sugar that had been imported for export, but papers were only being signed at the border to show that it had left the country when it was within the country. As a result, we in Mumias, where we have Mumias Sugar Company (MSC) found ourselves with so much sugar and so much cane that we could not chew. The stores were full and sugar had to be stored even in schools, and in some areas in Bungoma we had no space for it. Eventually the Government took action and, I am very happy to say, the sugar was sold off.

As of now, in addition to problems of drought the MSC has had problems of privatisation and liberalisation. Imported sugar has come into this country again, so that there is so much sugar. As a result, sugar companies have not been able to harvest cane from the fields in Mumias, Bungoma, Muhoroni, Chemilil and Sony. You will find that instead of cane being harvested at the age of 18 to 22 months, some of it has attained the age of 36 months without being harvested.

Mr. Shikuku: Even 41 months!

The Assistant Minister for Local Government (Dr. Wameyo): I hear from the hon. Member for Butere, whose area also grows cane, that some of it has attained the age of 41 months. When you harvest and crush this cane you do not get much sugar from it. Instead, you get a lot of biogas.

Mr. Temporary Deputy Speaker, Sir, I know that liberalisation has come. It is being imposed on us in certain places. In certain situations it may be satisfactory, but in other situations it is going to create a problem for us. When we got Independence Africans in this country did not have the money or the knowledge to run business. So, the Government, on behalf of its citizens, got involved in business and bought shares in certain companies. I will be very specific and talk about the, MSC where the Government has over six million shares. We understand that this company is going to be privatised by selling off Government shares. When I raised the issue that we farmers, who grow cane in Mumias, should be given the opportunity to buy the shares from the Government, I was told by the management--The management is by a company from Great Britain, which is called Booker Tate. They told me that they have something in their agreement called "pre-emptive rights". This requires that whichever partner leaves the company will sell his shares to the remaining partner and not to anybody from outside. I informed them that we are not from outside because we are the owners of this Government, and the people who gave the Government money, through taxation, to buy the shares.

We understand that the value of this company is nearly Kshs8 billion. The company had Mill A and Mill B, but now they have introduced something called a "diffuser" through a rationalisation programme. We understand that Mill A is being sold privately to someone. This will be done before the company is privatised. Mill B will be transferred to Busia to start Nambale Sugar Factory. If you are starting a new company with a secondhand machine, I do not know how much you will put in, and when you will recover your investment. Three, originally we had private transporters and the company---

Mr. Shikuku: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Sijui kama ulimsikia mhe Wameyo akisema kwamba mashine A ya MSC itauziwa mtu binafsi. Ningependa atueleze kinagaga mtu atakayeuziwa mashine A. Hii

ni kama ndoto kwangu!

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Temporary Deputy Speaker, Sir, the sale of this machine has not been advertised. But since the factory is in my constituency I have a lot of interest in it. We had the original Mill A and during the expansion of the company, Mill B was brought in. Then recently, the management introduced a rationalisation programme and brought in something called a "diffuser". I understand that Kenya is going to be the third country in the world to have a diffuser. I was also told that Mill B will be transferred to Busia to start a factory there. I was also told that Mill A will be sold to some Indian who is somewhere in Nyanza.

Dr. Otieno-Kopiyo: In Kibos?

The Assistant Minister for Local Government (Dr. Wameyo): In one of those places in Nyanza, that is what I was told.

Thirdly, we have seen the transport section of the company which involves a lot of tractors that carry cane so that if the private transporters go on strike--- and it is me who brought that idea, because they wanted to privatise transportation and I said: "If these private transporters go on strike, who will carry the cane?" So the company retained that section of the transport system. But now, if you go to Mumias, the transportation of cane which was owned by the company itself, which involves many tractors, has been sold, allocated or given to somebody called H. Young, who has been involved in this rationalisation programme of the diffuser. So, eventually, he is going to privatise the whole transport system.

Mr. Shikuku: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Maneno anayosema mheshimiwa yanahusu watu wake, watu wangu na watu wote katika maeneo ambako kunakuzwa miwa. Amesema, ile Mill A, itauziwa Mhindi huko upande wa Nyanza, Mill B, itapelekwa Busia na ile ingine inaitwa diffuser--- Anaweza kutueleza vizuri diffuser ni nini? Ikiwa mashine mbili zote zinachukuliwa, Mumias itabaki na nini? Sisi hatujui "diffuser" ni nini!

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Temporary Deputy Speaker, Sir, there is a new machine that was brought from South Africa called diffuser. This machine is supposed to crush cane, improve the sugar extraction from the molasses by five per cent and it cost a lot of money. My worry is: If Mill A has been sold, Mill B is going to Busia and the transport section has been given to H. Young, does the value of the company still remain Kshs8 billion or is it going down? In Mumias, there is a very un-cooperative manager called Davis Carter, who does not want to talk much about this, but it is being privatised and these things are being done. I hope that the Ministry of Agriculture, Livestock Development and Marketing and the Government are aware that Mr. Carter, the General Manager, is doing those things. We are hoping that, maybe, the value of the company will be less than Kshs8 billion.

However, if pre-emptive rights are going to be used to stop farmers from buying shares, it means that the company is going to be in the hands of Europeans only, if the Government sells all its shares. This is because apart from the Government of the Republic of Kenya, the other shareholders include, the Commonwealth Development Corporation (CDC), Kenya Commercial Finance Company Ltd., Booker Macknall(?) and East African Development Bank. We, the farmers in the sugar zone, are busy collecting money, and we would like the Government to come up with a very clear statement that, despite the pre-emptive rights, in a number of these companies in which the Government is a shareholder, we the citizens of this country, who have been independent for 33 years now, will be allowed to buy the shares so that the companies do not go back into the hands of the foreigners and we just remain labourers, drawers of water and hewers of wood. The Government had done a very good thing, but it should now allow the citizens of this country to have the shares the Government has been owning. This should be done, regardless of the pre-emptive rights, in some of these Articles and Memorandum of Association which the General Manager of Mumias Sugar Company, drew my attention to. Despite all that, we are busy trying to collect money to buy the shares. But if this Bill would have gone through, this country was going to be flooded with sugar that would not have been able to be sold within five years. There are some people who want to embarrass the citizens of this country by making them poor year in, and year out.

Mr. Shikuku: Now you are talking. That is the policy of the Government.

The Assistant Minister for Local Government (Dr. Wameyo): My Government has a very good policy. When rationalisation started in Mumias Sugar Company, a diffuser was introduced, but the company was unable to cut and crush cane because the programme had a few problems. The generators were not producing enough steam and, as a result, only one machine was working and the cane has become over-mature. If this sugar would have been brought into the country, we would have had a big problem, but I am very happy that, that amendment is coming.

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

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, since the Minister of Agriculture of Agriculture, Livestock Marketing and Development has just come in, I will plead with him to find out what is going on in Mumias Sugar Company, whether certain parts are being sold. If that is done and the company is eventually privatised and the farmers have bought the shares, they will not be able to make profit because the company will not be operating, if there is only the diffuser. Before, we have been having mill A and mill B and when mill A is out of order, mill B works and *vice versa*.

When the two are removed and only the diffuser remains, and the diffuser's technology is not understood, if it breaks down, what happens to our sugarcane? This is one problem I can foresee is going to happen in Mumias; that there will reach a stage when the diffuser may not work.

Last year when the company was closed for maintenance, as soon as they opened, the company could not operate because some of the maintenance that was done was shoddy and as a result, there was not enough steam. When I went to find out, I was told: "Oh, we are not crushing cane because the yields are too high." I asked the Manager: "If the yield is too high, and the machines are working, why is there no smoke in mill B?" That is when he turned round to tell me: "Oh, enough steam is not being generated to be used because certain things are not available, and we have ordered them from Germany." So, there is something funny going on in that company and it is very important that the Ministry of Agriculture, Livestock Development and Marketing looks into it.

Mr. Muite: Thank you very much, Mr. Deputy Speaker, Sir for giving me an opportunity to contribute to this one.

Mr. Deputy Speaker: Order! Mr. Muite, I must apologise, it is time for the Motion of national importance which had been allowed earlier.

MOTION FOR THE ADJOURNMENT

UNWARRANTED VIOLENCE AGAINST MEMBERS OF PARLIAMENT

Mr. Deputy Speaker: Will a Minister, please, move that the House do now adjourn?

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

Mr. Orenge: Mr. Deputy Speaker, Sir, as I indicated earlier on, I rise to second this Motion that leave be granted for the adjournment of the House for the purpose of discussing a matter of definite national importance, namely, the unwarranted violence used against Members of Parliament lately, particularly the following incidents: The attack on hon. Michael Wamalwa Kijana in which his life was endangered and his bodyguard shot in Kakamega District, and the attack on hon. Raila Odinga and hon. Dr. Oburu Odinga in which they suffered serious injuries.

I have just given two examples, but the main thrust of the Motion is to discuss the unwarranted violence which has been meted lately and over the last few months against Members of Parliament. I am saying Members of Parliament because as you could see, when I gave Notice of this Motion, there were Members from the opposite side who also stood up showing support for this Motion and I beg that we approach it on a non-partisan basis.

Before I move to specifics, I do not for once want to say that the use of violence has been particularly against Members of Parliament. In the last few years, the use of extra-judicial violence and killings against Kenyans has gone on for a long time and many Kenyans have lost their lives. Through the courtesy of the Kenya Human Rights Commission, I just want to lay two documents to show and detail out the names of persons and individuals who have been either killed, maimed or injured through the use of violence by the Police and unjustified use of force by the police.

Although the Motion talked about three hon. Members of Parliament, in today's local dailies it is indicated that hon. Kibaki was also attacked the night before. It is quite clear if one looks in the past, the manner in which hon. Matiba was also attacked just before the 1992 General Election. The motive of these acts of violence and harassment must be political and it is forming a pattern that during election time or when there is a matter for which the Opposition wants to press forward, the police take law into their hands and unnecessarily use violence.

It is a serious matter if the Leader of the Official Opposition can be attacked brutally and, in fact, his life endangered. As we sit here under the Westminster's modelling, which we have adopted, he is the leader of the alternative government and if this Government cannot protect his person, I think it leaves a lot to be desired. Similarly, for two hon. Members of Parliament who went to open offices in Eldoret - that is hon. Raila Odinga and hon. Dr. Oburu Odinga - to be attacked by the police and injured, it is a serious matter. I do not need to talk about the injuries because hon. Oburu was here yesterday and showed this Parliament quite clearly the extent of the injuries that he suffered. Hon. Saina yesterday confirmed to me that when he met hon. Raila in Eldoret, he was bleeding profusely.

The Assistant Minister for Transport and Communications (Mr. Saina): On a point of order, Mr. Deputy Speaker, Sir. Hon. Orendo should confine himself to his Motion and not implicate me. I want to hear what he is saying because at a later stage, I will make my own contribution.

Mr. Orendo: Mr. Deputy Speaker, Sir, I am happy he has not said it did not happen because that was the most important case.

We are talking about hon. Members of Parliament because there is an Act of Parliament which declares and defines powers, privileges and immunities of Members of Parliament. If the law, the Constitution and the role of Members of Parliament are not recognised, then this same Parliament would not enact an Act of Parliament which would declare and define powers, privileges and immunities of the Members of Parliament on both sides of the House.

I think our most important reaction to this incident is to think about solutions; how we can ensure that in this country, the police do not take law into their hands and the Provincial Administration does not overstep the boundaries of the law to ensure that those who are freely moving in this country in whatever thing they are doing would not be harassed or intimidated.

In my experience, the worst culprits are the Administration Police. These people work under the directives of chiefs and assist chiefs who have no knowledge of the law. Once they have been told that the Opposition is an enemy, they do not want to see Members of Parliament or Members of the Opposition conducting peaceful meetings. Once a chief has been told that a KANU member of Parliament is not wanted, the chiefs or assistant chiefs would proceed to intimidate or even use force against him. I suggest that it is high time that the Administration Police, since they basically work under chiefs and assistant chiefs, do not bear arms. They should not be allowed to carry arms at all.

In fact, under the Constitution and the Police Act, Section 84, the maintenance of law and order is the responsibility of the Police Force and that is why the President appoints the Commissioner of Police. To create this other power parallel to the police, has been the cause of a lot of problems. In fact, I think the Administration Police should be disbanded so long as we have Provincial Administration.

If the police are going to stop what they call illegal meetings, they should not carry arms. Truncheons are enough. Even in the UK, police do not bear arms until they are in a situation where it is obvious that their lives are in danger. I can assure you that if hon. Wamalwa was allowed to open the office in Kakamega District without the interference of the police, the Administration Police or the chief, there would have been no act of violence at all. I know that.

The other day when we were in a meeting in Mwea with hon. Wamalwa Kijana and Hon. Kibaki, the police were quite well mannered, but as soon as the DO and the chief came, trouble started. They ordered the police to shoot at the crowd and eventually when the OCPD came, he said that the meeting should go on but after a lot of disorder had been carried out.

Also under the Police Act and Police Standing Orders, there is a way of bringing a meeting to an end. There is a procedure. You do not just come and start shooting in the air. Until, we train the police force properly in so far as the exercise of the freedom of assembly and association is concerned, the police should not attend meetings for whatever purposes. Even if it is to make sure that there is law and order, they should not be allowed to carry arms.

There is something that I wanted to mention yesterday and which I think hon. Wamalwa and hon. Kibaki have talked about. It is time to do away with the Public Order Act. If we do away with this Act, then all this confusion will not arise. I know that recently after discussion between some friendly countries and the Kenya Government, assurances were given that the Public Order Act will be repealed and the Attorney-General in fact, drafted a Bill for the repeal of the Public Order Act. When this matter went before the Cabinet, because we know what happens there, the Attorney-General, hon. Ndolo Ayah and the President supported the repeal of the Public Order Act, but as soon as hon. Biwott and hon. Prof. Saitoti opposed this move, the whole Cabinet agreed not to repeal the Public Order Act.

The Minister for Local Government (Mr. Lotodo): On a point of order, Mr. Deputy Speaker, Sir. Could hon. Orendo substantiate by stating when the Cabinet met and what agenda it had?

Mr. Orendo: Mr. Deputy Speaker, Sir, in fact, at that time hon. Lotodo was having a lot of problems and he had to plead to be allowed to attend regular Cabinet meetings. In fact, it is only two weeks ago that he was allowed to---

The Minister of State, Office of the President (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member opposite in order, first of all, to tell lies? I am using the word "lies" deliberately---

Mr. Deputy Speaker: Order! Hon. Biwott, you withdraw that word immediately. Hon. Members never lie; withdraw the word!

The Minister of State, Office of the President (Mr. Biwott): Mr. Deputy Speaker, Sir, I withdraw it and apologize because I used it deliberately. Is the hon. Member in order to mislead the House and Kenyans who will read the news tomorrow about something which he does not know because he is not a member of the Cabinet and, therefore, he cannot come here and tell hon. Members nonsense because it never happened? I would like him---

Mr. Deputy Speaker: Order! Mr. Biwott, withdraw the word "nonsense" and you may wind up there.

The Minister of State, Office of the President (Mr. Biwott): Okay, I withdraw the word "nonsense". Can he substantiate his remark by telling us where he was sitting, when he heard the sequence of the argument and the exact words I used if at all I did? I think, it has reached a time where we need protection from belligerent individuals like hon. Orengo.

Mr. Orengo: Mr. Deputy Speaker, Sir, I do not need to respond to what the hon. Biwott says because it is the truth. I know that he talked for ten minutes in that meeting and he even talked before Prof. Saitoti talked. I do not know what protocol was that. You can see when the President and Prof. Saitoti are away, he is here because he is "the Acting President".

(Loud consultations)

Mr. Deputy Speaker: Order! I take it that the House should set aside its normal business to discuss the matter before the House, because there is a feeling by everybody that this is a very important matter. I would wish that all of us treat it with the seriousness it deserves and make your point without necessarily unmuffling feathers to the detriment of debate on the Motion. May I make that appeal.

Mr. Orengo: Thank you, Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Order! I hope after that, I will not need further interventions on points of order. Hon. Members should contribute, but for heavenly sake, hon. Orengo, will you get down to the debate without making other side points?

Mr. Orengo: Mr. Deputy Speaker, Sir, I, therefore, feel that it is important that the Government guarantees the lives of hon. Members of Parliament.

Mr. Sankori: On a point of order, Mr. Deputy Speaker, Sir. Of late, hon. Orengo has become so used to maligning the name of the President, Prof. Saitoti and Mr. Biwott. Is he in order?

Hon. Members: Are you Prof. Saitoti? Are you the President? Are you Mr. Biwott?

Mr. Sankori: Is it in order for you to allow people of hon. Orengo's calibre to malign the name of the President of this nation?

Mr. Deputy Speaker: I want to make it absolutely clear that I will not allow any Member to malign the name of any other Member of this House at any time.

Mr. Orengo: Mr. Deputy Speaker, Sir, I hope he understands the English that you have used. It just happens that the difference between hon. Sankori and myself is that I believe the President is not above the law; he is not. You believe that the President is above the law which is not the truth. So, I would plead that this House takes seriously the lives of hon. Members of Parliament, whether they are from Opposition or the Government. This is what I am trying to point out that of late, many of us have suffered incidents of violence and this needs to be brought to a stop.

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

(Question proposed)

The Minister for Information and Broadcasting (Mr. Makau): Thank you very much, Mr. Deputy Speaker, Sir.

I would like to start my comments on this issue by asking hon. Members to take this Motion very seriously. It is a Motion that we should not discuss with emotions because when we talk of lives and security of Members of Parliament and the enjoyment of the privileges that are contained in the Act, we should not take the hours that have been set as a joke. When we hear of incidents that Members of Parliament, whether they are in the Opposition or in the ruling party have been attacked or that they missed a hit by a bullet, it is not a joking matter. I am saying so because this can happen to anybody within, if this culture continues. As you know, the Commissioner of Police warned policemen that they should make sure bullets or guns are not used recklessly. It is not only hon. Members of Parliament who can be victims of such reckless shooting, but any other Kenyan who happens to be within the vicinity where that takes place. That is why I am talking about seriousness and we, as Members of Parliament and as Kenyans as a whole, should condemn any person promoting the culture of violence regardless whether that person is in the Opposition or in the ruling party.

(Applause)

I am saying so, because it can start as a joke or a small incident and we might find ourselves in situations where other countries are where you cannot only ask for a permit to hold a meeting, but no meeting can take place because there will be death after that meeting. That is why I say that this not just a Motion of the Opposition; it is a Motion for us as leaders, so we should not just enjoy when we hear that somebody missed a bullet or thugs have invaded somebody's house. If any targeting is done on the leaders, it will never spare anybody inside this House. This is why I talk about serious discussions and the idea of looking for solutions to the problems that we are facing. If a meeting is being held, people are not supposed to have live bullets if they want to scare the crowd. I say that because, it is not only the Members of Parliament we are talking about, but we should be talking about Kenyans as a whole. Kenya is a country that has enjoyed peace and stability and we would be serving nobody if we use our political parties affiliations or the fact that, because you are in the Opposition or the ruling party, you can intimidate or scare anybody with a bullet. This is something that should be taken seriously, and I would like to appeal to my colleagues to offer solutions to how this situation or the cropping up of the culture of violence can be curbed and stopped in this country.

Mr. Deputy Speaker, Sir, we should in this country maintain a culture of people making sure that they follow the rule of law and maintain law and order. It is important for any person opening party branch offices or holding a public meeting, to follow the laid down procedures of application for permits. There have been complaints from various people who have been denied permits, but after being denied a permit and then you proceed to a meeting, there is likelihood of violence erupting in that meeting. You are endangering yourself and your party supporters. We are told that sometimes, there is no point - and I would like to appeal to Members - of stage-managing a situation. I know in politics, stage-managing a situation is part of politics, but let us not get into dangerous stage-managing situations where lives can be lost.

Mr. Deputy Speaker: Order! Order, hon. Members! I must apologise for not having made this clarification earlier immediately hon. Orenge stopped contributing. You notice the relevant Standing Order, paragraph 4, says:-

"No Member speaking on any such matter shall speak for more than 10 minutes without the leave of the House, except that the mover and one Minister may speak for 15 minutes each".

I allowed the mover 15 minutes and I will allow a Government Minister the designated 15 minutes later. But in the meantime, in view of the interest on both sides of the House, I have decided that I will allow Members five minutes each. That is why hon. Makau has talked for only five minutes.

Mr. Wamalwa: Thank you, Mr. Deputy Speaker, Sir. I would like to give the House a blow by blow account of what actually happened on that fateful Monday morning.

Mr. Deputy Speaker, Sir, we went to Lwandeti Market where I was accompanied by a number of FORD(K) officials, to open a party office. When we got there, we ran into a chief who adamantly vowed that he would not allow us to open that office. I pointed out to him that, that point had been raised in the House last year and the Minister had directed that political parties were free to open their offices. He said, if he allowed us to open the office, we would end up making speeches and I promised him that I would do a dump-act. I would just open the office, wave at the people and not say a word. When I proceeded to mount the steps of the **[Mr. Wamalwa]** office, the chief ordered the four APs who were with him using the words: "Fanyeni kazi yenu" and they immediately started shooting at the office, shattering all the windows. In that confusion, my bodyguard saw one of the APs kneeling to take proper aim and the gun was pointed squarely at my head. So, he leaned over and pushed me to the right and before he could recover, the bullet was already through his chest. As we speak now, he lies in critical condition at the Bungoma District Hospital. He suffered massive internal bleeding and the doctors have been very efficient, they have managed to drain most of the fluid out of his chest. In fact, he ran the danger of drowning in his own fluid.

Mr. Deputy Speaker, Sir, I think this is a very serious matter and Members must take it as seriously as the hon. Makau has pointed out. Because, today it may be me, tomorrow it will be you and APs have a bad history. In fact, in the regional constitution, the Independence constitution, APs were not allowed to participate in the maintenance of law and order; they were just tribal policemen who assisted chiefs and so forth. But, in the republican constitution, APs were given the role of maintenance of law and order, and they have abused this law very badly.

Mr. Deputy Speaker, Sir, sometime back, a Member of this House, the hon. Manandu, the then Member for Kitui North was shot in his own motel by a drunken AP carrying a gun with live bullets. In fact, it was after his death, that hon. Kalonzo Musyoka, the Minister for Foreign Affairs and International Co-operation gained entry into this House. So, APs have a notorious record with firearms, and I would like to support the hon. Orenge strongly, that they should not be allowed to carry firearms and certainly, not live bullets.

Mr. Deputy Speaker, Sir, I think this situation arises because of two possible routes. One, is the abuse of the Public Order Act and secondly, perhaps the reluctant acceptance of multi partyism in this country.

Mr. Deputy Speaker, Sir, most of these incidents have happened to Opposition leaders because, the police force and APs seem to consider the Opposition as their enemy and this is absolutely wrong. If we are a truly civilised

country striving for multi party parliamentary democracy, then the Opposition must be given a chance to survive. They must be allowed to open their offices; they must be allowed to talk to Kenya citizens and sell their points of view. Let the people judge them by their acts and words. But if the police is going to take it upon itself to prevent the Opposition leaders from ever selling their point of view, then the chances are that, the public may think there must be something good about the Opposition, that is why they are not allowed to talk to us or something. It could be a self defeating exercise.

Mr. Deputy Speaker, Sir, another point I would like to make is that, when a matter involves the Opposition, the police somehow find the fuel, the vehicles, the guns and the bullets to be there. But when somebody goes to a police station to report a robbery or some other serious matter, one would always be told, there is no vehicle, petrol and askaris around. So, I do not know what is so attractive about Opposition leaders that makes those people put everything aside to go and attack us.

Mr. Deputy Speaker, Sir, we were once in Lamu on a trip to Faza. The police took the biggest police patrol boat to follow us for no reason and they got stuck in the shallow waters soon after Lamu Island. While they were stuck there for five hours, bandits were attacking a whole village on the mainland and there was no policeman around.

Mr. Deputy Speaker, Sir, I have with me the empty cartridges that were used on us, and with your permission I would like to lay them on the Table.

*(Mr. Wamalwa laid the bullet
cartridges on the Table)*

They have been looked at by an expert, the hon. Kiluta, who confirms that they are from the same batch and they were fired by the same gun. So, whatever hon. Kalweo was saying here yesterday, was a lot of hogwash.

With those few words, I beg to support.

The Minister of State, Office of the President (Mr. Biwott): Mr. Deputy Speaker, Sir, if there is anything that the House can speak on as a House, where the Opposition and the Government side can speak in unison, is this problem of insecurity and also the security of Members of Parliament.

Mr. Deputy Speaker, Sir, we have to get it into our heads that the dignity of a Member of Parliament ought to be appreciated. Because, whether you are elected a Member on the Government side or the Opposition side, you have been elected by several thousands of Kenyans to represent them in this House. By that distinction alone, a Member of Parliament is honoured and that is why we carry the title "honourable."

It is important that Kenyans do everything to protect the security of individuals and that of their property and that is why we should have a Police Force that knows its job. I also do agree that in the case of public places, the policemen normally ought to carry batons and not live ammunitions. In any case, what threats can a Member of the Opposition give. Any act like that will popularise the unpopular. I do not believe the Members on the other side of the House are that popular, but it is an act like this one which gives them popularity. Therefore, we must condemn those incidents of violence in the strongest terms possible.

I think the Commissioner of Police is a good one. The Government has already taken note of it as was expressed by the Member for Igembe, who is the Minister of State in charge of Internal Security in his statement and I think he will be coming later on to respond. I am merely contributing as a Member of Parliament who believes that the security of a Member of Parliament is paramount. We should do everything, as a nation to ensure that, that popularity is there and to make sure that our Police and the Administration do not look at the Opposition Members of Parliament as enemies, because they are not. They are people who are out to sell what they think is an alternative but in Kenya at the moment, I do not think they have anything and we should not popularise them unnecessarily.

Earlier on, the hon. Member for Kangema, hon. Michuki mentioned something which may have a merit. He wondered whether the policemen or APs who shoot people are not under the influence of drugs. I think hon. Wamalwa has said that the AP who shot him appeared to have been drunk. The integrity of the Police Force, including the APs also, ought to be scrutinised and I am quite sure that the Commissioner of Police and those in charge of the APs will look at that issue.

Mr. Deputy Speaker, nobody can cheat himself that he can be popular by using force, including the police. Popularity comes only through the love of the people.

Mr. Deputy Speaker, Sir, I would like to mention something which I think hon. Orengo should not be allowed to get away with. While he was seeking clarification from the Attorney-General, in regard to remarks made by the Chief Justice, he mentioned an appointment which was made by somebody. In that remark, I thought he was actually exposing the lowest form of meanness himself, to those who appointed the Chief Justice in the manner in which he did.

I think the dignity of a Member of Parliament in this House ought to rise above that pettiness and smallness of mind, so that we can actually show that we are Kenyans and a people of integrity and people who can run their own affairs.

But anyway, this is not a wonder because the hon. Member is a champion in the manufacture of gossip and hearsay. It therefore, did not come to me as a surprise when he made that remark.

With these few remarks, I do support.

Mr. Kibaki: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute on this Motion.

The security problem in this nation, truly, cannot be detached from the style of the Government and the directions that are given from the Government. We must not look for somebody to blame in the Police Force and in other subordinate institutions. It is the message they get from the senior Government Personnel, from the President himself, the Vice-President, Ministers and others. We are not going to accept and the nation is not going to accept, that an ordinary policeman can be ordered by a DO to shoot and he shoots automatically whether under the influence of drugs or drinks. That is not true. What is true is that the administration in this nation is being used as a weapon to destroy the Opposition and to silence any Opposition to the Government and that is why they feel free to order the police to shoot at ordinary Kenyans. Otherwise, where does the DO get the authority? It is from a point of fact that those who have done so in the past have been promoted. Those who have done this mischief have been promoted. Therefore, if we are looking for somebody to change, it should be the President, Vice-President, Ministers and all other officers of the Government. Let them speak the way they spoke just now. What hon. Biwott has said, should be in a circular to the administration. Why do you not send a circular to the administration that there is a change of mind; that above all, multi-party system is to be accepted as a way of life and that it is to be respected and that it is not to be suppressed by force. It should not be stopped for the obvious reason that in Kenya today, the majority of Kenyans are, in fact, in the Opposition. That is true. If it was not true, there would be no need to use force and there would be no need to drill the administration to shoot at innocent people.

Mr. Deputy Speaker, Sir, above all, there would be no need for us to misuse the Public Order Act and to stop either me or hon. Wamalwa from opening a party office. We should not pretend that one can open a party office in silence. That is silly and foolish. It is petty! How can one open an office in silence? It is a party office and the party's purpose is to displace the Government and have a new Government and that must be said when one is opening an office. Why should we be opening an office? It is meant to spread the message of that particular party. It is our right which is protected by the Constitution. Therefore, it is the Government which must change and tell the administration that the Opposition is allowed freedom and therefore, you should delink - if you do not delink, you must remove the link between KANU and the administration. If we do not, and we go on threatening, because that is what is happening - DOs and DCs have been threatened a thousand times by being told that they must serve KANU and that if they do not do so, they will be sacked. It has been said so, by senior people at all levels. That is where the change should begin, so that that man will administer justice.

Mr. Deputy Speaker, Sir, the freedom of association for us to open our party offices should be guaranteed. Why do we have to stop it? What harm shall be done? If one Minister says here that he does not think the Opposition can do any harm, then why are you sheathing in your trousers and fighting us wherever we appear. If we cannot do anything other than the ordinary, why should some people become so sleepless and keep ordering for us to be pursued wherever we go?

Finally, let me say that there is a gossip doing the rounds in Nairobi - but we are going to believe it very soon, that there is a third force that has been created in this nation to intimidate and eliminate some politicians. This third force is not subject to the police discipline and it is reporting to the highest levels in this country and these are facts. They may deny them in this House, because they are crude enough to deny facts. We, the police and the administration also know that, that is the truth and that is why they are all scared. That is why they do not do their job properly and that is where the threat to the stability of this nation truly lies. Let me bring to their attention that injustice will breed violence and peace can only come from justice.

The Minister for Labour and Manpower Development (Mr. Masinde): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

It is clear to all of us, both hon. Members and ordinary Kenyans, that nobody will condone anyone trying to make an attempt on a human being's life. Therefore, this is definitely an issue that any right-thinking person will definitely condemn. Many times, the President of this country has called for peace and unity among all Kenyans. Obviously, we cannot have peace and unity in this country when we have a hostile atmosphere created by some people under the guise of, perhaps, being Government servants.

It should, therefore, be noted that the Government should not be blamed for activities which are being carried out by some individuals who are indisciplined. However, those who are indisciplined and have a reckless attitude towards the laws of the country, should be treated as individuals and face the law of the country.

Quite often, hon. Members and other people have asked for amendments in the law, including changing of the Constitution and so forth. As far as I am concerned, the Constitution of Kenya and the laws are perfect. The problem

is both the wananchi and hon. Members who are interfering with the law. It does not matter what we do as far as amending of the law is concerned. Unless we change our own attitude, we will be wasting our time.

I know that we have had quite a number of indisciplined armed forces, especially the Administration Police and the regular Police. However, these people should be disciplined and be dealt with in accordance with the law, and when they are being disciplined, there should be no interference. What I mean is that, we have people who have broken the law, and when they are brought before justice, there is a bit of interference. This interference is not from the Government, but it is from everybody. When an MP's brother is arrested and arraigned before a court of law, you will find this particular MP or whoever, trying to approach the police to release this man. When the police release the man, then other people turn around and say it is the Government which has not taken action.

Quite occasionally, we have read about magistrates and judges complaining that they are not independent. The law has made them completely independent. Why is it that these judges do not take action according to the law? Let us be told who has been sacked or victimised. This is because they keep on complaining but they do not come up with any example of an individual case. Let a judge or a magistrate come up and say, "I was forced to do a, b, c and d". If he is sacked, then the public will know that this person has been sacked because of a, b, c and d. The magistrate or judge will have announced it, instead of complaining that the Government or the high authorities are interfering with their work.

We know very well that the interference is coming from the wananchi, whether they are hon. Members or ordinary mwananchi in high positions, and not necessarily the Government. Therefore, as much as I abhor the situation, I would like any Kenyan to be given the chance to live and be protected all round, as I mentioned yesterday. We have to make sure that the laws are followed.

With those few remarks, I beg to support.

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika. Kama wenzangu walivyosema hapo mbeleni, mimi nakubaliana nao kwamba jambo hili ni la muhimu sana, na linahusiana na maisha ya wananchi wote kwa jumla, na hasa ya Wabunge.

Bw. Naibu Spika, Mbunge yeyote anayefikiria, ajue leo ni mhe. Wamalwa na mhe. Kibaki. Lakini ajue kuna msemo unaosema: "Leo ni mimi na kesho ni nyinyi". Inafaa tuseme wazi. Mambo haya yanatoka wapi? Ugaidi huu unatoka wapi? Unatoka kwa wafanya kazi wa Serikali. Sisi tunatoa ushuru kulinda maisha na mali yetu lakini hatulindwi. Ndio uliona yale majibwasha ya risasi yakitolewa hapa yalionunuliwa na kodi tulizotoa. Sisi tulitoa kodi ya kununua risasi, halafu hizo risasi zinatumiwa kutupigia sisi, na wale tulioandika kazi.

Mimi najua kulikuwa na Naibu wa Waziri kule Mandera aliyesukumwa na wafanya kazi wa Serikali. Siyo upande huu peke yake! Yeye alikuwa Mandera. Mambo haya yanatokea huko Kisii na kila mahali. Kwa hivyo, kuna mpango, Bw. Naibu wa Spika.

Lazima wafanya kazi wa Serikali waambiwe - na leo wameambiwa na Serikali yao yenyewe kwamba mchezo huu ni hatari. Sisi pia tunasema ni hatari. Sasa ni wakati wa kuchukua hatua. Tunataka Waziri anayesimamia usalama atakaposimama hapa, aseme mambo matatu yafuatayo:

(1) Kutoka leo, askari wa utawala wapokonywe bunduki, na wabaki na rungu na hewa ya kutoa machozi. Lazima akubali hoja hii. Asipokubali, yatakuja kumpata yeye.

Nakumbuka wakati mmoja kulikuwa na Waziri Bw. ole Tipis ambaye sasa ni marehemu. Tulipomwambia askari wanapiga watu risasi, alisema: "Hapana, huyo alikuwa mwizi". Hakuwa mwizi. Alipigiwa risasi hapa karibu na jumba la Jogoo. Alipigwa risasi utosini ikabomoa kichwa chote. Hayati Tipis alisema ni mwizi. Hakuwa mwizi. Alikuwa mfanyi kazi aliyekuwa ametumwa na mkubwa wake kutoa gurudumu kutoka buti la gari. Hayati Tipis akatupilia jambo hilo akasema ni la bure.

Haikuchukua muda, Mungu anafanya kazi. Jamaa yake ambaye alikuwa kiziwi alitandikwa risasi kwa sababu alikuwa anaambiwa simama, na yeye hasikii, anakimbia tu! Akatandikwa risasi! Mhe. Tipis alikuja hapa akilia: "police are trigger-happy!" Sasa mambo hayo yalikuwa yameshamfikia.

Nataka kumwambia mhe. Kalweo kwamba---siku moja pia, kuna mtoto wa Bw. Mahihu alikuwa chuo kikuu.

Hakujua kuna hatari kule. Yeye alishikwa akafanywa mambo makubwa na askari wa GSU. Yeye alikuwa Mkuu wa Wilaya na akatoka na bunduki yake amekasirika! Alivuna! Katika nchi hii, dhambi zinazofanywa zitalipiwa hapa! Siyo mbinguni! Ni hapa hapa!

Jambo la pili, nataka mhe. Kalweo atakaposimama, aseme kutoka leo, askari wa utawala na polisi wawe wakitumia hewa ya kutoa machozi na rungu zao katika kufukuza wananchi, na siyo bunduki. Atakayepatikana, apelekwe kotini na akipatikana na hatia, tumfanyie kazi. Hayo ni maneno nataka mhe. Kalweo atakaposimama, atueleze.

Jambo la tatu, Bw. Naibu Spika, kutoka leo sisi tuna vyama ambavyo vimekubaliwa na Katiba. Mhe. Mbunge asizuiliwe kuzungumza na wale waliomchagua katika eneo lake. Pengine wananchi wanataka kuuliza maswali kuhusiana na mambo ya Bunge hili na yeye ajue matatizo yao. Kwa hivyo, mhe. Mbunge asizuiliwe na

chifu, DO na kadhalika. Awe huru kusema na watu wake.

Bw. Naibu Spika, ikiwa kuna mtu anayepanga mipango ya kuweza kumaliza wengine, ajue jambo hili: "Ukipanga kumaliza wenzako wewe pia ujue unaweza kupangiwa na utamalizwa."

Kwa hayo machache, Bw. Naibu Spika, ninaunga mkono Hoja hii.

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, I have very few words only to say on this Motion. It is, indeed, a very serious Motion. It is so serious that, we should leave emotion out of it and discuss it very soberly. I am glad to note that so far, the speakers who have taken the Floor have been very, very sober indeed, discussing the matter of security.

Mr. Deputy Speaker, Sir, security is a serious matter when it touches everyone. There is no difference between hon. Members and any ordinary person. We should be discussing the security of each and everyone in this country.

Mr. Deputy Speaker, Sir, hon. Members of Parliament are privileged and, therefore, they should exhibit more responsibility. We should not be discussing here the protection of just ourselves as hon. Members of Parliament, but we should be discussing the protection of wananchi as a whole.

What has happened in various incidents cannot be condoned. Such acts cannot be excused. The Government views it very seriously indeed. In my opinion, I have a feeling that there is, indeed, a click within some of the forces in the Government to bring down this particular Government by "smearing" if and taking actions that would appear as if they are being directed by the Government.

Mr. Deputy Speaker, Sir, I work in the Office of the President and I know the directives that are given to the security forces.

Mr. Deputy Speaker, Sir, 95 per cent of the police force are acting properly. They are protecting our people. It is the 5 per cent that need to be screened. It is high time that we in the security office started screening the police force to see the bad elements, so that they may be eased out. And as one of the speakers stated, when we get a police officer who is acting with malice or acting with intent to bring down the Government, then that police officer has got to be brought before the law because he is a criminal.

Mr. Deputy Speaker, Sir, it is necessary that we, hon. Members of Parliament must not also be provocative. There have been cases where hon. Members of Parliament have broken the law deliberately. They courted arrest, they have stood before the police and said: "Shoot me." The police are not robbers, but they are human beings. If there is a place where it is decided that there has to be a road-block, perhaps, because of the security of our country and you get out of a car and remove that road-block deliberately, you are being provocative.

Mr. Deputy Speaker, Sir, the many times that we have used the opening of offices, we have stated quite clearly that if you have got more than five people together, you need a permit.

A good number of the hon. Members on that side are good friends of mine---

Hon. Members: Kaa chini!

Mr. Deputy Speaker: Order, hon. Members!

The Assistant Minister, Office of the President (Mr. Awori): Mr. Deputy Speaker, Sir, I have spoken to many hon. Members of Parliament there and told them that if they are in problems, they can get in touch with me at any time. May I ask how many have called me when they are in problems? There are many hon. Members of Parliament who would like to see that there is peace in this country and we must maintain it. How many hon. Members of Parliament in the Opposition have had a brush with the police? Not many! You will find that there are only a few.

Mr. Raila: Mr. Deputy Speaker, Sir, I wish I had ten hours to contribute to this Motion because, I have a lot of things to say about this very, very important Motion.

Mr. Deputy Speaker, Sir, it is not just hon. Members who suffer police brutality, it is the Kenyan people in general. Millions of Kenyan almost on a daily basis suffer under the weight of this Act, which is very archaic, the Public Order Act. Kenyans have been brutalised, raped, properties have been confiscated under the pretext of enforcement of the Public Order Act.

It is said and indeed the Minister said it yesterday while he was making a Ministerial Statement that the hon. Members of the Opposition have not been applying for a permits. In fact, the last speaker has more or less said the same thing.

Mr. Deputy Speaker, Sir, section 5 of this Act, it talks about licensing of public meetings by the District Commissioner. It says that you should apply, it does not talk about 14 days notice, we were told last time that it is administrative. But it only talks about the DC and this Act does not mention anybody else.

Mr. Deputy Speaker, Sir, I want to come to this very specific case of Eldoret last Saturday. Our people in Eldoret did want to comply. So, they applied in the form that was given to them by the DC. This form has a provision for recommendation by chief and, District Officer before it goes to the DC. This is contrary to the Act itself.

The Act does not talk about a chief or DO. Be that as it may, Mr. Deputy Speaker, Sir, our people went to the chief and the chief himself stamped and recommended. Then this application was taken to the DO's office 14 days before the date of the event, but the DO refused to forward this application form to the DC. The administration knew very well that we were going to Eldoret on 12th April, 1997 to open a party office. Our party is a new party and we want to open up party branches all over the country. When we arrived in Eldoret, we were met by several of our supporters and here is the crux of the matter.

It has been said by some leaders that the National Development Party of Kenya (NDP) was a Luo party and here we were in Eldoret and the streets were lined, not by Luos, but by Kalenjins and this is what ashamed these people. And this is really the reason why the police moved in because when they noticed that there was a big crowd of Kalenjins coming to witness the opening of the NDP office, those who were in authority got embarrassed. And that is when the decision was taken to disperse the crowd. The police moved in and when we were opening the office, there were people around. You cannot travel all the way from Nairobi to Eldoret to only physically open an office and move away.

We were opening the office for the people. You have to explain to them what the party is all about. You also talk about the party policies. When we were doing this, the police moved in and threw teargas and began to beat people and in the process, I was injured. Dr. Oburu was seriously injured because he was beaten three times with a club by a police officer.

Mr. Deputy Speaker, Sir, another incident is when we went specifically to Amagoro Division Busia District to remember one of the Kenyans who died at the hands of the police in 1983; a Mr. Tito Adungosi. The police knew very well that we were going to go to the place because they had began terrorising people in that village from 10 o'clock in the morning. When we were approaching the village, we found a roadblock which had been put there to block us from going to the home. We asked them peacefully to have this roadblock removed. The police refused to do so. When you see the police enforcing an unlawful order, are entitled to protect the law.

Thank you.

The Assistant Minister for Transport and Communications (Mr. Saina): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance. I think Kenya is getting to a stage where it has to be looked into properly not only by KANU but collectively by all politicians. This is because we cannot allow violence to penetrate into our society. I, personally, have witnessed one violent incident which is an example of what is happening now. In 1972, the late Jean-Marie Seroney called for a meeting in his Tinderet constituency. He invited the guest of honour who was the late J.M. Kariuki to a school which was named after the late Nandi leader who happened to be my great grandfather; Samoei Koitalel. We were building this school in his memory and the Government allowed us to hold a meeting and collect money without a licence. As I climbed on the platform to speak, violence broke out. Somebody came with petrol and set some cars on fire which were parked outside the venue of the meeting. It was a terrible sight to witness. That was the beginning of violence; in 1972. No sooner had that meeting and the incidence of violence ended than, a few years later, the then guest of honour, J.M. Kariuki, disappeared and it was reported that he had gone to some part of Africa; Zambia. But later on, the mutilated body of our friend that we had invited to help us was found in Ngong Hills.

Mr. Temporary Deputy Speaker, Sir, are we going to see a "suicide squad" of the police employed by some politicians to eliminate some other politicians?

I do not know and I am not suspecting anybody neither from that side nor from this side. But this can actually happen. I speak with courage because I am one of the old or senior politicians in Kenya who has been sitting in this House and unless we immediately stop these activities which are subterranean in nature, but which are undermining the security of State---

Mr. Deputy Speaker, Sir, as I speak now, the District Officer of Soi Division, which happens to be in my constituency, who is working in collaboration with the chief of Sirikwa location, has set up a Kangaroo court and they are arresting ordinary people and prosecuting them. I do not know what law they use. And they beat them up. The other day two women from Ziwa Market were beaten up and I told them to report to the police. They reported to the police and took P3 forms but no action has been taken against their assailants upto now. This violence must stop.

I support the sentiments of those who are supporting this Motion. Thank you.

Mr. Farah: Mr. Deputy Speaker, Sir, I am not surprised that an attempt was made on the life of a Member of Parliament. I am actually surprised that Members of Parliament in this House are surprised that an attempt was made on the life of one of their own by the members of the security forces in this country. We ourselves are very dishonest. When Kenyans were getting killed in their multitudes in this country for the last 20 years, we did not take it seriously because it was far away from us. In 1984, more than 2,000 people were killed in Wajir, in the Wagala Massacre, and this Parliament could not raise as many 15 Members of Parliament who were ready to have that Motion debated here in the House. Only the 10 Members of Parliament from North Eastern Province could stand up for that and nobody else.

Everybody said "it is Somalis who are getting killed so why care?" What I said when I came to this Parliament the very first time is that what is happening in isolated places in this country is going to happen to each and everyone of us. It started from somewhere and it went on and now it is the Leader of the Opposition whose life is being threatened, who is most likely, like the hon. Member said, to be the next President. So, each one of us here is under as much threat as the Leader of the Opposition is.

Mr. Deputy Speaker, Sir, this is a rogue Government; it is a sick Government. It has gone berserk and it did not go berserk this year but it went berserk in 1979. We had the shifa war going on in North Eastern Province during Kenyatta time and none of the things that have happened under this Government did happen in North Eastern Province in those days. We have never had an urban centre's entire population being brought into a place and being torched and killed by the security forces. Even though at that time after Independence, we were fighting for a secession, the late President, in his own wisdom, said, "No, we are fighting for land". But we have a Government here now which we do not know who it is fighting for because it is eliminating its own people. It is sad because hon. Omulo who was the Member of Parliament for Marsabit North was killed by members of our security forces here. It is the Administration Police who killed him and it was ordered by very senior people in the Government at the time and many others have been killed in the same way, but up to now nothing has happened. The late Dr. Ouko was another one and there are many more who are going to come.

Mr. Deputy Speaker, Sir, as I am talking to you, there has been an attempt on my own life in my own Province when I was going for elections and it could have been executed by none other than members of the security forces here. Who was going to be blamed on it? Bandits! You know as well as I do, you in the Chair, that your life is in as much of a risk as ours is. You are always worried about your own life when you are going down into your Province. We are not worried about bandits, but we are worried about the Government. We are worried about PCs, DCs, chiefs, Ministers and so on. We are worried about this Government right from the bottom to the top.

Mr. Deputy Speaker, Sir, if you remember very well the Marsabit incident which happened last time, if I may not go far, first of all, the DC for Mandera was mentioned on the Floor of this House and I want to tell you that the Minister here did not take any action against the DC even after pushing around his own Assistant Minister and he stayed there for two more years; he could not even be disciplined. As it is, the "massacre" in Marsabit is the responsibility of this Government. When the Kenyan soldiers were dying and running out of bullets, the Officer Commanding the Police Division (OCPD) was transporting bullets from that place to be sold in Marsabit. He was transporting 950 bullets from there to be sold in Marsabit and the soldiers there ran out of bullets and they were massacred. Now, we know that the OCPD is being protected by very senior people in the Police Force and no disciplinary action will be taken against him.

Mr. Deputy Speaker, Sir, this country is heading where we, leaders have chosen; that is the Rwanda way and even worse. Human life should be accorded the dignity it deserves.

(Applause)

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Thank you very much, Mr. Deputy Speaker, Sir, for allowing me to speak on this Motion. This Motion should be taken very seriously because it involves human life and human life is sacred.

I would like to join my colleagues who have spoken here to say that when the security of the State is threatened, it threatens everyone on both sides of the House, the Opposition and the ruling party. We are concerned about the security of our ordinary Kenyans, including foreigners who are in this country.

Mr. Deputy Speaker, Sir, I think we should find a solution here, as legislators and as leaders of this country, on how to contain this situation, so that it does not get out of hand. We have laws in this country and they are very explicit on how police officers or security men should use firearms. My colleagues here, who are lawyers, know very well that a policeman can only use firearms when a person has committed a felony and he is running away or he is threatening at you when he is also armed. I think the mistake here that was made long time ago is to allow some of the Administration Policemen who are not trained to carry guns.

(Applause)

These administration policemen should be absorbed into the Police Force and put under the Commissioner of Police, so that they can be re-trained and then absorbed into the Police Force. Then we should leave a few police officers or Administration Police officers, to look after the DCs' offices, the Chiefs' offices with batons. The Police Force has been infiltrated, because of unemployment, by criminal minded people. I propose that before they are employed, they should be properly scrutinised so that we have the right people in the Police Force.

I would like to congratulate the present Commissioner of Police because I know he is a patriot and a professional police officer. If all these APs are put under him, they will work efficiently for the security of all Kenyans irrespective of their political affiliations.

Mr. Deputy Speaker, Sir, I would like to touch on what hon. Kibaki said here. It is very serious if we are talking in this House, and outside there, there is "an elimination force" meant to eliminate leaders. This should be reported to the Director of CID who should in turn come up and tell us exactly, who formed this organisation and who is financing the organisation, so that they can be brought to book. There is nobody in this world who is untouchable because if there is an elimination force here, then our lives are in jeopardy.

Mr. Deputy Speaker, Sir, I would like this incident that happened to our colleagues here, to be condemned by everybody in this House, including Kenyans outside this House.

In conclusion, Mr. Deputy Speaker, Sir, I would like to say that if the police officers are properly trained, we can never have a situation like the one we have experienced in the past.

Mr. Kiliku: Asante sana, Bw. Naibu Spika. Ninaunga mkono maoni ya Mwenyekiti wa Democratic Party (DP) kwamba polisi hawana uwezo wa kufanya kazi bila kupewa idhini na Serikali hii. Serikali hii ina uwezo wa kukomesha uhalifu unaotendwa na polisi, lakini kwa sababu Serikali yenyewe inahusika moja kwa moja, hawataweza kukomesha mambo haya. Maneno ambayo tunazungumza sasa katika Bunge hili hayawezi kutusaidia kutatua matatizo ya usalama katika nchi hii. Ninawauliza Wabunge wenzangu wa Upinzani, tukutane wiki ijayo nje ya Bunge hili ili tuzungumze juu ya mambo ya usalama katika nchi hii. Kwa sababu awali katika ripoti yetu ya clashes, tulisema kuwa kuna "private army". Tulileta ripoti hiyo hapa, tukataja wanaohusika, lakini "ripoti ikauawa". Hivi sasa tumeanza kuona mazao ya "private army" ambayo inafanya kazi na bado itafanya kazi zaidi.

Mimi walikosa kuniua kwa sababu kama wanguenua, wangejulikana moja kwa moja. Hiyo ndiyo sababu ya kusema wazi. Dkt. Ouko alipotoka New York, alipata shida nyingi kwa sababu ya kuambiwa na President Bush, "You, you are capable of being the President of Kenya". Hapo ndipo alianza kupata shida, akanyamaza. Aliponyamaza alienda kuomba kule na aliponyamaza, alimalizwa. Lakini kama Dkt. Ouko angelisema maneno haya na kuacha Serikali akisema, "Maisha yangu yako hatarini", hanguewa. Mimi nilinusurika kwa sababu nilizungumza wazi, nikasema ni fulani ndiye anayehusika, ndiye anatoa pesa, ndiye anafanya nini, ndiye anaua watoto na kadhalika. Ikiwa walipata kwamba mtoto aliyekuwa tumboni mwa mamake alikuwa wa kiume walikuwa wakirusha juu na kuchoma mshale. Mimi sikuuawa kwa sababu nilisema ukweli.

Bw. Naibu Spika, kiongozi wa nchi hii amesikika akisema: "Isingekuwa kwa sababu ya watoto ningewanyorosha". Hawa ni kina nani? Yet he is the custodian of the Constitution which provides that people's lives and property must be protected. Haifai kwa mtu kusema: "Isingekuwa kwa sababu ya watoto ningewanyorosha". Kama kiongozi wa nchi anaweza kuzungumza namna hii wewe unatambia nini?

Hatutayamaliza matatizo yetu sisi viongozi wa Upinzani hadi tutapokutana ili kutafuta njia ya kujilinda sisi na nchi yetu. Ukienda katika vituo vya polisi utaona kwamba wananchi wanashikwa kila siku na kulazimishwa kuwapa maofisa wa polisi "kitu kidogo." Mwananchi akitoa Kshs200 polisi wanazichukua zote wakisema: "Nikikuachia baadhi ya pesa hizi nitampa nini mkubwa wangu?" Kwa hivyo, bali na wanasiasa wananchi pia wanahangaishwa na Serikali hii: Wanatozwa pesa kwa lazima. Wakati umefika kwetu kuyatoa maisha yetu ili tuiokoe nchi hii. Inafaa tukutane na kutafuta njia ya kujilinda sisi na nchi yetu.

Nchi hii imekuwa katika mstari wa mbele katika kuzungumzia amani. Lakini sisi tuna amani katika nchi hii? Serikali imekijenga kiwanda cha kutengeneza risasi na soko yake imekuwa ni kuwaua wananchi. Nchi hii haina uhusiano na Uganda, Zaire, Burundi na Tanzania, na kwa hivyo haina mahali pa kuziua risasi. Hii ndio sababu risasi hizo zinatumwa kuwaua wananchi. We have to close down that factory! Mambo haya ni lazima yasemwe. Mhe Kalweo, ambaye anahusika na usalama, haiwezi kazi hiyo. Jambo hili ni wazi na inafaa Wizara hiyo ipewe mtu mwingine naye apewe Wizara nyingine. Kwa hayo machache, naunga mkono.

Mr. Deputy Speaker: Yes, Mr. Murungi.

Mr. Murungi: Mr. Deputy Speaker, Sir, I want to join my colleagues---

Hon. Members: Is that in order?

Mr. Deputy Speaker: Order, Mr. Murungi! I regret the lack of proper discretion on my part. Since I have already recognised you, you will take the next chance after this one. Now, I think, I had better give this chance on the usual pattern. So, you are more than lucky in that you have already in advance secured the opportunity to talk. Yes, Mr. Osogo.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Osogo): Mr. Deputy Speaker, Sir, I am lucky to be here today to speak on this Motion. During the elections of 1988, I was also nearly finished by the Administration Police (AP). If it was not for some of my women voters, I would have been killed. I was moving through a village because it is not possible to drive through my constituency, you have to walk round on foot. While I was walking round on foot, the sitting hon. Member at that time plus the District Officer (DO),

sent policemen to confront me. There was a policeman aiming a gun at me, who cocked the gun and said he was going to shoot me. If the women had not come round crying, and surrounded me, I would be a dead man now.

I am glad I have heard from this side of the House that we are all concerned about the state of affairs that is going on now with our security people, particularly the police and more so, the AP. I see our concern is the same as the concern of the hon. Members on the other side. I do not believe that the leaders on this side of the Government send these policemen or the Chiefs to behave the way they are behaving. I say this because nobody in Nairobi knew that I was walking round in my constituency at that time and nobody in Nairobi knew that hon. Wamalwa was going to open an office.

An hon. Member: No, they knew!

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Osogo): It is the Chief and the local APs that decided on their own to behave the way they did. But we are lucky, because if hon. Wamalwa had been shot, a very bad story would have begun in this country because the Abaluhya would have walked to Nairobi to the headquarters of those APs and the Chief.

An hon. Member: Not State House?

The Assistant Minister for Agriculture, Livestock and Development and Marketing (Mr. Osogo): Mr. Deputy Speaker, Sir, they would have come to Harambee House, not State House. They have done this before, during Mumia's time when the Colonists killed our people, they walked to government offices. We are only lucky that hon. Wamalwa was not shot and I pray that the boy who was shot recovers. If he dies, we in that community are in trouble because the police have already killed quite a number of Luhyas, including students, and we have buried them in that province.

(Applause)

I seem to think that it is intentional, but some of these bad policemen, as indeed the former Deputy Commissioner of Police said, some of these bad elements are doing it purposely to spoil the name of this Government and cause problems in this country. So, as a Government, we have to intervene and stem the behaviour of these policemen.

I would also like to advise my brothers on the other side of the House that, rather than them urging to meet the President to talk about these things, they should try to meet the Minister for Internal Security.

An hon. Member: Which one?

The Assistant Minister for Agriculture, Livestock and Development and Marketing (Mr. Osogo): Mr. Deputy Speaker, Sir, they should give me a chance to say what I want to say. I am saying so with all sincerity. I have not heard hon. Members on the other side of the House asking to see the Minister in charge of Internal Security in order to talk about this matter. They have all the time been saying---

An hon. Member: Which one?

The Assistant Minister for Agriculture, Livestock and Development and Marketing (Mr. Osogo): There is only one Minister for Internal Security, and that is hon. Kalweo.

Mr. Deputy Speaker, Sir, rather than asking to see the President, I would urge them to try and speak to the Minister concerned, and I would urge the Minister concerned to accept to see them. He should not refuse to talk to the Opposition because if we refuse to talk to the Opposition, the end of it might not be palatable to all of us. The sad story of it is what is happening in all provinces, including Eastern Province. When an hon. member of this House is attacked by the police and locks herself in her house refusing to come out, and they still wait outside--- A simple woman, an hon. Member of this House trying to meet her constituents is locked in her house.

Mr. Deputy Speaker, Sir, I support the Motion.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. I was afraid you might forget to give me a chance to talk.

I wish to thank you for giving me an opportunity to contribute to this very important Motion. One of the courses which I studied at graduate level, was a course called "Political Violence and Terrorism". What happened to hon. Mwai Kibaki, hon. Kijana Wamalwa, Paul Muite and myself in Nyeri and other people are not isolated incidents. This is one of the strategies of state terrorism in this country. There are people in this country who think that they can win, maintain power and preserve the economic privileges by using political thuggery and terrorism. The way it traditionally operates is that you pick a section of the police, tell them how to dress, distance them from the Government and deny every act they do. Then we have people here wearing ties pretending that they do not know that those thugs paid by the State exist. It is those thugs who are causing all the trouble that we have in this country. And because we know the Government knows about them, we are urging it to disband them when there is time. There is no country where this strategy of state terrorism has worked. We have studied about them in Latin America and other

countries of the world and it is always counterproductive. As the Bible says, "Those who live by the sword will die by the sword". These people are our good friends and we do not want them to die by the sword. We want them to live here, play with their grandchildren and then die peacefully.

The strategy of state terrorism was used by Siad Barre in Somalia. This man passed through here to die a lonely and miserable death in Nigeria. State terrorism has been used in Ethiopia by Mengistu Haile Selassie who also passed through here on his way to Zimbabwe where he lives a miserable life of a prisoner. It was used in Uganda by Idi Amin and Obote, but where is Amin today? It has been used by Habyarimana in Rwanda. Where is he now? President Mobutu has been using it, and he is now in his way out. President Moi is very lucky because all his friends in the region are either dead or in exile. We want President Moi to be told that we, in the Opposition, would like him to retire peacefully and play with his grandchildren. We will be happy to attend his funeral. We are ready to give him immunity and generous pension because we want peace in this country. We have to disband these thugs who are going to cause trouble for you and us. Hon. Kalweo is a good man. Alikuwa mwalimu aliyejulikana sana kwetu but the people of Meru are very surprised by him. They are surprised because since he got this ministerial post of international security, there has been a lot of insecurity even in his own constituency.

In Nyambene, when Paul Muite went there to do a case, there were nine roadblocks in Kalweo's constituency.

When there was a by-election, he called people and told them to castrate hon. Maore and yet he is a Minister of State in charge of security. We are asking hon. Kalweo to issue a circular to say that he has denounced violence and that he is going to disband all these thugs.

With those few remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. Sunkuli): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to say a few words about this Motion and join my colleagues here in condemning the harassment of hon. Members by anybody.

(Loud consultations)

I wish to say also that we have noted with great concern the actions of some of the administrative policemen and we must say that we condemn that. It is not true that the Government does not respect hon. Members. The Government of this country knows that hon. Members are honourable and they should be treated honourably. Following what has happened, hon. Kalweo will respond officially. The Government has taken firm measures against the APs who have done what has been done. We have prosecuted a number of them. Hon. Kibaki's house was also raided and, today as we discuss here, the Government has provided extra security for hon. Kibaki. We would like to plead with hon. Members on this side to make a firm distinction between the Government and the servants of the Government. The Government was elected by the people in 1992 and it, has never issued instructions that hon. Members should be harassed. We have never issued those instructions and we want to say what we have said every day that we do believe that not all our servants are loyal to us and most of our servants are being used by elements that would like to project the Government in a negative picture.

Mr. Michuki: On a point of order, Deputy Speaker, Sir. Is it in order for an Assistant Minister to stand here and say that there were no instructions when he is aware that there is a circular which was read at Kajiado emanating from the Office of the President saying that the seminars by NGOs are a threat to security?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, that is irrelevant. The relevant circular that I know about is the circular we issued a few days ago giving firm instructions that the APs should use their guns very discreetly.

(Loud consultations)

Mr. Deputy Speaker, Sir, we have to make sure that the administrative police do not misuse the guns. Since hon. Kalweo will respond on behalf of the Government, I just want to call upon my colleagues from the Opposition---

Hon. Members: Security for hon. Wamalwa!

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I want to say that whereas we have stated our position that we will respect hon. Members, we hope that in the principle of reciprocity they will also respect the laws of this land. So long as we have licensing laws in the books of this country, it will, therefore, be unlawful for hon. Members to break these laws.

Mr. Deputy Speaker, Sir, we want to remind hon. Members that we had issued a circular that they themselves took note of good working relationship between them and us as their colleagues, Government Ministers in this House. We should have good relationships and work together. All the time, when hon. Members have come to

me or to my colleagues, we have always made sure that if a licence was refused unreasonably, we have assisted them to get through because it is our policy as a Government to issue the licenses when they are applied for on time. We have no policy to the contrary. We shall give licences when they are applied for in good time.

Mr. Michuki: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Motion.

Mr. Deputy Speaker, Sir, it is really sad that this House has to spend time to persuade the Government to carry out responsibilities it has undertaken, sworn to implement and in particular, to protect the lives of all Kenyans and their properties. That, I think, is the major duty of a civilised Government, and I would assume that this KANU Government would even show a modicum of civilization in that respect.

Mr. Deputy Speaker, Sir, we have nine people who have died under mysterious circumstances. We have reported this matter to the police. Indeed, one of the people who was killed was tied with ropes and dragged for a distance of three kilometres and died at midnight because of that suffering. An Assistant Chief and police dragged a person and we tried to get this case heard and up to now, there is no justice. Yet, here we are with a Government that talks about peace. A Government that has distorted the context of our national anthem which talks about justice, peace and liberty. It is this liberty that this Government does not want Kenyans to have and hence, the denial about the existence of secret forces. They had their headquarters at Westlands and we know it. When the hon. Wamalwa talked about them, they were moved from Westlands to Lavington and that is where they have their headquarters. We know about this squad created to eliminate leaders.

Mr. Deputy Speaker, Sir, how would people jump four fences into hon. Kibaki's house as if hon. Kibaki is the richest person in Muthaiga? Yet the Somaia's have houses there and many other rich Asians who live there. Why did they pass all those houses to go to hon. Kibaki's house if they were thieves? These are the squads this Government has set up to eliminate leaders.

Mr. Deputy Speaker, Sir, I said here yesterday, and I would urge this Government to get an arm of experienced doctors in drug use and examine every constable within the police force and they will find that 50 per cent of them are not fit because of drugs. It is in pursuit of this that they are being sent on duty to guard meetings. Because hostility has come from the Government, it has permeated all through to the assistant chiefs. There is no DO or DC who will give instructions without bosses having collaborated with him. I have been a District Commissioner and I know it. I have been a DC and I know what it means. I know that they would not do anything until I had instructed them on what to do. So, let us not deny these things because if we do, we are not going to solve this problem of insecurity.

When you talk about law and order, why do you not talk about the rule of law?

The Minister of State, Office of the President (Mr. Kalweo): Thank you, Mr. Deputy Speaker, Sir--

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. In view of the gravity of this matter, and I am very glad that the House, for once is speaking with one voice, could I be in order to propose that the sitting of the House be extended under Standing Order, No.17(ii) and Standing Order No.25?

Mr. Deputy Speaker: Mr. Anyona, what was your proposal? You wanted the House to extend its sitting upto what time?

Mr. Anyona: Mr. Deputy Speaker, Sir, I wanted it to be extended upto 7.00 p.m.

Mr. Deputy Speaker: Order! Order, hon. Members. I know that this is a very great matter and in the practice of the House, it has normally been for one hour. I offered two hours for this, because I am aware of that. Unless you are really proposing that every Member of this House - because I believe that every Member of the House wants to speak on this matter - I am afraid that the framers of the Standing Orders did not foresee a situation where every Member must speak on a particular matter. I think we would be taking seriousness out of the substance if we went beyond the normal time. Mr. Kalweo proceed to respond.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, may I join my colleagues in expressing and responding to their suggestions using what I have collected from the Police and from hon. Members who have contributed and by my own experience in this department. Instead of praising me, hon. Kiliku said that I should be removed. You are singing an untuned song!

I will start with the incident which occurred at the home of hon. Kibaki, because it is a recent happening. It is true that thugs gained entry to hon. Kibaki's compound. They were three in number and they gained entry to his sitting room. When hon. Kibaki and his wife heard them, they responded to the commotion and his guards started fighting the thugs. One of his guards hit one of the thugs using a club on the head. The thugs shot at the guards. It was at that time that the police responded.

Mr. Deputy Speaker: I think we agreed this afternoon that there should be minimal interruptions and I would wish, particularly when the Minister of State, in charge of internal security is giving the response of the Government to what has been a unanimous--- For heavens sake, let us allow him to do what he can!

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, hon. Mulusya should know that I am not the Commissioner of Police. I am an hon. Member like him.

So, Mr. Deputy Speaker, Sir, as my colleague responded, we have provided security to hon. Kibaki. If other political party leaders request--

Mr. Kibaki: On a point of order, Mr. Deputy Speaker, Sir. The hon. Minister, and the hon. colleague of his are pretending about hon. Kibaki. Could they answer the issue? There is no special security I have asked from them! No! Could they state the policy issues?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, I am coming to that. If any leader of the Opposition or from this side of the House request for security in their residences, they will be granted.

I agree with this House that the Police and the Administration Police should not use force against innocent wananchi. It is well understood that they should not do that. Whenever incidences like that have happened, we have taken action. We shall continue doing that. For example, hon. Shikuku spoke very eloquently about the Administration Police---

(Loud consultations)

Please listen to me! If you want, there are policies and laws and people should abide by those laws. We do not allow this to happen.

I agree that the Administration Police should not go with guns to public gatherings. They should carry their truncheons. The Police likewise should carry tear gas canisters but not live bullets. If they happen to carry bullets, they should be rubber bullets. Let us all agree that excessive force should not be applied against innocent wananchi. But it is equally important for hon. Members to obey the laws of this land. It is most important that we collaborate and agree to follow the laws of this land. Sometimes, these things should not be politicised for political gains, whatsoever. This is because the lives of Kenyans are more important than your own political edge. We are not taking these matters as jokes. We have elements and we are human beings.

Recently, there was a procession in the Nairobi streets where some of the hon. Members of Parliament were seen mingling with the students and advising them to pelt other people's cars with stones. There were Members of Parliament in the middle of the crowd! What type of leaders are they to incite the youth? So, it is abundantly correct that we should behave maturely.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. What the Minister is telling us is what we already know, and it is what is in the law. It is not being done because the law is being broken.

The Minister knows that in order for what he is saying to have effect, he has to issue a legal order. Is he going now to issue a legal order to the effect of what he is saying?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, the legal order is there! This is why in the case of hon. Wamalwa, two administration policemen were arrested. They were arrested because there is a law which stipulates that, that type of force should not be used at any given moment. Therefore, what I conclude is: We all have to obey the laws of this land.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead the House that by pointing out the fact that the two APs have been taken to court, when already he has given a purported explanation of what happened in Lwandeti before this House in a Ministerial statement, to the effect that after some fracas, hon. Wamalwa left and later on one Barasa was shot, that, therefore, he has answered the question; when I could challenge him before this House that since in his official statement, he has told us hon. Wamalwa left and somebody was shot, how does he explain that the shirt hon. Wamalwa was wearing had a gush of blood from the person who was shot, spilling over it? This is the shirt hon. Wamalwa was wearing and this is the blood of Mr. Barasa.

(Dr. Kituyi laid the shirt on the Table)

The Minister of State, Officer of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, this might have happened the following day. There is no proof here!

What I have said, Mr. Deputy Speaker, Sir, is that two APs have already been arrested for shooting hon. Wamalwa's bodyguard. And they are already in custody. What else do you want me to do?

(Loud consultations)

Mr. Deputy Speaker: Order! Order!

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, if the hon. Members on the other side cannot obey the rules of this House, then even if we write a big volume of the rules, they will never obey them!

Yesterday, hon. Michuki said something very important, that there is a sub-chief or a chief who had put a needle through a penis of a small boy. Surely, such a person must be a mad chief or askari.

Mr. Deputy Speaker, Sir, I would like anybody who has experienced an ugly incident to report to the police and action will be taken. Police are you children!

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

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, these policemen are your fellow Kenyans--- You are people who cannot even manage a football team. You are just as useless as---

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

ADJOURNMENT

Mr. Deputy Speaker: Order, hon. Members! It is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 22nd April, 1997, at 2.30 p.m.

The House rose at 6.30 p.m.