

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 7th October, 1997

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.404

DISBURSEMENT OF RURAL DEVELOPMENT FUND

Mr. Speaker: Is Mr. Ndicho not here? The Question is stood over for the moment.
Next Question, Mr. Tom Onyango?

Question No.616

REHABILITATION OF MACALDER POLICE STATION BUILDINGS

Mr. Speaker: Is Mr. Onyango not here? The Question is stood over for the moment.
Next Question, Mr. Gichuki.

Question No.608

REHABILITATION OF MAINA AND MWANGI DISPENSARY

Mr. Speaker: Is Mr. Gichuki not here? The Question is stood over for the moment.
Next Question, Mr. Munyasia.

Mr. Busolo: Mr. Speaker, Sir, I wish to ask Question No.510 on behalf of Mr. Munyasia who was unable to come today because he lost his mother.

Question No.510

REHABILITATION OF DAMS IN SIRISIA

Mr. Busolo, on behalf of **Mr. Munyasia,** asked the Minister for Land Reclamation, Regional and Water Development:-

- (a) if he is aware that most of the dams which were constructed in 1940s and 1950s in Sirisia Constituency have silted; and,
- (b) if the answer to "a" above is in the affirmative, what plans he has to rehabilitate those dams.

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

(a) I am aware that 10 out of the 17 dams constructed in Sirisia Constituency in the 1940s and 1950s are silted.

(b) My Ministry has requested for funds to rehabilitate all the silted dams in the country. The silted dams in Sirisia Constituency will, therefore, be desilted when the Kshs2.7 million required for the exercise is availed.

In the meantime, my Ministry through the recently launched Community Water Supply Management Project, is going to rehabilitate communal water points in Bungoma Districts, including those in Sirisia Constituency at an estimated cost of Kshs7.8 million.

Mr. Busolo: Mr. Speaker, Sir, like I had told this Assistant Minister last week, the first part of the answer is not correct, because none of the dams are desilted. So, I would like to request him, to again verify the facts on the

ground. But be that as it may, could he, regarding his reply to "b", tell us where these funds are coming from and when they will be put into use?

Mr. Ligale: Mr. Speaker, Sir, the funds are granted under the Finnish Development Assistance Programme and, as I have indicated, Kshs7.8 million is for the 1997/98 financial year.

Mr. Rotino: Mr. Speaker, Sir, this is not just common in Sirisia alone, but in many parts of this country. Dams which were constructed as earlier as 1940s and 1950s, are silted. Last time, I asked a similar Question. What is the policy of the Ministry in rehabilitating these dams because, they have overlived their lifespan? What is the Government's policy on this issue because they cannot just say that they have money? Last time, they gave us the same response, but nothing has happened so far.

Mr. Ligale: Mr. Speaker, Sir, the money I have indicated here, is not for the desilting of dams. I have indicated that, that money is for undertaking a separate project in Bungoma District, and the hon. Member for Webuye understands that. With regard to the desilting of dams, I am aware that there are many dams all over the country which need to be desilted. I have a list of what monies would be required to desilt the whole lot of them. There are 1415 dams in the whole country that require desilting. If we were able to get approximately Kshs1,000 million that is required for the desilting of these dams, that exercise would be completed. We are requesting for these funds to be availed through the Treasury, and we are awaiting for the reply.

Mr. Sifuna: Mr. Speaker, Sir, the Assistant Minister has just informed this House that the Finnish Government promised the Kenya Government some funds during the 1997/98 financial year. Could he tell this House, so far, how much money has the Kenya Government been paid because, we are almost left with 10 months to the end of 1997/98 financial year? How much money have we received so far?

Mr. Ligale: Mr. Speaker, Sir, I have said that this money is available this financial year. If the hon. Member, who happens to come from a constituency in Bungoma District, can organise his constituents into committees at grassroots level, they will be able to utilise this money. It is available right now.

Mr. Speaker: Next Question, Prof. Anyang'-Nyong'o.

Question No.622

COMPLETION OF KORWENJE WATER PROJECT

Mr. Speaker: Is Prof. Anyang'-Nyong'o not here? We will leave this Question until the end. Next Question, Mr. Ruhiu.

Question No.133

ISSUANCE OF TITLE DEEDS IN KAYOLE
AND DANDORA ESTATES

Mr. Speaker: Is Mr. Ruhiu not here? We will leave this Question until the end. Next Question, Mr. Benjamin Magwaga.

Question No.588

COMPLETION OF EREGI-SHIKOKHO-MALINYA ROAD

Mr. Magwaga asked the Minister for Public Works and Housing:-

- (a) how much money was allocated for the Road E305, Eregi-Shikokho-Malinya Market in the 1995/96 and 1996/97 financial years;
- (b) whether he satisfied with the quality of work done on that road and if not, what he is doing about it; and,
- (c) whether he could take urgent steps to have the road completed.

The Assistant Minister for Public Works and Housing (Col. Kiluta): Mr. Speaker, Sir, I beg to reply.

(a) The financial allocations towards Road E305 which stretches from Eregi-Shikokho-Malinya Market during 1995/96 and 1996/97 financial years were Kshs2.5 million for each year, respectively.

(b) I am satisfied with the quality of work done on the road, except on a three kilometre section where some patches are showing rapid loss of gravel, but this section will be repaired during this financial year. The allocation for

the road this financial year is Kshs1.0 million, a part of which will meet these repair costs.

(c) The Ministry will put effort to continue the work until the whole road is completely repaired, depending on the availability of funds.

Mr. Magwaga: Mr. Speaker, Sir, the Assistant Minister is totally misleading the House. There is nothing like repairing the road. This was a new road and it was supposed to cut across Ikolomani Constituency, but they only opened up one area and left the northern part unopened. The Kshs5 million that they are talking about, was spent on a very small section of the road. The remaining section of the road has never been touched. When he says that they were repairing the section which was worn out, it means that the engineering section was not run properly. I am asking the Assistant Minister to tell us whether he knows this road or he is being misled by his officers who are on the ground and who have not done anything. Did he send the inspectors from the headquarters as required to inspect that road, to make sure that the Kshs5 million put on that road was actually spent properly?

Col. Kiluta: Mr. Speaker, Sir, the question was not whether I have inspected the road. It was whether I was satisfied with the work done. I have answered that question by saying that I am satisfied. The road is not complete, because over four kilometres is not yet done and we have got money for constructing the remaining section. The bit that is wearing out is part of the work that had already been done and we are willing to go back and do repairs and make sure that, whatever is done is maintained to a satisfactory standard. We are aware and we have got over Kshs7 million for the remaining work.

Mr. Ndilinge: Mr. Speaker, Sir, the Assistant Minister said that they are repairing the section which was done, as they try to complete the remaining work. Does this not show that the contractor who was given the tender is doing nothing on that road? If he has not completed the road and the constructed section is wearing out, this definitely shows that this contractor was not capable of winning that tender.

Col. Kiluta: While I thank the hon. Member for supporting his colleague, I would like to correct him that, that was an in-house job. Any road, irrespective of what is done to it, will still wear out with time, but this particular one is an in-house project and we are aware of the quality of the work which was done and we will do it.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, in view of the doubt which we are casting on the ability of that particular contractor of being able to construct a good road, could the Assistant Minister tell us what experience that contractor has in making roads; and what roads has he made to convince the Ministry to choose him?

Col. Kiluta: Mr. Speaker, Sir, we have got no doubts. If the hon. Member has got doubts on the work being done, then he can come up and tell us what he doubts and we will correct.

Mr. Speaker: Next Question! Mr. Ndicho's Question for the second time!

Mr. Ndicho: Mr. Speaker, Sir, I beg to apologise for coming late. However, I beg to ask Question No.404.

Question No.404

DISBURSEMENT OF RURAL DEVELOPMENT FUND

Mr. Ndicho asked the Vice-President and Minister for Planning and National Development:-

- (a) when the Rural Development Fund was last disbursed in Thika District;
- (b) how much money was given out and how many people benefited; and,
- (c) what plans the Government has to recover the funds from the first beneficiaries, so as to benefit other borrowers.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Nooru): Mr. Speaker, Sir, I beg to reply.

- (a) My Ministry last disbursed the Rural Development Fund to Thika District in the 1993/94 Financial Year.
- (b) A total sum of Kshs639,034 was disbursed to the district, to assist the beneficiaries of the following three projects: Ithanga Youth Polytechnic - Kshs169,981; Munyu Youth Polytechnic - Kshs189,733 and Mataara Health Centre - Kshs279,340 all totalling Kshs639,034.
- (c) I wish to advise the hon. Member that, money provided under the Rural Development Fund Programme has never been on a credit basis to the beneficiaries. The money was provided under the programme has always been utilised in supplementing contributions from wananchi on certain projects for completion.

Mr. Ndicho: Mr. Speaker, Sir, can the Assistant Minister tell us, what that money specifically bought for Munyu Youth Polytechnic, Ithanga Youth Polytechnic and Mathara Health Centre? Since I was elected here in 1992, Munyu Youth Polytechnic has been closed and it has never been opened to date and yet, the Assistant Minister says in 1993/94 Financial year, he gave Kshs189,733. Can the Assistant Minister tell us what that money exactly did, for that polytechnic?

Mr. Nooru: Mr. Speaker, Sir, the intention of the Rural Development Fund is always to supplement the Harambee effort which is done by wananchi. The Fund can be used for completion of the same project, either to purchase the materials, complete the roofing, buying timber, iron sheets and so on. So, the issue of opening and that of completion are two different matters. We go by the DDC priorities and whatever allocation is requested is what we avail.

Mr. Ndicho: Mr. Speaker, Sir, he has not answered the first question. So, I beg you to give me some time for the second question. The first question which I asked him---

Mr. Speaker: Order, Mr. Ndicho! You cannot direct me on how to do my job. Ask the question which I gave you a chance to ask. As to how I handle your questions, it is not in your province.

Mr. Ndicho: Mr. Speaker, Sir, he did not answer my question. I have told him that since 1992 when I was elected to this Parliament, this polytechnic has never been opened. Can he tell us what the money they disbursed for Munyu Youth Polytechnic did, because all we know is that the money was received? By that time, Thika District was not in existence. It was still part of Kiambu District. When that money was taken to Kiambu District, it never left the office of the former Kiambu District Commissioner, Mr. Oreta. So, can he tell us, specifically, whether that money bought a panga, saw, plane, hammer, some nails, a tin or timber? What did it do?

Mr. Nooru: Mr. Speaker, hon. Ndicho was elected in 1992 and not 1993 as he has said. However, the funds allocated to these polytechnics came when we were winding up the Rural Development Fund Programme. This was the last allocation that was disbursed. When we sent out the teams to go and check on the projects that had stalled for lack of funds, that was the figure given out by the District Development Committee. They said that they required Kshs169,981. So, we disbursed the amount of money requested for by the DDC.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I want you to help me as well as the people of Juja Constituency, where Munyu Youth Polytechnic is situated. The Assistant Minister has refused to say specifically what this money was used on. This means that he does not know what the money was used on. Would I be in order to ask you to defer this question to allow the Assistant Minister to ask his officers on the ground whether anything happened? In fact, nothing happened!

Mr. Nooru: Mr. Speaker, Sir, it was the responsibility of the hon. Member to raise this issue in the District Development Committee (DDC) meeting. We allocated the funds to the DDC, whose chairman and secretary are the DC and the district development officer (DDO) respectively. It is his responsibility to ask where the funds went and then from there we can follow up the matter.

Mr. Gitonga: On a point of order, Mr. Speaker, Sir. Hon. Ndicho's question is very specific. He has asked how this money was spent and what purpose it was allocated for. Is the Assistant Minister in order not to answer that question?

Mr. Speaker: By the way, Mr. Nooru, how do you expect an hon. Member to go and ask the DDC a question? You are representing the DDC here. Are you not?

Mr. Nooru: Mr. Speaker, Sir, we do not have details of the Authority to Incur Expenditure (AIEs). We give a lump sum amount for the AIE. It is the DDC which should know whether to purchase iron sheets, timber, nails or clear debts which it has incurred. That responsibility lies entirely with the DDC.

Mr. Speaker: Order, Mr. Nooru! What hon. Ndicho is asking is very simple: You, as a Ministry, gave the money to the DDC to be utilised for a certain purpose. He is now asking you what purpose the money was used for. I am sure you have a report of its expenditure. You can even get an account of its expenditure.

Mr. Nooru: Mr. Speaker, Sir, we normally do not purchase materials on behalf of the districts. We give them a lump sum figure. However, if the hon. Member wants a break-down of the expenditure we can give it to him. Maybe the DDC bought 10 killogrammes of nails and one piece of timber. We can give him a feedback on this.

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. The Assistant Minister has been asked to tell the House what the money was used on. Is he in order to come here and tell the House that he does not even know what the money he gives to districts does? This means that the people in the district can receive and use the money to build their own houses!

Mr. Speaker: Dr. Lwali-Oyondi, how can I help you?

Dr. Lwali-Oyondi: I am just asking whether the Assistant Minister is in order to tell the House that he has no idea of what happened to the money he gave.

Mr. Nooru: Mr. Speaker, Sir, I am very much aware of what is happening. The details of the project are at the district level. We only allocate the funds as requested. But if the hon. Member wants us to go and find out what was purchased, I will tell him that it is the district tender board which purchases---

Mr. Speaker: Order, Mr. Nooru! I do not think we should prolong this issue. I hope you understand the import of what you are telling the House. The DDC is not answerable to the House. I hope you do understand the

message you are passing across. If you do not have the information, just go and get it. But do not give the wrong impression: The DDC is not answerable to Parliament.

Mr. Nooru: Mr. Speaker, Sir, I never gave the wrong impression. I only said that I can supply the details, even though we give a lump sum figure to the district.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I beg to propose that we defer this Question to allow the Assistant Minister to go and do more research into it. In fact, this money has been stolen.

Mr. Speaker: Mr. Nooru, what is your reaction to that request?

Mr. Nooru: Mr. Speaker, Sir, I think what is at stake is only the details of what has been purchased. I promised that I will give these details to the House next week.

Mr. Speaker: Very well. I will give you time next week to give more details on this issue.

Mr. Onyango's Question for the second time.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, first of all I apologise for coming late. I was asked by hon. Onyango to ask the Question on his behalf.

Question No. 616

REHABILITATION OF MACALDER
POLICE STATION BUILDINGS

Dr. Otieno-Kopiyo, on behalf of **Mr. Onyango**, asked the Minister of State:-

(a) whether he is aware that staff quarters and the buildings housing Macalder Police Station require urgent rehabilitation; and,

(b) if the answer to (a) above is in the affirmative, what steps he is taking to rehabilitate these houses.

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

(a) No; I am not aware.

(b) Arising from my reply to (a), part (b) does not arise.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, following the Assistant Minister's reply, could he tell the House in what condition are the staff quarters and the buildings housing Macalder Police Station? Are they not in a pathetic condition? Can he give the House an alternative report on the condition of these houses?

Mr. Sunkuli: Mr. Speaker, Sir, personally I have not visited Macalder Police Station. But the information I have is that the buildings are in a good condition. They are permanent buildings, which were put up in the 1950s. I am informed that the only problem with the houses is that they look dirty and neglected. They need to be repainted and cleaned. I have requested that funds be found to ensure that cleaning and repainting of the buildings is done. Otherwise, rehabilitation of the buildings is not necessary.

Mr. Ojode: On a point of order, Mr. Speaker, Sir. The Assistant Minister has given a very misleading answer. These houses were build early in the 1950s, and to date they have not been rehabilitated. Could the Assistant Minister provide some funds for the rehabilitation of the Houses?

Mr. Sunkuli: Mr. Speaker, Sir, the walls and the roofs of the buildings are good. The only problem is that they need to be repainted.

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir. How does the Assistant Minister expect police officers to live in a building whose roof is leaking and needs urgent rehabilitation? These buildings do not have doors. Actually, prisoners cannot even be kept in the cells. All these facts are before the Assistant Minister. If he did not have them, we have now given them to him. Can he now attend to this problem?

Mr. Sunkuli: Yes, Mr. Speaker, Sir.

(Prof. Ouma and Mr. Mbeo stood up in their places)

Mr. Speaker: Order, Prof. Ouma! Order, Mr. Mbeo! I do not think we do things here as if we were in a chief's baraza. If you have a grievance, or pleading, to raise you must do so in an orderly manner! I think I will allow hon. Otieno-Kopiyo a chance to ask the very last supplementary question.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, the Assistant Minister accepted to attend to the problem, but I would like him to tell the House how much money he has allocated for it. When is he going to attend to it? The police station in that border area needs to be in a good condition, particularly the armoury, given our recent experience in Likoni.

Mr. Sunkuli: Mr. Speaker, Sir, as I said, we are looking for funds. As soon they are available, we shall move in and do the necessary.

Prof. Ouma: Mr. Speaker, Sir, it is true from general observation that our policemen, and other uniformed forces, especially prison officers--- Some of the places they live in, like Lang'ata, look like small posts for scaring baboons away from a shamba. They are so bad! In the case of Macalder Police Station, the officers do not even have houses: They have little shacks. You do not expect people to live under those inhuman conditions. As a general principle, could the Assistant Minister undertake, with particular reference to the old South Nyanza, to ensure that the conditions under which these officers in Macalder Police Station and other places live, are reviewed with a view to improving them, as a matter of concern and urgency? Our people should live in independent Kenya and not in colonial shacks!

Mr. Sunkuli: Indeed, we are looking into the conditions of all the police stations, not in just in South Nyanza, but throughout the country. Most of them are not in very good conditions and, I want to request that in future, this House allocates enough funds to the Office of the President, to enable us to rehabilitate existing police stations and enable us build modern police stations.

Mr. Speaker: Mr. Mwangi Gichuki's Question for the second time.

Question No.608

REHABILITATION OF MAINA
AND MWANGI DISPENSARY

Mr. Speaker: Mwangi Gichuki still not here? The Question is dropped.

(Question dropped)

Mr. Speaker: Prof. Anyang'-Nyong'o's Question for the second time.

Question No.622

COMPLETION OF KORWENJE WATER PROJECT

Mr. Speaker: Prof. Anyang'-Nyong'o still not here? The Question is dropped.

(Question dropped)

Mr. Speaker: Mr. Henry Ruhiu's Question for the second time.

Mr. Ruhiu: Mr. Speaker, Sir, I apologize for coming late.

Question No.133

ISSUANCE OF TITLE DEEDS IN
KAYOLE AND DANDORA ESTATES

Mr. Ruhiu asked the Minister for Local Government when the allottees of plots in Kayole and Dandora Estates will be issued with title deeds.

The Minister for Local Government (Mr. F.P.L. Lotodo): Mr. Speaker, Sir, I beg to reply.

The residents of Kayole and Dandora will be issued with title deeds, once the current title deeds processing programme going on is completed. The preparation of title deeds for Dandora Estate is at an advanced stage. The title deeds are being prepared by the Commissioner of Lands and once they are ready, the allottees will be notified to collect them. As regards Kayole Estate, survey work for Blocks A and B has been finalised and submitted to the Director of Surveys for approval. Once the approval is granted, preparation of the title deeds will commence. The Nairobi City Council is still going on with the survey work for Kayole Blocks C and D. This work is expected to be completed very soon.

Mr. Ruhiu: Mr. Speaker, Sir, title deeds for allottees of plots in Dandora and Kayole are very important,

because they are normally used as collateral for loans from banks and other financial institutions. In the recently found spirit of the IPPG, could the Minister ensure that the Nairobi City Council and the Commissioner of Lands expedite the process, so that these people can be issued with title deeds?

Mr. F.P.L. Lotodo: Yes, Mr. Speaker, Sir. I will do that.

Mr. Mak'Onyango: Mr. Speaker, Sir, arising from the Minister's reply that the title deeds are being prepared, and that they are going to be issued as soon as the preparation work is completed, could he give this House the time-frame within which these title deeds are going to be issued, because the time is of the greatest essence in matters like this? Any delays, I think, may make the would-be beneficiaries lose a great deal of what they would otherwise have gained. So, could the Minister give the time-frame within which he is going to undertake this exercise?

Mr. F.P.L. Lotodo: Yes, Mr. Speaker, Sir. That will be done within the next 90 days.

QUESTIONS BY PRIVATE NOTICE

DEDUCTIONS FROM CHIEFS' SALARIES

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

(a) Is the Minister aware that between July 1995 and June 1997, all chiefs and assistant chiefs in Nandi District had their monthly salaries deducted at source?

(b) If the answer to "a" above is in the affirmative, could the Minister explain what the deductions were meant for, since the employees concerned did not authorise the Ministry to deduct the said money?

(c) Could the Minister urgently refund the money to the employees?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I once again wish to apologize for not having come with the answer. Due to that, I wish to request the indulgence of the House, so that I may answer this Question tomorrow.

Hon. Members: No! No! No!

Mr. Speaker: May I ask a very simple question. I think this is the fourth or fifth time that we have been giving two or three weeks indulgence to your office. What is so difficult about knowing why chiefs' salaries have been deducted in Nandi?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, since it is the first indulgence you are giving to me, I would kindly request--- I am aware that this matter has actually come here before, but I apologize that the Office has not been able to prepare the answer as soon as it is required. I wish to give an undertaking that tomorrow morning, I will come with an answer.

Mr. Speaker: Is that okay, Mr. Sambu?

Mr. Sambu: Mr. Speaker, Sir, since the Minister has abdicated his duties to the Assistant Minister, I will accept the undertaking from the Assistant Minister.

Mr. Speaker: Very well. The Question is deferred to tomorrow afternoon.

(Question deferred)

ARREST AND DEATH OF MAMA MANG'ERA

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

(a) Is the Minister aware that on Friday, 19th September, 1997, three Administration Policemen from Gachuba Chief's Camp in Kitutu Masaba, arrested Mama Prisca Bonareri Mang'era and tortured her until she became unconscious?

(b) Is he further aware that Mama Prisca Bonareri Mang'era was admitted to Kisii District Hospital while still unconscious and died on Sunday, 21st September, 1997?

(c) If the answers to "a" and "b" above are in the affirmative, could the Minister make a comprehensive statement (including a postmortem report) on the circumstances in which Mama Prisca Bonareri Mang'era was arrested, tortured and died and the measures taken against the officers involved in this brutal murder?

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

(a) No, I am not aware.

(b) I am aware that Prisca Bonareri Mang'era was admitted in hospital after she became sick while in custody.

(c) The deceased was arrested by Administration Policemen on 19th September, 1997, for being in position of *chang'aa*. She was held overnight at Gachuba Chief's Camp, where she fell sick and collapsed. She was rushed to hospital where she died while undergoing treatment. The postmortem report indicates that, the cause of death was cardiac arrest, heart attack, due to hypertensive heart disease. Keroka inquest file No.32, 1997, in this respect, is still pending investigation.

Mr. Anyona: Mr. Speaker, Sir, we had a similar Question here last week, where another Kenyan was killed by APs and the Assistant Minister used the same escape route of an inquest. Here is another case of that kind today. The Assistant Minister says in his answer to part "a" of the Question that he is not aware; then he says that this lady found herself in hospital and later, he says that she was sick in custody. Is that really an answer intended to give correct information to this House? Could the Assistant Minister first of all, clarify what he means by saying that he is not aware? But, the basis of this Question is the postmortem report. Could he lay on the Table of this House, the postmortem report? Could he tell us what it says?

Mr. Sunkuli: Mr. Speaker, Sir, I have just received a faxed copy of the postmortem and I wish to say that, the report showed the deceased was a female African, aged 63 years and upon examination of her body, there were no external injuries and both lungs were adherence to the chest cavity--- But it is very clear that the finding of the postmortem doctor was that, there was cardiac arrest due to hypertensive heart disease. I wish to lay the report on the Table of this House. As I said, I am not aware. The principal element of the Member's Question is that, the deceased died a result of torture. But from the postmortem report, there is no evidence of any torture.

(Mr. Sunkuli laid the report on the Table)

Mr. Sambu: Mr. Speaker, Sir, from the cases being laid on the Table of this House, and there must be many more of this kind which are not brought to the attention of the House through the Members, it appears that the police, particularly the Administration Police, have been given a licence to go round killing Kenyans. Will the Attorney-General, and the Minister concerned, bring into this House an amendment to the Criminal Procedure Code (CPC), so that we get rid of this inquest procedure because apparently, if a civilian kills a government officer and there are witnesses, the case is taken to court immediately? If a policeman kills, they go through an inquest. For instance, there is a case in Eldoret where two APs shot people point blank and they are going through lengthy inquests. A policeman shot a student at Egerton University. The case is going through a lengthy inquest. Even the magistrate is doing an open cover-up. The CPC should be amended, particularly where the police are using it as a cover-up, knowing that there is an inquest which will never materialise into anything.

Mr. Sunkuli: Mr. Speaker, Sir, I want to inform the Member that if the inquest procedure is wrong, then the CPC must be amended. He is part and parcel of this House and unless the CPC is amended, the inquest procedure will remain part of the law.

Mr. Mbeo: Mr. Speaker, Sir, we have heard from the Assistant Minister that a postmortem report which he has just read out to us here was passed over to him. Postmortems of these nature need to be verified especially when they have been questioned by an independent pathologist. Could the Assistant Minister tell this House who was the pathologist who wrote this postmortem report? If he was a Government pathologist, could the Assistant Minister appoint an independent pathologist to confirm and ratify that report?

Mr. Sunkuli: Mr. Speaker, Sir, I cannot read the doctor's handwriting, but it is clear that there is a rubber stamp stating that it was the Medical Officer of Health in charge of Kisii District Hospital. But any time the deceased's family requests to be present either by themselves, their advocates or their doctors when a postmortem is being carried out that request is always allowed.

Mr. Anyona: Mr. Speaker, Sir, that does not matter because the Assistant Minister is obviously trying to cover up. If this was a normal death, why would there be a necessity for an inquest if this Ministry is not covering up? Can the Assistant Minister confirm or deny that when this old mother fell sick after she had been unable to bribe the APs, her family came the next morning and found her sick and then she was taken to hospital and when the news of her death reached the village, 300 villagers attacked the chief's camp? In fact, there is no chief's camp there. We only have a co-operative society building which they have taken by force. That night the DC, Nyamira sent APs to terrorise the area and 11 people were arrested in another home where there was a funeral function and I have the names here. Could he confirm or deny that?

Mr. Mbeo: On a point of order, Mr. Speaker, Sir. Hon Anyona has made a statement here that this slain mother had refused to bribe the APs and that was the cause of everything that took place. Could hon. Anyona name the AP who solicited for bribes so that, at least, the Government can take action?

Mr. Anyona: Mr. Speaker, Sir, this is a very serious matter. There were three APs in that area. There is no chief's camp there. What is there is a co-operative society building where they have put erected some huts by force. There were three APs there with their families. They arrested many people. The rest paid bribes and went away. This old mother could not pay a bribe. So, she was taken there and tortured. The next morning her family came and found her sick and they said: "Can we take her?" The APs said: "No". When her situation became very serious, she was taken to Kisii District Hospital. When the news of her death arrived, the villagers came and the three APs fled. The DC came with a big contingent of 25 armed APs. The villagers were prepared for war. So, they were all removed. There is no AP there now. They all went. That is what I am asking the Assistant Minister to confirm or deny?

Mr. Sunkuli: Mr. Speaker, Sir, in view of that, I will investigate those particular facts because those are not known to me.

Mr. Speaker: Order! I will defer the Question. You can get in touch later on. Next order.

(Question deferred)

POINTS OF ORDER

BURNING DOWN OF KAMAE PRIMARY SCHOOL

Mr. Gitonga: On a point of order, Mr. Speaker, Sir. On the 16th of September, I raised a question about a developer who had burnt down a nursery school. Several questions were not answered by the Minister. Finally, he promised to bring an answer here.

Mr. Speaker: Which Minister are you referring to?

Mr. Gitonga: Mr. Speaker, Sir, I am referring to the Minister, Office of President who is in charge of internal security, hon. Kalweo. I raised several questions. For example, who was the owner of the land before it was allocated to Mr. Waweru? He also said that the court had issued a court order. Could he table the court order which authorised Mr. Waweru to burn the nursery school for us to see?

Mr. Speaker: Is that true, Mr. Kalweo?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, it is true, but I have carried out some investigations and there are really a lot of interesting things that happened which might make me to apologise. But I will bring the answer tomorrow afternoon.

MASSACRE OF PEOPLE BY CATTLE RUSTLERS

Mr. Imana: On a point of order, Mr. Speaker, Sir. Last Wednesday, on 24th, September, 11 days ago, I raised a point of order on an important issue. There were 42 people in my constituency who were massacred and a number of livestock stolen by a combination of raiders believed to be from Uganda and Pokot. The Minister in charge of internal security offered to issue a statement on the following day, which was a Thursday. He has not issued the Statement up to date. So, I still demand that the Minister issues the Statement.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, I was engaged on another issue and so, can the hon. Member repeat his point of order?

Mr. Imana: I will repeat what I have just said. Last Wednesday, on 24th, September, 11 days ago, I raised a point of order on an important issue. There were 42 people in my constituency who were massacred and a number of livestock stolen by a combination of raiders believed to be from Uganda and Pokot. The Minister in charge of internal security offered to give the answer the following day which was a Thursday. He has not issued the Statement up to date. So, I still demand that the Minister issues the Statement.

The Minister of State, Office of the President (Mr. Kalweo): Not now, Mr. Speaker, Sir; I will respond the day after tomorrow.

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. Arising from the answers which the Minister gives concerning matters of internal security, it would appear that he forgets to do what he promises to do. These questions were asked a long time ago and he promised to answer them later on. Why is it that he cannot answer them?

Mr. Speaker: Mr. Minister, when will you make those statements?

The Minister of State, Office of the President (Mr. Kalweo): I will answer them on Thursday.

MISTREATMENT OF OPPOSITION MEMBERS

Mr. Falana: Mr. Speaker, Sir, I stand on a point of order to seek a Ministerial statement from the Office of the President.

An hon. Member: Not from Kalweo!

Mr. Falana: I rise to seek a Ministerial statement on the harassment and mistreatment that our colleagues on the opposite side have been subjected to of late in the country.

(Applause)

Mr. Speaker, Sir, what happened over the weekend seriously undermines the goodwill of the IPPG. The hon. Kibaki who is a staunch supporter of the IPPG package from the word go, was harassed, intimidated and stoned in Kerio South Constituency, and to be specific, in Chepkorio area. Likewise, the hon. Raila got the same mistreatment in Kuria District. These are just a few cases. Private cars of hon. Members are very expensive these days and more so Opposition Members who do not drive Government vehicles. They buy and own very expensive vehicles. We want to be very fair and we want to uphold that good spirit of the IPPG. We, as IPPG Members, are not taking lightly or kindly anything that undermines this good spirit and goodwill. Now, I seek this Ministerial Statement with a very heavy heart. Some of us will live to be condemned for the rest of our lives for having started this IPPG get-together.

Mr. Speaker, Sir, it is too early for anything to threaten to break up or disintegrate this process. Now, could the Office of the President, or the Government, come out clearly and assure us that our colleagues on the opposite side are free and safe to move about in the countryside at any time without being harassed, stoned, intimidated or threatened? We have that recommendation in the IPPG package and we do not want it to disintegrate. Could that statement come out clearly?

(Applause)

The Vice President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, let me, at the very outset, say that indeed it has come to the attention of the Government that a number of hon. Members from the Opposition did encounter some difficulties over the last couple of days.

I want to assure the hon. Members that we do not, in any way, as a Government, condone any acts of political thuggery. We totally abhor all acts of violence and by the same token, we also want the House to know that we do not take kindly to any person or groups who try to interfere with peaceful gatherings or meetings or movement for that matter. We want to assure the hon. Members on the other side, that as a Government, we are fully committed--- I want to state emphatically that we are committed to the spirit and to the letter of the IPPG.

(Applause)

I want to make it quite clear here that we are fully committed to that spirit. The whole thing is not a gimmick. As for what happened over the weekend, I want to sincerely apologise, on behalf of the government, for those kinds of acts. Necessary investigations will be carried out, and where necessary---

Prof. Ouma: Demonstrate it!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): That is the most I can do, Mr. Speaker, Sir. Where necessary, action will be taken. We are committed to what is contained in the IPPG report as already enshrined in the Bills; to allow the freedom of assembly and movement of all hon. Members. All hon. Members, irrespective of their political parties, are free to move about all over the country to go and sell their political philosophy. This is what we agreed upon in the IPPG meeting and we have no intention, whatsoever, of reneging on it. I would like to say that if there are a few people who did it, investigations will be carried out and action taken accordingly. Hon. Members and all Kenya citizens, will be provided with adequate security in as much as their activities are within the ambit of the law.

Mr. Speaker, Sir, let me finish by saying that we are not going to allow any acts of political thuggery from any quarter, be it KANU or the Opposition. We want peaceful assemblies and a peaceful political climate. We want to eradicate the culture of political violence.

Having said that, let me finally say that I think we are all aware that there are various forces all over who would want to destroy what has been achieved by the IPPG and we are not going to allow those forces to come and destroy what we have achieved.

Mr. Kiliku: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order! I will give the Floor to Dr. Kituyi.

Mr. Ndicho: In any case, hon. Kiliku is not a doctor.

M. Speaker: Order! Hon. Ndicho, I think you had better become serious. Proceed Dr. Kituyi!

Dr. Kituyi: Mr. Speaker, Sir, this country is going through a very difficult time. There are a lot of us on this side of the House who have spent five years learning every other reason why we should not trust Members from the other side of the House. We have struggled to learn that we have to rise above our distrust of individuals if there are signals that there is genuine concern for the good governance of this country.

The creation of democratic space as we were discussing in the reform package is not about liking individuals or liking parties, it is not about being good to those who are supporting the IPPG process. It is about the appropriation of the rights of citizens of this country.

Mr. Speaker, Sir, if at a time when this House is discussing amendments which include an express statement; "any individual or political party whose supporters are indulging in violence against other persons, risks being removed from the electoral competition---" If we are still in the process of passing these amendments in the House and hon. Members of Parliament are being arrested and kept in custody until such a time that they cannot talk to the electorate, if we are still discussing it in this House and the leader of a political party is stoned, his motorcade stoned at different points in the constituency of a Minister in the Office of the President, how worse can it be when there is no IPPG or Parliament and we are running up to an election? Where will the public relations be done to show that we are committed to the reform process?

Mr. Speaker, Sir, we need much more than promises of serious work being done by the Government. The persons who were involved in the debacle in Kisumu are known. The Kisumu DC is on record as explaining what was happening. The police officers in Kisumu are on record for what they did.

Mr. Speaker, Sir, could the Government, beyond reassuring us about its commitment to this process, tell us which one is the Government? Is it the persons who are involved in this dialogue and giving us assurances or persons in KANU who are keeping quiet and then out there, they are rubbishing everything we are doing? Out there they are stigmatising those of us who have been trusting the word of the Government.

Could the Government show us by action that those who are perpetrating this criminal misconduct and ruining the only hope for a peaceful transition in our country will be dealt with? This has to come in many ways. There is a crisis in education and the Minister for Education is insulting teachers and giving them ultimatums. This is part of evidence of lacking the spirit of compromise and dialogue. We cannot pretend that it is good for hon. Members of Parliament to get such assurances like: "I will go and tour different constituencies". Can we be shown that Kenyans can appropriate their rights and the Government has learned the language of dialogue beyond cosmetic speeches? We hear cosmetic speeches here and then we see action that is totally contradictory to the speeches outside Parliament!

Mr. Speaker: Very well! I do not think we should make this a debate.

Prof. Ouma: Mr. Speaker, Sir, one Member of Parliament arrested under those conditions indicates to other Members of Parliament what is awaiting them. I am speaking on this issue with a very heavy heart, because I was one of those Members who supported Inter-Parties Parliamentary Group (IPPG), and I had hoped that after Parliament approves the resolutions of the IPPG, we will see an immediate change of heart and the spirit and purpose of what we resolved. But if this goes on while we are discussing the Bills based on the IPPG resolutions, what hopes have we that two months later or one year later, those resolutions will be translated into action? Who is administering the nation? Is it the Provincial Administration which is in the Government, or is it the political leaders who are in the Government? This puts us to shame.

The very good spirit, the international goodwill that we are recovering and the spirit of goodwill which was flowing between both sides of the House are being seriously undermined. We cannot go on, on empty promises. When a person like hon. Mak'Onyango and his colleagues are treated that way, I feel it is as serious as hon. Wamalwa or Prof. Saitoti being treated the same way. They were put in a sewerage pit-like cell where six people were suffering from diarrhoea and Members of Parliament were sitting in the middle of the sewerage pit cell. This is a serious intrusion of human rights. I am speaking as a continuing supporter of the IPPG resolutions on one condition. Let us see a change of heart and action. The administration is part of the Government and it is supposed to translate to us on behalf of the Government. I cannot forgive them until I see a change of heart. I appeal to Prof. Saitoti, who is a fellow Professor that we want to see action. We do not want empty words. We came and joined hands to save this country from going into the abyss of despair. We must now see action, to show us what tomorrow will be, if we want a hopeful tomorrow. We do not want a desperate today and after years.

If what happened had no blessing from the Government, let us see those people arrested tomorrow, and the District Commissioner (DC) dismissed. Let us see action and not the usual rhetoric of; "we shall investigate". The Government has got enough Special Branch men to know what has happened. The DC in Kisumu is not more important than hon. Orenge and hon. Gitonga. All of them are Kenyans. We are seeking to save Kenya and yet we

are allowing the same brutality to slide back. We will lose the international goodwill and the goodwill from the Opposition. Then you will remain alone in despair. Let us get an assurance from Prof. Saitoti. I respect him as a fellow man of integrity and a colleague in Parliament; a professor is supposed to be a man of integrity - that these people will be dealt with tomorrow, as a demonstration that the IPPG spirit and purpose will continue. Then, we shall rest in peace that tomorrow we will be safe. Otherwise, we do not want empty words.

Mr. Speaker: Very well! I fully understand the sentiments being raised by hon. Members. But they are only points of order. I have done the best I could by allowing hon. Members to ventilate, and I will give the Vice-President and Minister for Planning and National Development the last chance to re-assure or not to re-assure hon. Members.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I think some hon. Members have actually raised some issues, and it is just appropriate that I should respond.

Once again, let me state in no unmistakable terms that in no way is the Government going to allow whatever may have happened to happen again. I want to assure the hon. Members that proper investigations will be carried out, and where action will be required, it will be carried out. I also want to assure the hon. Members on the other side that we too on this side feel a sense of ownership of the reforms. I am sure that the hon. Members have heard the views expressed by the hon. Members from this side of the House, which may not have been at variance. We have all agreed in unison on the need for reforms and liberalisation of this country. It cannot be attributed to one side of the House or the other, but it is something that all of us are enjoined into. I have never made a statement of that kind of assurance and recanted it tomorrow. I am, therefore, stating, as the Leader of Government Business, that you will never hear matters of this nature again. I want to assure you of that!

Mr. Speaker: Next Order!

BILL

Second Reading

THE STATUTE LAW (REPEALS AND MISCELLANEOUS AMENDMENTS) BILL

(The Attorney-General on 25.9.97)

(Resumption of Debate interrupted on 2.10.97)

Mr. Speaker: Hon. ole Ntimama, you were on the Floor. Would you like to continue?

The Minister for Home Affairs and National Heritage (Mr. Ntimama): Mr. Speaker, Sir, at the closure of business on Thursday, I was contributing on the Statute Law (Repeals and Miscellaneous Amendments) Bill.

As a matter of fact, I was emphasising the fact that local authorities could be made the guardians and custodians of democracy. I am convinced that the institutions of local authorities are the best custodians and guardians of our democracy. The amendment of the Local Government Act is very important and long overdue. This is because I know and believe that democracy is bottom-up, and not the other way round. It is not up-side down.

I believe that if we strengthen and empower our Local Authorities to deal with local affairs without undue interference from any quarters, including the Central Government, and being supported, guided and advised, we will probably be able to have democracy that will be sustained in the area under the local authorities.

The local authorities are so important that democracy is like a "political pyramid". This "political pyramid" has a broad and wide base supporting the apex.

Mr. Speaker, Sir, I am convinced that it is that political pyramid which allows the local governments to act as a strong wind in support of the Central Government. It does not matter what winds are blowing, be they hurricanes or other big winds because it is true that the pyramid will survive.

Mr. Speaker, Sir, I am advocating that we make our local authorities a permanent home for democracy. I know that a lot of things have been said about local authorities, that they are inefficient, corrupt and so on and so forth.

The truth of the matter is: If we look after and guide our local authorities properly, then we should be able to create a situation where democracy will be sustainable at all times.

Mr. Speaker, Sir, it is also true to say that democracy is like a slow growing plant which is normally very fragile. If it is not nurtured, nursed and watered, it could die. This time around, with the energy and devotion that we have put into these reforms; including reforming the Local Government Act, we should not let democracy "die" or "slip" from our hands.

Mr. Speaker, Sir, it is a very well known fact that the Athenians were the mothers and fathers of democracy. But once upon time, when the people of Athens were weakened, then democracy "slipped" from their hands. They never saw it again, until the reign of imperial Rome. This situation cannot be repeated in the world. Democracy is the best system anywhere. It is better than all other system that have been tried. It might not be the best as Churchill said, but, definitely, it is one that can be used to bring the country and its people together.

Mr. Speaker, Sir, we made a very bold step, when we all of us, put our time and energy into the IPPG package of trying to reform certain laws, amend and repeal others in the quest for democracy. We have made one strong bold step in a journey of a thousand miles. We have succeeded in making this step. I hope that, we will be able to take this long journey of a thousand miles without faltering. It is important that we do not falter, renege or go back on our promises because that will be a disaster to this country.

Mr. Speaker, Sir, I want to continue talking about the problems facing our local authorities. I believe that in this particular situation, local authorities are not as strong as they were in 1984. When the Local Government Act was repealed, most of us, especially leaders, thought that local authorities had been stripped of their powers. I think, it is true. I do not agree with the Mayor of Nairobi, even during my tenure, as the Minister for Local Government, because, at times, my friend the Mayor is a little erratic and lacks humility, but I agree with the statement the Mayor of Nairobi made the other day that the local authorities had been "stripped" of their powers. They have been made "impotent" since the 1984 Local Government Act was repealed.

For example, in 1984, I had been in the Ministry of Local Government for a long time. During my time, the politics of the area that I come from were so difficult that some of us were kept waiting for long by other powerful forces and I ended up being in the Ministry of Local Government for a long time. We had a commission called the Local Government Staff Commission. The membership of the commission included mayors of certain municipality, chairmen of county councils, two members from the Local Government Workers Union. In fact, the secretary-general of the Local Government Workers Union was the co-chairman of the Permanent Secretary for the Ministry of Local Government. We also had representatives from the Treasury and the Office of the President.

The Commission dealt with all postings of chief officers of the local authorities, their promotions, discipline and so on. I thought that the Local Government Staff Commission did, in fact, make sure that nobody was victimised and that there was fairness in promotion and in transfers and posting of senior officers of local authorities. It was surprising that this Commission was scrapped when the Local Government Act was repealed in 1984. ALGAK and local authorities complained, but a decision was made that this Commission must be scrapped. What was left, then was that the Permanent Secretary, in the name of the Minister, performed all those functions that were supposed to be carried out by the Local Government Staff Commission. The Permanent Secretary, and sometimes, the Head of the Civil Service, single-handedly transferred people from one local authority to another without consulting a given particular local authority and nobody questioned the whole of this idea. In fact, when the local authorities complained, they were told that this was a Government policy and they should not complain at all.

I think this is where we started to go wrong and to take some very drastic false steps because since then, there has been no cohesion in our local authorities. There is no proper agreement between the elected leaders of any local authority and the chief officers. These two groups have been polarised and they are enemies. The chief officers carry out their own job and local authorities pass resolutions to try and block some of those things, but they are unable. This is the source of problems in local authorities because those officers who are posted to various local authorities are not loyal and have no commitment to the local authorities or the elected leaders of councils. If corruption and mismanagement have come in it is because of this confusion and the polarisation that have taken place.

Mr. Speaker, Sir, I will give two examples. Two years ago, two officers, the Town Clerk and the Director of City Planning, were removed from Nairobi City Council. They were removed because they were accused of mismanagement and immoral practices, both administrative and financial. They were also accused of grabbing some land from the City Council. Indeed, they were accused of allocating public utility land, which they were not supposed to do, and many other wrongs. But now these two officers are back in City Hall. Nobody would have thought that they would ever be seen in the precincts of City Hall at all. But now they are back reigning and trying--- I think, as some of my friends said, probably, they were posted there by some godfather or some of their handlers, who want to make sure that before the next General Elections, all the plots will have been sold out. One would have thought that these people have undergone some change. But, definitely, they have not. They are the same people who have the same agenda, and it is wrong to send them back to City Hall. I do not even think that the elected leadership of Nairobi City Council knows anything about the posting of these people back. I do not think they have been consulted. In fact, when they left that place, it was the councillors who demonstrated and made sure that they left. But now here they are back at City Hall, and we do not know what is going to happen.

Mr. Speaker, Sir, let me give you another example which took place in my own council, Narok County Council. Eight months ago, a very efficient and experienced Treasurer was removed from Narok County Council. In

fact, we do not know where they posted him. They brought in a young district officer to run Narok County Council. I know people on both sides of this House and the Kenyan public have heard that Narok County Council is among the richest councils in this country, but as I speak here today, that council is the poorest, broke, bankrupt and insolvent. It is a disaster. We do not know where the famous tourist revenue from the Mara is going. It is not going to the coffers of the council, it is going into people's pockets. I understand that part of it is being brought here in Nairobi to bribe certain officials to keep that group of people messing up the finances of Narok County Council. This is the truth. I want to say very frankly here that there are all indications that some people somewhere, are determined to destroy the financial base of Narok County Council, and they have done it. These are some of the things that I think the councillors themselves complain about to the authority. Even myself and the other members of the political leadership in Narok have complained. But everything seems to have fallen on deaf ears and we do not know what is going to happen. It is, indeed, a very serious matter. People look after their own affairs. As I have said, all the time, the local authorities have been blamed of being corrupt and inefficient, but it is because of this confusion that is being directed to them, and they are not allowed to make decisions on matters that affect them locally.

Mr. Speaker, Sir, many times on the Floor of this House, even during the times when I was presenting the Vote of the Ministry of Home Affairs and National Heritage, I advocated that the system of devolution of powers and functions is probably the most democratic process that can be done to the local authorities. This devolution of powers to local authorities will enable local authorities to be really democratic and be able to decide on matters that affect their own people on the ground. You know very well as much as I know, that local authorities are closer to the people and they are very popular. In fact, they consider Central Government to be far away and very bureaucratic. So, in the amendment of this Local Government Act, we should stress this question of devolving powers and functions to our local authorities which I think is a responsibility of this august House. When it comes to amending the Local Government Act, we will never succeed unless we really strengthen our base of local authorities. Democratically, this devolution is the most important thing that can happen to our local authorities.

I do not need to go very far, but this devolution of powers is gaining currency all over the world. Today, in France, they are discussing very seriously on how to devolve powers to the lower stratas of society. In Germany, they are discussing very seriously on how to devolve powers to regions and other areas. A major exercise has just taken place in the United Kingdom. The Scottish have voted overwhelmingly through a referendum to have a Scottish Parliament. The Welsh have also voted, although with a very thin majority, to have a Welsh Parliament. That does not mean that the Scottish or the Welsh are going to secede from the Government of Westminster. They will not. It is important that we also go along with the rest of the world in this system of devolution. I know that some people would interpret this system of devolving powers wrongly. In fact, the word "majimbo", to many people, stinks and they think it is emotional or for that matter, federalism in this country. But as a matter of fact, if we go to scrutinise the whole thing, they probably mean the same thing. It is the degree of devolution. Although it stinks, I think devolution could probably be sweet and relevant and, perhaps, we can take it up that way. But it is also important to stress the fact that, like all other countries, our cultures, traditions and languages are diverse.

Mr. Speaker, Sir, this does not mean that we cannot create a unitary Government even if we are diverse. In fact, there is a principle that, we should advocate unity in diversity. That is the only way out because we are one nation. When you look at some of these discussions, probably some people will take and interpret devolution wrongly, but it is the process that is being practised in the world today. Everybody has realised that the lower strata of society should be given the opportunity to make decisions on affairs that affect them. I think this is very important indeed.

Mr. Speaker, Sir, you probably have heard the unitarists and centralists sometimes saying that this would generate tribalism, disunity and many other things. But I think some of these crusaders - the centralists and unitarists sometimes have got their own agenda. Sometimes I suspect they have an agenda to try and continuously dominate other people. This is a situation that is not true, because nobody in this world today, will accept domination. It is not justified by anybody or any group of people. We all have equal rights. We all have the same protection of the law and so forth. So, probably, devolution is the right process to local authorities and not to majimbo as some people would assert.

Mr. Speaker, Sir, I support the real reformation of the local authorities. They should be made able to deal with the local affairs. They should run their own business, control their own resources including their own revenue and initiate their own projects. I think the Government can come here to assist and make the local authorities able to stand on their own feet by giving them grants and so on.

Mr. Speaker, Sir, I would like to talk very briefly about the media. We have a section on the Order Paper today for reforming the media. Very frankly, I would like to say that all political parties, including the 10 that were registered yesterday, should be given access to the electronic media. I think this will be fair, enhance democracy and prevent situations where people say they have been discriminated against. This includes liberalizing the air waves. We should not delay this. One day the air waves will be liberalized.

Mr. Speaker, Sir, the other important thing is that, we have certain freedoms which are said to be the pillars of democracy. These are: freedom of speech and expression, freedom of association and assembly and the freedom of the Press.

Mr. Michuki: And movement!

The Minister for Home Affairs and National Heritage (Mr. Ntimama): Yes, to outer space as well. You can move into outer space as well. Where else do you want to move to, hon. Member?

An hon. Member: To Narok!

The Minister for Home Affairs and National Heritage (Mr. Ntimama): Well, you are free to move! We have got many people living in Narok without any problem.

An hon. Member: We want good governance!

The Minister for Home Affairs and National Heritage (Mr. Ntimama): Well, you can fly there freely and I assure you that we will not stone you!

Mr. Speaker: Order! This is becoming a private conversation! Address the Chair!

The Minister for Home Affairs and National Heritage (Mr. Ntimama): Thank you, Mr. Speaker, Sir. I have been addressing the Chair, until I was interrupted.

Mr. Speaker: Do not interrupt!

The Minister for Home Affairs and National Heritage (Mr. Ntimama): Mr. Speaker, Sir, these basic and fundamental freedoms are very important as pillars of democracy. Everybody now says that a free Press will help in the democratization of any country, and that it is essential for economic development. All this is true but we must be careful. This is because some - not all - of our journalists and reporters in this country do not observe professional ethics at all. They are supposed to educate the public. They should also let members of the public inform them of what is happening. In many cases, a few of them have orchestrated campaigns of personal vilification and personal vendetta against some of our people, especially the politicians on both sides of this House. This is not restricted to the Opposition or KANU alone. Maybe, even the Opposition has sympathy from some of these people in the press.

Mr. Speaker, Sir, some of these individuals who are carrying out these campaigns of personal vendetta and discrimination will not go very far because we are all reforming and some of them will be identified as malicious. Once we identify them as malicious--- We are the news makers and partners in progress. So, our journalists should be fair if the press is to be considered to be free as well. It is a two way traffic. What really annoys me at times is--- I do not mind people criticising me if they think there is any reason to do so, but what I hate is anybody putting words that I did not say or think about, in my mouth. It is thoroughly malicious, and I think we are reforming everything. We are trying to get the media to be as free as possible. For the press to be as free as possible, journalists should be cautious and report the truth objectively. They should also investigate and research on some of these things that they report on.

Mr. Speaker, Sir, I have always said here that some of our communities were not as lucky as other communities, because the white man did not make contacts with us. We did not go to school early and some communities are definitely called "advanced" communities in this country because they came in contact with the missionaries or the white man earlier than others. Most of their people were educated and you will find them in professions including journalism. Occasionally I have observed - I have been very watchful - that at times when there is a conflict between two groups and it happens that some journalist or reporter comes from one of these groups, then definitely - and I think this is human nature - it is the other group that will be called the aggressor, and the group to which the journalist belongs will be referred to as the aggrieved. It is very easy to call the other group "villains" and the other one "saints". I do not object to some of these things, but some investigations must be carried out. We must go to the bottom of these things in order to know the truth. The press should know this.

A lot has been said about what is happening at the Coast. I do not know, but from what we have seen in the Press, the Press has attributed some of the problems happening in the Coast to tribalism and majimboism. They have said that certain people have incited other people. I do not know what is happening, but I think it is important to try and get to the bottom of this first before we draw any conclusions. Maybe there is tribalism, some degree of incitement, and a little degree of majimboism. But are we sure that there is no other social problem underlying this problem? Are we sure that there are no other problems that have not been addressed or redressed for many years?

These are the kind of things that we must go into and find out before we start blaming people and punching easy options. Tribalism is a very easy option. It is easy to state that "X" and "Y" have incited people. It is also very easy to state that majimboism is a problem. It is a very soft option that can be believed by anybody. But I think we should go to the root cause of the matter. There could be some problems of, probably, lack of employment, and many others which I do not want to say. But I think it is important for the Press not to punch easy options all the time because it will not help us. It is important that we get to the root of the problem.

Mr. Speaker, Sir, let me also briefly turn to the Electoral Commission. The other day my ----

Mr. Speaker: Is that part of the proposed amendments?

The Minister for Home Affairs and National Heritage (Mr. Ntimama): Yes, Sir, I am referring to the Electoral Code, the Electoral Commission.

Mr. Speaker: Yes, the Electoral Code. You are right.

The Minister for Home Affairs and National Heritage (Mr. Ntimama): Thank you.

Mr. Speaker, Sir, when Mr. Muite was contributing here the other day, he very strongly advocated that the Electoral Commission should be scrapped and that it is not independent. I do not agree with him at all because, if the recommendations of the IPPG package are going to be accepted and enacted into law in this House - and I hope we will do that - ten members have been added to the Electoral Commission, recommended by the Opposition.

I also heard it before, and I have no reason not to believe it, that during the time when the present Electoral Commission was constituted, four members out of ten, apart from the Chairman, were recommended by the Opposition. If that is the case, then definitely the number and even the views of the members of the Electoral Commission is being tilted in favour of the Opposition. It will be fourteen by six and, therefore, more than independent. So, I am saying that the Electoral Commission must be left as it is, with twenty Commissioners including the Chairman, and that adds up to twenty-one.

Mr. Speaker: Order! Mr. Ntimama, when you delve into the composition of the Electoral Commission, you are anticipating The Constitution (Amendment) Bill of Kenya. So for now, forget about that. Talk about the code of conduct of the members of the Electoral Commission.

The Minister for Home Affairs and National Heritage (Mr. Ntimama): I have a lot of respect for Justice Chesoni who is retired. I think he has been doing his best in trying to be fair and just in anything that he has been doing since the inception of our multi-party system. I have talked to him myself. I have had occasion to call him or to see him personally concerning matters that affect my own area. He has always been very helpful and I think he is one person that I can trust. I hope that the other members of the Electoral Commission will follow suit and be fair and just in running the affairs of the elections.

It is said that the core of democracy is the integrity of the ballot box. The members of the Electoral Commission are supposed to manage the ballot box fairly and with justice. I think that the core of democracy, of protecting the ballot box, is the most important issue in whatever we are saying about a free, fair and level playing field and so forth. It all depends on how the members of the Electoral Commission, their employees, and their agents will manage the ballot box. This is where democracy will be seen to be taking root in this country.

Mr. Speaker, Sir, when we go to the code of conduct of members of the Electoral Commission, I think it is also important to talk about the code of conduct of the people who are carrying out nominations and the primary elections of the political parties. This is where justice and fairness must also be seen to be done. This is because if there is fairness in the nominations and in the primary elections then, definitely, it is there that the whole game will be lost or won.

We had a problem in 1988 with the queue voting system before we adopted the multi-party system. In most cases, when you were not in favour, even if your line was long, it was the short line that won.

(Applause)

This was a great injustice. It must be watched very carefully, because I hear that the other day, even members of the Electoral Commission suggested that they be allowed to carry out party nominations. We do not know whether some parties agreed to give the Electoral Commission the responsibility of fairly and justly carrying out the primary elections. There is nothing wrong with the queue voting system if people are fair and just. In fact, we people in the rural areas prefer the *mlolongo* because we want to count bodies; they can never get spoilt like the ballot papers. We want to count the people one by one because you do not cross them like you cross a paper, and for some illiterate people they will---

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

Mr. Speaker: would you like to be informed?

The Minister for Home Affairs and National Heritage (Mr. Ntimama): I do not know. Let me give him a chance.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, the Minister may wish to know that inherently, people are dishonest. That is why you do not want *mlolongo* because you will not have evidence of ballot papers to be counted in a court afterwards. Bodies cannot be taken to court one by one when somebody fakes the figures. So it is better for you.

The Minister for Home Affairs and National Heritage (Mr. Ntimama): Mr. Speaker, Sir, I do not know whether we are supposed to take any complaints in the primary elections or in the nominations to court. I think it is in

the general election that you take some of these things to court. But as I said, some of us whose literacy rating is a little bit low would like to count bodies because you can put an "x" into two squares in the papers---

Mr. Speaker: What section of the Bill is that?

(Laughter)

The Minister for Home Affairs and National Heritage (Mr. Ntimama): I am discussing the electoral code, Mr. Speaker, Sir, and the fairness of the Electoral Commission.

Mr. Speaker: I think that is analyzing it too far.

The Minister for Home Affairs and National Heritage (Mr. Ntimama): Mr. Speaker, Sir, I do not know whether I can discuss the conduct of the members of the Electoral Commission without touching on the elections. Anyhow, let me leave it for the time being.

Mr. Speaker, Sir, I have got one or two other points to make before I give my hon. friends the opportunity to contribute to this famous Statute Law (Repeals and Miscellaneous Amendments) Bill. We are now passing these reforms in this House. We are enacting them into law, but the biggest problem is the implementation. The whole world is watching. This country is watching. We have all been given an opportunity to try and reform our laws, and make it possible for this country to go through the next general election without serious problems. But there is a lot of skepticisms in this country. People do not believe that we will implement these reforms. People think that we will go back on our promises. They suspect that we will backtrack. This is a situation that we must avoid. We must make sure that these reforms are implemented to the letter. If they are not, then this country will be in very serious problems.

When this House does its job of enacting these reforms into law, it will be the responsibility of the Executive to implement that law. I think all of us will have to be watchful, to make sure that these reforms are implemented. If they are not, we will be in serious trouble indeed.

Maybe, you will think that I am moving away from what is in this Bill, but let me say very briefly that political, legal and administrative reforms must go hand-in-hand with economic reforms. If they do not, then we will have done a futile job. Today we are told that 40 per cent - some people even say 50 per cent - of the people of this country live below the poverty line. That is probably true. A lot of theories are being advanced. One of the them is that our agricultural system is not working well because we are not giving sufficient loans and support to our farmers. It is also said that most of our system of agriculture is still primitive, yet we are, basically, an agricultural economy. We have not yet started to industrialise. I am saying that some people say that there is official corruption. Other people have got many other versions. As we talk about economic reforms, we know that capitalism has won against communism, and democracy has won against totalitarianism. In fact, even the Chinese themselves are beginning to privatize their public sector. The market economy is spreading all over this country. We must go along and privatize those corporations that are still run by the State. This is because they are not going to be productive and, probably, they will not generate enough employment for the benefit of our people. We must stop importing agricultural foodstuffs from other countries. We can encourage our farmers to grow more by giving them more money. The prices of sugar, rice, maize, and wheat have gone down. We cannot sell our wheat any more. Probably, we do not get enough money to off-set what we put into farming, including fertilizers and other agricultural inputs.

Lastly, let me revisit the issue of legal and administrative reforms. I think we have the problem of the Provincial Administration in this country. I think these are the people who for 34 years have been supported, legally, by some of the laws in this country that are decadent and primitive that do not give freedom to anybody. It is very difficult to change these people. You, probably, have to sack three-quarters of them from the service for them to realise that, after all, they are public servants. I hope my hon. friend, the Minister, has got methods of reforming them. I think this will be definitely acceptable. Some of them have turned into really very difficult people.

I spoke about Narok District and my problems with the district commissioner there. He is still there. I thought I would use this opportunity to probably make an appeal for this man, who is not wanted by the people, to go. I have said that we do not know what is going to happen in Narok District, come the next general election. He is now organising some people to create trouble and we have a state of insecurity in that area.

So, I want to say very clearly that I support these reforms. I took part in the plenary session and still support these reforms. I am glad that the hon. Vice-President and Minister for Planning and National Development assured this House that what took place in some areas of the Rift Valley and in Kuria District will not take place again. We should give everybody a free and fair chance to sell his policies to the people of this country.

With these few remarks, I beg to support.

Mr. Michuki: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to these proposals by the Attorney-General following the mandate he was given by this House, when the resolutions were passed. In the first place, I would like to say that for the period I have been involved in the campaign for change and liberalization in

governance, I did so, because I joined my colleagues in order to seek for one fundamental issue. That is selecting and electing the people who should govern this country. For, all this period, I and my colleagues have been fighting against an unjust government, which has not been willing to provide the people of this country with a level playing ground, in preparation for fair and just elections.

Mr. Speaker, Sir, for, almost five years now, we have been talking this House about these changes without eliciting any practical or favourable reforms from the KANU Government until the other day, when NCEC came up with a programme that will succeed as a method of providing for good governance in the country. Yet, NCEC was seeking what I have stated here: The atmosphere within which free and fair elections could be held, lest it escaped attention of this House. Let me remind my colleagues on both sides of the House, that NCEC did not just materialise. The process which led to the establishment of NCEC, started in May, 1995, when 73 members of the opposition parties, signed an agreement in which each of them disowned their claim to which they were entitled, to fight for the presidency of this country. They did that, to in order to agree on who would be the leader of the country. It is from an announcement during that meeting at Hilton Hotel, where the Inter-Party Parliamentary Group, not with two "Ps" but one "P", was formed in May 1995 and that was the beginning of dialogue between opposition parties. Until that time, it was not possible for Members of Parliament from all parties to meet in order to discuss their future but from then onwards, the meetings of the inter parliamentary group continued.

Mr. Speaker: Is it relevant?

Mr. Michuki: Mr. Speaker Sir, it is very relevant because what we are discussing here arises from resolutions passed by this House, and based on what was the agenda of NCEC.

Mr. Speaker: Order! Order! Mr. Michuki, you know the provisions of the rules of the House. We had a motion, adopting the position of the inter party parliamentary group (IPPG) and six months have not lapsed since. So, can we now forget about what we resolved and come to what is before the House? Taking into account the rules of relevancy, can we come to the Bill before the House?

Mr. Michuki: Mr. Speaker, Sir, in my opinion, I do not want to challenge your ruling, but in my opinion, if we went back and remembered what hon. Murungi said here, quoting Mr. Bildad Kaggia: "History will be what it is; it is not what I want to make it or what anybody wants to make it, it is what it has been." And Kaggia concludes by saying, according to hon. Murungi: There is nothing we can do about it. All I am saying is that, this document did not just materialise in this House. Admittedly there was a motion, but there is a historical aspect to that Motion, because this thing has been distorted.

Mr. Speaker: Order! Order! You see, if I was to allow all Members to remember how many meetings they have been in since they came to this House; relate them to this Bill and throwing completely out of the window, the usual rules for order--- Order! Order, if we are going to leave the rules of relevancy, we will never get members to address themselves to this document, which by itself is very voluminous. I think it does help the House, if Members directed their mind and efforts to the provisions of the laws intended to be amended therein and, maybe, as you comment on it, you can give background on each of the them. I am just trying to get Members to direct their mind to what is important.

Mr. Michuki: Thank you, Mr. Speaker, Sir. Indeed, this would not have taken very long, in that, having given that side of the background, what was remaining is the Committee which we formed and then we came to NCEC and it was taken over by a certain section of the people. Now those resolutions passed by this House, based on the reforms of the three committees that were set up, were in total, supposed to form the basis on which the Attorney-General was going to bring legislation here, which he has done, albeit in bits and pieces. This is why it is important, because there is philosophical approach to every proposal that eventually ended up in the hands of IPPG, in order that it reaches the resolutions.

QUORUM

Mr. Mbeo: On a point of order, Mr. Speaker, Sir. We do not have a quorum.

Mr. Speaker: Well, I am afraid Mr.Mbeo is right, we have no quorum. Can you ring the division bell.

(The Division bell was rung)

[Mr. Speaker left the Chair]

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! We have a quorum now. Proceed, Mr Michuki.

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, I am grateful to all Members for constituting a quorum so that I can speak, and others too, can have the opportunity to do so.

I was saying that the whole process that produced the Limuru Conference, and hence NCEC and IPPG, started right here by Members in the Opposition, with their Opposition Alliance in May, 1995. Therefore, the agenda which came before the IPPG was an agenda of the Opposition. That being the case, let it not be said there are people who do not want reforms and yet they are the very ones who initiated the reforms. Let there be no accusation, by those who behave like "the Johnny-come-lately", or to criticise those who are watching and who have reservations because the basis of having trust has not materialised. This KANU Government has promised so many things in the past that have not been done. That has ruined all the chances of having trust because Kenyans want truth to be spoken and things to be done in the proper way.

Therefore, Mr. Temporary Deputy Speaker, Sir, I joined this movement for change because I wanted a level playing ground for free and fair elections. Then there is a question which arises when I read the three documents that have been interpreted into legal terms by the Attorney-General. When I ask myself whether what is contained there will be able to answer my question, as to whether we now have a level playing ground, and, I, on that basis, should proceed and take part in an election which will be free and fair, the answer I get is "no." My conscience does not allow me to pledge anything which I think is not right. I am gratified and inspired by what hon. Minister Nyachae said here, "That the situation in Africa, with particular reference to good governance, has created dictators because of sycophancy", people who will even say "yes" when they know it is wrong to do so. This is what has ruined the whole of this continent, where people even remove honour from God and place it on an individual. Therefore, that is how we have produced dictators, and I agree with Minister Nyachae entirely. Therefore, I am not one of the sycophants. I have never been, not even during Kenyatta's time because Kenyatta discussed things; he did not order, and Hon. G.G. Kariuki knows that.

Therefore, Mr. Temporary Deputy Speaker, Sir, this is why I have simply to say, in my own conscience I cannot, after looking at this document, be able to conclude that having had these changes, I have seen what I have been looking for, and what the whole country has been clamouring for; a level playing ground which gives the basis for a free and fair election. The answer is "no." But to come more precisely to the point at issue, I think the failure and misgivings I had from the beginning, when I was asked by hon. Falana to have a cup of tea with him so that we can discuss how this House can come together, still remains. I told him that I have no reason to believe that what we discuss here, even if it is embraced by the whole of the KANU fraternity, will actually materialise because I do not believe that there could be goodwill on the part of KANU and its leadership in as far as changes in this country are concerned. These misgivings still remains. For once, I have seen copies of the resolutions here which were passed and there are very many matters which were recommended by the IPPG and which have not been translated into law. That for a start creates a great deal of bad faith. The bad faith that I am referring to was discussed here during the discussions on the point of order raised by hon. Falana on the treatment of Opposition leaders and Members of Parliament despite the spirit that was expected to emanate from the discussions of IPPG.

Mr. Temporary Deputy Speaker, Sir, if we look at the resolution made by the Peace and Security Committee, there are no proposals translated into legal terms by the Attorney-General to deal with the problem of mismanagement of public resources, and yet, the plundering of public resources, perhaps, apart from sycophancy, is the greatest enemy, the greatest cause of poverty and the greatest cause in the fall of the level of delivery of services to the public in hospitals, schools and elsewhere. Therefore, this is something so serious that there ought to be very draconian changes in law in order to deal with this matter. I would like the Attorney-General to point out to me either as a point of information or if he wants to interrupt my contribution, where he had dealt with that matter in this draft Bill. So, we are starting in very bad faith, where clearly things are stated and a resolution of this House has been disregarded in matters of very great importance.

Mr. Temporary Deputy Speaker, Sir, there is also the questions of banditry and highway robbery. We would have expected more stringent laws to deal with these problems brought here. We would have expected even cattle rustling to be controlled much more than it has been controlled in the past. What about the tribal clashes? What does the Attorney-General have to say about this matter, because the existing laws were unable to contain this situation when these clashes started in the Rift Valley Province? They seem now to be unable to deal with the matter in Likoni. What proposals has the Attorney-General brought here? Why has he ignored this recommendation by this House, that he should produce laws to deal with this problem?

Mr. Temporary Deputy Speaker, Sir, there are problems of drug abuse. I know that we passed a law here to deal with drugs and so on, but is there goodwill? Is it not possible that the people in the Government are involved in drug trafficking? Who are responsible for the disappearance of so many tonnages of drugs recovered by ordinary

faithful and trusting policemen in Mombasa? Where did those drugs go to? Who is dealing with this problem in Malindi and elsewhere? Who is responsible for infiltrating all our schools, both primary and secondary with drugs? This committee, having expressed concern, what has the Attorney-General done? Why has he ignored this? Was there good faith in the IPPG discussions?

Mr. Temporary Deputy Speaker, Sir, of all matters which relate even to the forthcoming general elections and the administrative reforms, can it possible that the Attorney-General could not see that two committees of IPPG sitting in separate rooms and with different composition recommended one common matter which the Attorney-General in his draft Bill has omitted, namely; that under recommendation "c", on page 9 of the Peace and Security Committee: "The civil Service should be delinked from the activities and influence of political parties particularly, in a multi-party system so as to ensure a non-partisan and thus efficient Civil Service". This was recommended by the Peace and Security Committee. Then the Committee which dealt with constitutional, legal and administrative reforms came up with the same recommendation.

Mr. Temporary Deputy Speaker, Sir, on page 12 of the Constitutional, Legal and Administrative Reform Committee Report where again on the same matter of delinking the Civil Service, another committee with an entirely different membership recommends:-

"The Committee recommends that the PCs, DCs, DOs, Chiefs and other civil servants should be restrained from interfering with the electoral process".

That is another committee which made recommendations on the same issue and yet the Attorney-General could not see this. Is it possible that he could not see this? Was this a deliberate omission on a matter of such great importance, particularly if related to where we are going, the general elections? Given the background and history---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Michuki, what you are saying is actually contained in these amendments.

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, I would like to see where it is contained, maybe, you might point out because, I have not seen it. All I know is that the chiefs have been dealt with adequately under the Chiefs Act. The police have been dealt with under the Police Act where it is stated that the Commissioner of Police in exercise of his powers, will not be subject to the direction of anybody. But having had these two recommendations, why just pick on the chiefs, who are only a part of the Civil Service? Why leave out the rest of the Civil Service? In the first place, that is discriminatory legislation, if I may so.

(Mr. Kariuki interjected)

I am not the Attorney-General of the KANU Government, and Mr. G.G. Kariuki, please, let me continue with my contribution.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Mr. Michuki, address the Chair.

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, restrain him from provoking me. He is my great friend, but he wants to interrupt me.

Mr. Temporary Deputy Speaker, Sir, in the first place, the law is discriminatory because we have legislated against a section of the Civil Service. That is the chiefs. The Government has removed them from there and left a certain section of the Public Service, as if there is a motive behind it. Why should the Government ignore the recommendations of the two committees. As the Government recognises the principle of excluding these people, this was only applied to chiefs and not others. So, we would like to see the Attorney-General address this matter and tell us why.

Mr. Temporary Deputy Speaker, Sir, however inadequate these reforms are, they must be phased in an entirely different version. I support what hon. Muite said. It would not be right to confer strong powers, as it has been proposed here, to an Electoral Commission which we are not certain about and which we thought would be disbanded, and reconstituted again through consultation of all the parties, as they did during the IPPG. But it has been said that, this is not possible and the excuse given is that there is a procedure; a tribunal must be set up in order to disband the Commission. We had the same provision in the law which applied to three former Attorney-Generals. Mr. Karugu was there, but he was invited to State House for a cup of tea and he was asked to submit his letter of resignation and that is what he did. There was no tribunal set up. There was also Mr. Kamere who was similarly protected. He was invited to State House for a cup of tea and asked to tender his letter of resignation, which he did. Finally, there was Mr. Muli who was treated in the same way. Why? Is there no room to invite 11 people to State House over a cup of tea and tell them: "Gentlemen, we want reconciliation in this country, we may re-appoint you in the course of reformation of the Electoral Commission, but I would like you to tender your letters of resignation and I will consider your positions." This is purely for the sake of this nation. Even to strengthen and to establish confidence which has been lacking all these years. That is why a person like myself will never be a sycophant to

anybody, because I prefer to talk the truth even if I have to die for it. I will never support IPPG, but I will congratulate you when you succeed in your implementations, if you do so. Therefore, the Attorney-General should come up with an amendment to the so-called IPPG recommendations and the law that emanates from there, with a clause which says: "After Parliament has approved this law, it must come into effect within six days." When we pass this law and Parliament goes into recess, who is going to press for its signature? Who is going to do that? Is it hon. Makau, hon. Kariuki, hon. Kones or hon. Ntimama who I understand, is now out of favour? Therefore, there should be a clause stating that this law must come into effect a week after Parliament has approved it. Otherwise, there is no trust, because we have said things before which were never fulfilled. What basis shall we use to make us believe that these things can be done?

Mr. Temporary Deputy Speaker, Sir, if the Minister for Information and Broadcasting, is for these reforms, he should have given signs. Even a plant that is being nursed shows buds coming out of the branches. We should have seen within the Ministry of Information and Broadcasting, signs showing that the movement is towards this reform. As it is, it is the other way round. We do not see any signs at all, in the same way as we do not see any signs of change within the police and the Provincial Administration. The DCs and the DOs are so arrogant, because they have been told by the KANU Government that a Member of Parliament from the Opposition is useless. The only leaders according to them, are within KANU. The process of rehabilitation and deep breathing should have started the day the resolutions were passed in this House, in preparation for the day when this Bill will become law. Therefore, how can one trust that, what the Vice-President and Minister for Planning and National Development was saying here is true when he has said so many things before, that never happened. I think this is where the Government and the Members within KANU and the Opposition, must begin creating confidence. If they do not do this, as it has been warned here this afternoon, we are going to have a lot of chaos in this country. If these reforms are not implemented, it does not matter what you do. You are going to have chaos. It will not be from hon. Michuki or Members from this side of the House, but the people outside there. Deny it or not, but this is precisely what is going to happen. People cannot be ruled as if they were under a bondage; that their leaders cannot be recognised and their microphones are taken from them by little sub-chiefs in the villages, and even youth wingers have to be organised to beat up Members of Parliament. That culture has been natured by KANU over the years and that is why some of us left KANU. We did this because there is no transparency and no truth. We only have double-talk being the order of the day. Oh yes! We are always being told by the President: "This road will be repaired tomorrow." When this is said, the Minister concerned stands up in that meeting, to acknowledge the directive being given. For many years, such directives have never been adhered to. Everything has broken down. There is no clean water and no medicine in the hospitals. People are dying, because they cannot even raise monies to buy medicines.

Mr. Temporary Deputy Speaker, Sir, the police have even become trigger happy. For example, on 14th September, 1997, suspects were arrested in my constituency and taken to Makuyu.

(Mr. Galgalo consulted with the Chair)

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, I would like to address you when you can hear me.

The Temporary Deputy Speaker (Mr. Wetangula): Yes, Mr. Michuki, I can hear you now.

Mr. Michuki: These suspects were arrested by the anti-robbery unit of the police which has killed people all over the country, in the Rift Valley, Nyeri, Meru, Embu, Muranga, Makuyu and Ukambani. At least, I know of 19 people who have been killed under those circumstances.

Mr. Temporary Deputy Speaker, Sir, one of these people, a Mr. Mwangi Njoroge, from Kiamara Village was killed. He was beaten into smithereens. He was beaten to death, as a suspect. Then the police came and hid his body in the City Mortuary on 14th September, 1997. They then went, without informing me, as the leader of that area, and intimidated his wife and a brother; allegedly that they had authorised the postmortem and then the Government doctor performed the postmortem and reported that the man had died of pneumonia. Therefore, one should have seen the signs of these changes that are anticipated and, perhaps, over-celebrated by those who took over from NCEC into what you now call the IPPG. We should have seen these changes. The exuberance of the police should have lessened. The arrogance of civil servants, particularly the DCs and PCs, should have subsided. We should have seen signs in the media; and the Minister for Information and Broadcasting who is here should have done something about it. Are we waiting for a day, when all these changes will come up like mushrooms, as if there was a heavy rain at night and in the morning, all the fields were full of mushrooms? Are these changes waiting for one day to materialise all over the place? The absence of these signs can be nothing else other than that, there is no desire on the part of the KANU Government to implement these reforms.

QUORUM

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum. Would I be in order to ask for more hon. Members to come in to listen to hon. Michuki's contribution?

The Temporary Deputy Speaker (Mr. Wetangula): We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Wetangula): Now we have a quorum. Mr. Michuki, you may carry on.

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, I was suggesting to the Attorney-General that, given this kind of mistrust that pervades the whole of the IPPG recommendations, and the misgivings that we in the Opposition do have on the trustworthiness of the KANU Government, we think that, it should consider inserting a clause in this draft Bill suggesting that when this law is passed, it will come into effect. Namely that; even though the President would have to sign it, at least, it should not be left as if it was freely to be dealt with--- Maybe it will be signed much later, like we saw in the case of the Central Bank of Kenya (Amendment) Bill, which lasted for almost a year, after it was passed here. Given the seriousness of this whole effort, surely, everything must be done in order to restore confidence and trust, which up to now is still lacking.

Mr. Temporary Deputy Speaker, Sir, the confidence should come from the action of the Government. Mistrust is being created by what is happening on a day-to-day basis in the whole country. I cited a case whereby exuberance on the part of the police is still there. The DOs are still arrogant. When are they going to be debriefed? Is there any programme to get civil servants into seminars and imbue into them the new spirit if there is one?

Mr. Temporary Deputy Speaker, Sir, hon. Makau stated that when the law is passed is when these things will be done. I am afraid that even in your own system of working, you do not write papers on the day that the Cabinet is meeting. They are written long before. Therefore, I am proposing that this KANU Government considers all these matters that we are talking about. With regard to the induction courses, I would suggest that instead of having passing-out parades with 1,000 recruits at Embakasi Administration Police Training College, who are always trained in combat and drill and not on courtesy and how to treat people, why not go there and address them and inform them that all these things that they have been taught before are no longer useful and that this country will be under the rule of law and not the rule of men? A man who decides to shoot a suspect, not to disable him or her, but to kill and is not permitted by the law to do so is wrong. We want restoration of the rule of law because men, particularly those who are in power within KANU are too selfish. They are too selfish, bordering on the fact that they return to their original state before they were civilised. This is because what else would explain the behaviour and the lethargy of leaving things just to go on? People are dying and poverty is creeping in. The teachers are now on strike and then you want to go to the stables when the horses are out. You had all the time to do that. The children everywhere are now in danger of failing their examinations and this is causing anxiety to their parents and themselves on a matter which legally has been concluded and gone.

Mr. Temporary Deputy Speaker, Sir, therefore, why does it appear as if this KANU Government is completely unable to tackle these problems? At least, to my constituents it appears that the Government is unable to tackle these problems because nobody is having any assistance from that Government whether it is in hospitals *et cetera*. The other day the President came to Murang'a district and said: "This hospital is now going to have a programme of change and medicine is going to be brought." *Wapi! Ziko wapi?* Where are the medicines? This is what I am talking about that it is better to tell the population the truth. It is better for you people to do so because you do not have to carry out these reforms. It is better to say that you will not reform as the people want rather than pretend to reform when you have no intention of implementing these reforms. This is because if you have intentions of implementing these reforms, a leader of a party like hon. Mwai Kibaki there would not have been beaten by organised people in a constituency represented by a Minister in the KANU Government. So, some of us are going to wait and see because we do not trust the whole process. I have repeatedly said that I have no business to trust what is going on. I have answered my question that these three documents which formed the Motion and the law that is now being enacted does not provide me with the answer to my original questions when I joined politics. My original questions were: "Are we going to have change?" "Are we going to have a level playing ground?" "Are we going to have free and fair elections?" I find the answer is "No!" and my conscience tells me that I must oppose this Bill. So, I cannot support the Bill.

Thank you, Mr. Temporary Deputy Speaker, Sir.

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

Mr. Michuki: That is my conscience!

The Minister for Information and Broadcasting (Mr. Makau): We need not worry about your conscience.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Michuki, I thought you had concluded your speech.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, the amendments that we are discussing constitute a very, very important Bill and I would like to preface my contribution by commending those who were involved in the IPPG. Those who were not involved in the IPPG deliberations and those who sit and try to criticise the deliberations of the IPPG will realise that Kenyans feel relieved in that those Members who were elected to this Parliament forgot their political affiliations and came to the salvation of Kenyans.

Mr. Temporary Deputy Speaker, Sir, I would like to stress that KANU has always believed in change. The reforms that we are discussing are reforms that KANU and the Attorney-General had intended to bring to this Parliament for a long time.

Mr. Mak'Onyango: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister not misleading the House to claim that KANU originated these reforms and that they are part of what the Attorney-General intended to bring to this Parliament when it is known that KANU never did anything at all and it was not until the NCEC came up with the whole idea and not until NCEC and the people of Kenya came out in protest to show that they wanted change that this Government finally surrendered to the people's power? Are you not misleading the House?

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I am not misleading the House because the changes and amendments that we are debating came as a result of the forward-looking nature of the KANU Government because when the National Executive Committee (NEC) met they came up with these proposals and that did not bar other people from contributing. That is all I am saying. I do not know what FORD(K) came up with apart from opposing what we are discussing.

Mr. Temporary Deputy Speaker, Sir, having said that, I would like to appeal to those who are not supporting the IPPG recommendations to support them because you were looking for reforms which have now been accepted. The IPPG met and they did their recommendations and now you are so much ashamed because what you are looking for are not reforms. What you are looking for is chaos and what NCEC and its supporters are looking for is anarchy and chaos in this country because the idea and the feelings of those who are opposed to the reforms like the previous speaker said is for them to keep on soliciting support and finance from outside to destabilise this country.

Mr. Temporary Deputy Speaker, Sir, when we talk about constitutional reforms and minimum amendments that have been made in preparation for the General Election to create a level playing field before elections, the Government is very, very committed to that. I would like to say that the Ministry of Information and Broadcasting suggested an amendment of the KBC Act. I would like to assure this House that even before the proposed amendment, we had put in place what KBC is going to do which is to have everybody be covered fairly and to have a balanced coverage especially during the campaigns.

Mr. Temporary Deputy Speaker, Sir, the suggestions that were made by the IPPG are in conformity with what the Ministry of Information and Broadcasting, in conjunction with the Kenya Broadcasting Corporation, had set to do; that we will be covering all the parties. All the parties will be given slots to air their programmes or manifestos and the candidates will be covered adequately. That is on free coverage. Any persons who would like to advertise their programmes will be given adequate space to do so. This is a guarantee that I have given. I am also giving an undertaking and this has not come as a result of the amendments that we are discussing. This is what we had planned to do. We have studied what has happened in various parts of Africa and this is what I am guaranteeing you today.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that the fact that we are implementing reforms in various areas does not mean that the Government is going to make everything free for everybody. We have heard people expressing doubts regarding the notification that will be given to police officers for any meeting. A lot of people have expressed a lot of doubts. I would like to let every hon. Member know that even in countries that have abolished licensing and have come up with notification like Germany, for example, even if there is any demonstration by any group, the police have to make sure that law and order is maintained. Those who are thinking that they could just leave Nairobi to Kisumu and hold meetings, engage in all sorts of insults, should know that in all these meetings, law and order should be maintained by the Government and those law enforcers.

Mr. Temporary Deputy Speaker, Sir, there are areas where the amendments that we are discussing were long overdue, especially areas where Kenyans are harassed. Here I refer to the Chief's Authority Act. We should not be apologetic on the question of whether this Act existed. We should look at the amendments that have taken place before the amendments that we are doing; the miscellaneous amendments. The Kenyan Constitution has been amended about 31 times. We should realise that in any country, any constitution or any statutes or laws are organic and with any changes, amendments must take place.

Mr. Temporary Deputy Speaker, Sir, that is why I am appealing to those doubting Thomases, like the hon. Member who has spoken before me, that we are serious on change. It is the Opposition Members who never joined the KANU Members, like my friend here who is going away. I do not know why he is leaving, but he should believe that

the KANU Government is committed to change.

Whatever you do, whether you talk about the NCEC, one thing that you should realise and commit it to yourselves is that Kenyans have no support for NCEC. We know those people who are in the NCEC and none of them can stand and be elected anywhere in this country. They are people who are there because they are being sponsored by outsiders. If you look at the background of these people, they are being dictated to and we know from where. Some of them, and that is why they are so disappointed, had been given new vehicles; Land Rover Discoveries. These fellows who had never driven before, you see them driving expensive cars given to them by those outside sponsors. Now they are so worried, after IPPG, that the role they thought they were playing is no longer there.

Mr. Mak'Onyango: Mr. Temporary Deputy Speaker, Sir, I hope you heard hon. Makau say very clearly that some of the NCEC officials are driving Land Rover Discoveries given to them by the so-called foreign masters. Could he substantiate this? Could he name the fellow concerned?

The Minister for Information and Broadcasting (Mr. Makau): Sit down! I am going to do it now. There is Professor Kivutha Kibwana. He cannot afford a car, and the Land Rover Discovery that he is driving today which I am told is being taken away, was bought for him! I am not the Registrar of Motor Vehicles, but I am telling you that those NCEC officials received these vehicles from foreign sponsors---

Prof. Mzee: On a point of order Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to refer to Professor Kivutha Kibwana as a person who cannot afford a car? Does he mean to say that this country cannot afford to pay a whole professor sufficient money to buy a duty-free car?

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I am not doubting that he is a professor. I am saying that I can give you the details of those who bought the cars for them.

Mr. Ogeka: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Makau to mislead this House that the National Convention Executive Council (NCEC) officials cannot contest and win an election, while it is clearly on record that any public meeting to be attended by the NCEC officials keeps the Government wholly scared and running up and down? More often, it tries to break the public meetings scheduled to be addressed by these very popular members of the NCEC who are advocating for genuine reforms of the Constitution of this country.

The Minister for Information and Broadcasting (Mr. Makau) Mr. Temporary Deputy Speaker, Sir, with due respect to the hon. Member, he does not understand the situation. That is why he continues to get into problems in his own area by associating with fellows who are so heavily funded by foreigners that their duty is to confuse.

If I would answer Prof. Mzee's query, Prof. Kibwana is on leave of absence. He is not working at the University at present. He is being funded full-time by foreigners. That is something you should be aware of. How can he afford all these things when he is not working? He is getting finances from outside. If there is somebody who knows that fellow better than anybody here, it is me because he is somebody that I have known since the time he was a small baby.

So, these are the type of people that have misled the hon. Member---

Mr. Mak'Onyango: On a point of order, Mr. Temporary Deputy Speaker, Sir. In all fairness, hon. Makau, we should not reduce this House to the level of discussing personalities. I think we are concerned with very serious issues. Hon. Makau mentioned a little while ago that he has papers to prove that Prof. Kibwana was given a Land Rover Discovery. Could he undertake to produce these papers before the House?

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, Prof. Kibwana is not an hon. Member of this House, and I am not imputing any improper motives. I am condemning his activities. If you are working with him, I am not allowed to condemn you here, but anybody collaborating with him is a political saboteur in this country.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am working with hon. Makau in the Inter-Parties Parliamentary Group (IPPG). So, I suppose he will take me more seriously.

Hon. Makau has made a categorical statement that Prof. Kibwana has been bribed and given a Land Rover Discovery, which he could not have bought by his own means. He has said that he has got the papers to prove this and has been asked to substantiate. Would it not be in order to ask hon. Makau to lay the papers on the Table, to prove that Prof. Kibwana has, indeed, been bribed with a Land Rover Discovery, to cause the kind of trouble that he is causing now?

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I have no apologies and I do not have to bring papers here. What you need to know, and I have said it in reply to Prof. Mzee's point of order, is that Prof. Kibwana is not working at the University. He has taken leave of absence to work full-time for the groups sponsoring National Convention Executive Council (NCEC). I do not have to bring papers here. Every Kenyan is aware of the fact that the NCEC is being sponsored from outside this country.

Mr. Nyagah: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to take this advantage because I have a vantage point of listening. What he is trying to labour and substantiate is not there. He talked of a Pajero and not a Land Rover Discovery. So, I think he can continue with another subject.

The Minister for Information and Broadcasting (Mr. Makau): Thank you very much, hon. Nyagah, for the information. There are many vehicles. There are Land Rover Discoveries, Pajeros and others.

Dr. Kituyi: On a point of information, Mr. Temporary Deputy Speaker, Sir. I wish to inform the Minister that there is nothing sinister about receiving financial support from outside. This Government is dependent on sponsors who are external to this country. When a component of it is withdrawn, everything is in chaos. So, the fact that an organisation or a group of individuals gets some money from any place, does not in itself, make it a criminal organisation.

The Minister for Information and Broadcasting (Mr. Makau): While I appreciate that information, the point that I am trying to labour here is that, if you get assistance and you do not use it for destabilisation, there is nothing wrong. What I am saying is that we thought the NCEC was genuine on reforms in the beginning. But when the IPPG came and removed the carpet under their feet, the source that they were relying on to get finances to destabilise the country dried up. This is because they have no role to play. The IPPG has already come up with genuine reform proposals, which we are debating here. So, their role is already non-existent. When they met at Limuru as a civil society, we did not ignore some of their suggestions. But we thought that they had made their suggestions and what remained was to be completed by elected leaders. The IPPG undertook to play that role and bring the minimum reforms, and have them legislated here. That is what we are debating. So, we do not understand why the NCEC call for meetings in Kisumu and other places to cause chaos. They are now talking about *Kumi Kumi*. If they are genuine reformists, they would appreciate the role being played by the IPPG Members, and the suggestions that have been made. What we are debating here are the miscellaneous amendments as suggested by the IPPG.

Mr. Shikuku: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki kwa mhe. Makau kujaribu kuzungumza mengi kuhusiana na NCEC, na tulimweleza mwanzoni kwamba maana ya NCEC ni FORD(A) ambayo ilikuwa na kura 1,400,000, DP ambayo ilipata kura 1.02 milioni na FORD(K) iliyokuwa na kura 900,000. Vyama hivyo vyote vimeunda NCEC.

Mimi niliwaambia tutakuja mwavuli wa NCEC tuweke nyuma ili tuzungumze, na ndiyo sababu kikazaliwa chama kinachoitwa IPPG. Je. mhe. Makau ana haki kurudi nyuma na huku mwavuli ulikunjwa zamani? Yeye bado anafuata mwavuli na amesahau kwamba mhe. Karua alisema waliobaki nyuma ni "remnants" yaani, mabaki tu. Mhe. Makau anaendelea kuongea mambo ya mabaki hayo. Waache waendelee na sisi wenye NCEC ndio tuko hapa. Asipoteze pumzi na nguvu zake kuzungumzia mambo ya "maiti".

The Minister for Information and Broadcasting (Mr. Makau): Thank you very much, hon. Shikuku. With due respect, you are one of the longest serving Members of this Parliament. You were involved in Lancaster and we take what you say very seriously. I am not going to talk more about the NCEC. I think it has been exhausted.

I would like to conclude by guaranteeing this House that the changes that will be effected by the Kenya Broadcasting Corporation (KBC) Act, and the programmes that we have set for the coverage of all the parties would create a level playing field before and during the elections. We will be able to get slots for programmes of all the parties. We had even planned this before the suggested amendment of the KBC Act. I would like to guarantee that the KBC will cover everybody adequately. The other print and electronic media, and especially the newly licensed radio and television stations, will be able to cover everybody.

With those few remarks, I support the Bill.

Mr. Mulusya: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill.

I am pained by the insistence of our colleagues that nothing has been achieved by the IPPG. This country will not forgive the people who are cynical about the achievements of the IPPG. The only people who should bear the sword of condemnation are those who are relegating the achievements of the IPPG.

After going this far in trying to avert chaos in this country, there are some people in the ruling party, who do not understand the mood in which Kenyans are in now. There are people who are perpetrating acts which will derail the good course that we have collectively embarked on. The stoning of leaders who are going round campaigning should be stopped.

We would like to hear the current Government condemning the stoning of leaders who are going round campaigning. My present Chairman, hon. Kibaki, and hon. Raila are Presidential candidates. They should be given due respect like the one accorded to the President of the ruling party, KANU.

Mr. Temporary Deputy Speaker, Sir, we do not want Kenyans to doubt the initiatives and results of the IPPG because of the activities of a few people who have selfish interests. If you feel threatened in your own constituency, do not get afraid because it is KANU which is threatened. Some hon. Members, when they see

Opposition leaders touring their own areas, feel that KANU as a party and the Head of State are being fought or threatened. Therefore, they start organising hooliganism. We would like to see this stopped.

Mr. Temporary Deputy Speaker, Sir, it is the duty of the Government or the ruling party to show by deed to Kenyans that we have now embarked on a new reform agenda which is for the benefit and posterity of this country. We want to see the Attorney-General take those people who have committed such crimes to court. This must be condemned by all peace-loving Kenyans.

Mr. Temporary Deputy Speaker, Sir, it is very mischievous for some of us who were not in the IPPG talks to assume that this country can only be led well when they are in the programme for reforms. Some people think that this country can only be led by them but not by anybody else. They think that they have the ability or they are the only people who have the best brains in this country and who can spearhead development and progress in this country.

This is not the case. Those people are really misguided because without them, this country will continue and I am not saying that---

(Loud consultations)

Mr. Mbeo: On a point of order, Mr. Temporary Deputy Speaker, Sir. You can see the "Luhya General" is busy there shouting, and yet we are busy here listening to something very important. The Bill is so important!

The Temporary Deputy Speaker (Mr. Wetangula): Order! What is your point of order?

Mr. Mbeo: Mr. Temporary Deputy Speaker, Sir, could you tell the "Luhya General" to shut up?

(Laughter)

Mr. Shikuku: On a point to order, Mr. Temporary Deputy Speaker, Sir. According to the Standing Orders of this House, we are supposed to address each other by our right registered names. I do not know whether there is any hon. Member in this House who was registered as "the Luhya General." I am a Luhya and I am not a general. Is the hon. Member in order to say that there is a "Luhya General" in this House?

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Mbeo, there is only one "retired general" in this House. That is General Mulinge. There is no "Luhya General" or "tribal general" here!

Carry on, Mr. Mulusya.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, from the beginning when this country was demarcated by the colonialists, it was only the Kambas who were able to produce army generals. The other "generals" came the other day and we do not know from where. We are yet to see whether they are real "generals" or "retired generals!"

Mr. Temporary Deputy Speaker, Sir, what we should be hearing from KANU Government--- I would like the hon. Attorney-General to listen. In this country we, should now be talking about something different. We should be talking about a different agenda. For example, how are we going to reform our economy? We should move from the words "creation of a level playing field" to issues on how to create an economic environment conducive to eradication of poverty in this country. We seem to be singing the same song that is out of tone. What is "killing" Kenyans now is the high level of poverty. This poverty cannot be eradicated unless we have politicians who are sincere in themselves. We need businessmen to be given assurance that this country in the year 2000 will be moving forward and not stagnant the way it is.

Mr. Temporary Deputy Speaker, Sir, for the last one year, we have been experiencing a high level of inflation. The Kenya shilling started depreciating against hard currencies. We also imported a lot of goods into the country and exported very little goods out of this country. We have been witnessing pilferage of Government fund or taxpayers' money. We are not seeing any positive action from the Government. All we should be hearing now is about the change of tone. How are we going to create that environment? How are we going to punish those people who are committing economic crimes in this country? This is what should be happening! We should be told by the Attorney-General who is sitting here, when he is going to bring a Bill to be able to punish all economic saboteurs. For example, if you have stolen you are going to be "thrown out" of the Government.

Indeed, some Ministers are going to lose their seats because they have been instrumental in misuse of public funds as the Reports of PAC and PIC, which have been tabled here, have shown. What is going to happen to those civil servants who have amassed wealth unfairly through stealing and receiving bribes? Are we going to allow those people to continue enjoying that wealth? Are we going to allow such people to come to this Parliament and make contributions from the Floor of this House and say that other people are not working hard enough? This is what the outside world would want to hear Kenyans saying.

Mr. Temporary Deputy Speaker, Sir, if the Government of the day was to embark on that exercise, nobody would talk in a doubtful tone against these reforms. But our commitment must move from the political climate to the economic climate. In future, we would not want to see people who are sitting in positions of authority and within a

year becoming billionaires. Every other year, they are stealing billions of shillings. Those people are the ones who are moving around telling the electorate who to elect. They are the ones who are sponsoring candidates against these Cabinet Ministers.

You will find a civil servant working against a full Cabinet Minister. Today, the threat to most of these Cabinet Ministers is not the ordinary politician, but the civil servants who have amassed wealth from positions of their authority. Some of these civil servants have already retired and they are planning to oust these Cabinet Ministers. By the turn of the year, you will find those civil servants coming into this Parliament. What culture are we creating? What are we showing our children? Are we telling them that the only good person who can be a leader is that one who has stolen large sums of money from the Government? As leaders, this is what we should guard against. I want to urge all Kenyans to reject such people who have stolen Government money and are now waiting for the general elections to be announced so that they can oust some of the Cabinet Ministers. A good example of such a civil servant is one, Mr. Josiah Sang', who wants to remove my friend, hon. Prof. Ng'eno from his parliamentary seat. One cannot sell open spaces, or a stadium at Kericho and have the guts to stand up in front of people and tell them: "I am the best person to be elected and not Prof. Ng'eno." That man is a criminal. It is even clearly stated in the Public Investments Committee (PIC) Report that Mr. Sang' should not hold a public office. We, as Parliament, should enact a law which bars such people from being elected to this Parliament. Otherwise, such people are going to bring that "sickness" here. But Mr. Sang' is not alone, virtually all Cabinet Ministers - and I do not want them to think that I love them - are very unfortunate. There is, at least, one former civil servant planning to oust the Cabinet Ministers from their parliamentary seats. I can name them if necessary. I know of several civil servants who are either planning to retire or who have retired two years before---

An hon. Member: Which civil servant is planning to remove you?

Mr. Mulusya: No civil servant can remove me from the Kangundo seat because the people from there are Christians and they will reject anybody who has been working either in Treasury or anywhere "stealing" their coffee money and taxes.

Mr. Temporary Deputy Speaker, Sir, the Government should now tell us what they are planning to do to these impassable roads. The short rains have started in some parts of the country and in Nairobi it started over the week-end. A few minutes ago I was in the Industrial Area and the roads there are in pathetic state. The industrialists and manufacturers in that area cannot access their factories because of huge potholes. The contractors who are awarded the contracts of repairing our roads do very shoddy jobs. On most of the roads which were re-carpeted in the last one month, for example, Lusaka Road, cracks have started appearing. The contractors are supposed to lift the manholes to the level of the new re-carpeted roads, but they are not doing it, and the Ministry of Public Works and Housing is not taking any action to rectify the situation. This issue has to be seriously addressed, and I wish Prof. Ng'eno was here to listen to this. One has to be very careful when driving along our roads in the City. For example, on approaching a manhole cover along Haile Sellasie Avenue, one must evade it by all means, otherwise, it will bend your car wheel. This problem must be looked into seriously.

Mr. Temporary Deputy Speaker, Sir, I would like to say that the reform programme should now be a thing of the past if we are going to move at all. We should now hear of a different agenda from the Government for discussion. The Attorney-General should also show some seriousness in this regard. Why does he and the Registrar of Societies want to portray SAFINA as though it is a party led by impossible "giants?" Why are you trying to make anthills out of molehills? Why are you trying to show as if Leakey is such a big threat to this Government?

An hon. Member: Whom are you addressing? **Mr. Mulusya:** I am addressing the Attorney-General. Why not register SAFINA and see what it is going to do? Why do you not register the Islamic Party of Kenya (IPK) with its fundamentalism? Kenyans will reject it, but if you keep on dilly-dallying, not being sure whether to register the party or not, you are showing Kenyans that there is something behind that SAFINA and IPK. I really pity the Attorney-General because I am aware that at times, he works under very hard circumstances, and working under people who---

The Assistant Minister for Commerce and Industry (Mr. Galgalo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Mulusya in order to impute that IPK has got fundamentalism just because the word "Islamic" appears in the initials of the IPK?

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I do not know whether he wanted me to--- He should put a Question for me to answer when I become a Minister in the coming Government; when we win the coming General Elections.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Mulusya in order to address the Attorney-General directly instead of addressing the Chair?

An hon. Member: Mr. Mulusya, forget him. Go on!

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Mulusya, address the Chair.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I want to address the Chair as I have always done.

A few minutes ago, before I was interrupted, I was saying that the Attorney-General is working under very difficult circumstances. I want to urge those who are in power in the country to give the Attorney-General, Mr. Wako, a free hand to manage his office. I would also like to urge him to ask for reforms in his office. We want reforms everywhere even in this Parliament. If we are talking about independence of your office, that independence must be seen to be true and real in order to get rid of some of these things which are being pushed to your office. We know our Attorney-General to be a man of high integrity and can perform his duties well. Our only prayer is that he be given that freedom to work independently. I am sure any future Government would like to retain him in that position. The Opposition will form the next Government and there is no reason why Mr. Amos Wako cannot be allowed to carry on in his present office because he is a perfect man, but---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Mulusya, how can you have an Opposition Government? You can only have a different Government.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I am talking about the next Government which will soon be formed by those currently in the Opposition.

With those few remarks, I beg to support.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute on this Bill, a Bill that I am really committed to.

Mr. Temporary Deputy Speaker, Sir, the IPPG has averted a very serious crisis in this country. The people of Kenya are happy for what the IPPG has produced. "Instead of taking chaos to our people - as one of us said during a Plenary Session - we can now take peace to our people".

Mr. Temporary Deputy Speaker, Sir, I am really gratified because I am the "youngest" MP in this House, and I have been involved in delivering this important change in our political history. The amendments that have been recommended, which I am sure are going to be passed, will make Kenya a peaceful and stable country to live in.

Mr. Temporary Deputy Speaker, Sir, when I heard my idol in politics, hon. Shikuku, say that he has folded the umbrella of chaos and taken up the hat of peace, I was really gratified and I am sure every Kenyan was gratified. I am asking Members to commit themselves to the tenets of the reforms and create an environment in which our people can live peacefully and go about their business without hindrance. We have been able to create an environment of trust and confidence among all the Members of Parliament of all the parties in this Parliament. I would like to urge the people of Kenya to re-elect these people who have created trust and confidence in themselves so that they can carry on with that kind of trust and confidence into the future, for the progress of our country.

Mr. Temporary Deputy Speaker, Sir, I hope Kenyans will vote all those Members who were in the IPPG back to Parliament - including me - so that we can continue with this atmosphere and support our Government for development. We will then be able to move on to other matters which are urgent and necessary for our country. For example, we need to formulate policies that will address issues like poverty, unemployment, education, health, farming, security and infrastructure.

Mr. Temporary Deputy Speaker, Sir, as we speak here today, we know our children are at home because the Government Ministers concerned with matters of education and labour have not been able to negotiate with our teachers, to give them even half a loaf of bread so that they can go back to schools. We have hardliners; people who believe in directives and ultimatums. They command a person to be in office the following day, regardless of whether he is sick or well, and despite the fact that their demands have not been addressed. I am sure with the reforms message going around the country, these hardliners will be made moderate or even probably liberal. They will accept and think about other people's interests. They will think about the interests of this country instead of their own interests.

Mr. Temporary Deputy Speaker, Sir, unemployment should be dealt with immediately since it is a time bomb for this country. Students complete their college courses year-in-year-out, and then they all end up in their homes, idling around and causing unceasing poverty to their families. I think we should formulate a policy for that aspect of our lives.

Mr. Temporary Deputy Speaker, Sir, in any district hospital, for example, in Bungoma, Kisii, Kakamega or Machakos, there are five people on a single bed, lying on each other. Farming has been destroyed. After these reforms we should move, as hon. Members of both sides of the House, to find out why our sugar cane, tea and coffee cannot do well.

Mr. Temporary Deputy Speaker, Sir, the Civil Service of this country still believes in the tenets and principles of colonialism. I have witnessed incidents where a Minister goes to a DC's office and cannot be given a seat. I have also witnessed cases where a DO and even a chief takes a microphone from a Member of Parliament and yet it is Parliament which makes laws for this country. I was gratified when we were able to repeal some of those laws which are colonial. I saw, and I can still picture in my mind what I saw, when hon. Achieng'-Oneko danced in the Old

Chamber with a Bell ringing because he has suffered under colonial laws. For example, he was detained without trial. It is just a matter of somebody thinking that you should be confined and you cannot challenge that. I can see that hon. Shikuku, on the other side of the House, who was detained under that law is a happy man now. His family is also happy because they know they will never miss him again for being detained without trial.

Mr. Temporary Deputy Speaker, Sir, that is one thing I used to fear and that is why I did not venture into politics earlier because I feared I could be detained without trial. But now, I do not have to fear that.

Mr. Temporary Deputy Speaker, Sir, this package has allowed people to hold meetings, meet the people and sell their policies to the electorate in Kenya. I know that we had one or two incidents last weekend which tended to mar that achievement. I was gratified to hear the Vice-President and Minister for Planning and National Development assure this House that the spirit and every word of our package will be followed to the letter. With that, I am sure hon. Shikuku will continue unfolding his umbrella and even probably throw it into the sea when this package is implemented.

Mr. Temporary Deputy Speaker, Sir, I hear some hon. Members from the other side of the House asking for the postponement of the elections. I do not understand why they fear elections. We who can speak for our people are sure of being elected back to this House. Let hon. Shikuku come back next time and make the laws that we want to make.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Mr. Angwenyi, do you want information?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I do not want hon. Obwocha's information; it will pollute my mind.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Mr. Obwocha, you cannot give information by force. He has rejected it.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to say that this country needs our commitment. When we go to our constituencies and to the countryside, we should preach peace and the package of the IPPG. I know my friends on the other side will preach peace. We do not want them to be stoned or molested. I also do not want to be molested.

With those few remarks, I beg to support.

Mr. Farah: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make contribution to this Bill. I thank the previous speaker for being very brief and we all need to be brief in order to finish discussion on this Bill.

Mr. Temporary Deputy Speaker, Sir, what we are experiencing now is actually the despotism of the majority. This is Parliamentary dictatorship and it is not the first time it is happening. It has happened in this country before and we seem not to learn from history. Every time, we see both sides of the House in consonance, or the majority of both sides in consonance. This is an election year and we have to think twice. We have had reforms or we are in the process of getting some reforms. I do agree with some of the reforms and it is a step forward. But when we tried to reform our own Constitution at the time of Independence, and the colonial Government was hesitant and resistant, the Kenyan leaders of the day said, "Let us wait, we will get our Independence and once we are free as Africans, we will change our own Constitution to the best interest of our people".

It has taken us 34 years for subsequent Governments to realise that there is a need to reform the Constitution and the laws of this country. It took us all this time after the people's power was invoked. So, it was a no-way-out for the Government other than to play a game of tricks.

Mr. Temporary Deputy Speaker, Sir, whenever the weak majority in any nation assert their right, the rulers will always deny them on the pretext of the maintenance of stability and tranquillity. That is why as we talk today in this House, nobody is talking about the merits and the demerits of the laws we have, their limitations, how far they go, but everybody is saying, we feel that it is only somebody who can do this, somebody else feels--- We all have personal debate here. We are neither debating our laws nor our Constitution, although the Constitution of Kenya Review Bill is not here now.

Mr. Temporary Deputy Speaker, Sir, the most important thing in any democracy is to eliminate the possibility of having discretionary powers in any office. Let us work out the laws and the Constitution in such a manner that everything is spelt out. If it is the registration of parties, we should spell it out that no party based on religion, ethnicity, racism, tribe would be registered. Any party that needs to be registered has got to fulfil the conditions set out. For instance, we can say that they must have 100,000 signatures and so many paid up members and so on. We can make the rules for it and anybody who conforms to the rules automatically gets registered. But when we leave that discretion to somebody who says, "It appears to me". How do you know---

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

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, I do not want a point of information. I only have ten minutes to make my contribution and then after that I will be leaving the country.

The Attorney-General (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that what is required on party registration is that no party should be registered based on religion, racism and so on, when we published the Registration of Political Parties Bill, which said exactly what he is proposing, and the hon. Member opposed it?

Mr. Farah: How do you judge that? For example, I have here, Mr. Mbago's reasons for rejecting the registration of SAFINA. Safina is not a religious or ethnic party. It is the only national party we have. I am a Muslim and yet, I am a member of SAFINA. Hon. Muite is a Christian and Dr. Leakey is an atheist. It is actually everything and it does not discriminate against anybody on any basis. But when he says: "It appears to me---" How do we go and argue about such a phrase? It is my opinion.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am very sorry to interrupt my hon. friend. He has said that the members of his party are from different religious backgrounds. He has said that hon. Muite is a Christian, hon. Farah himself is a Muslim and Dr. Leakey has no religion, and yet the name SAFINA belongs to religious people. If he cares to read the Bible, he will find it so. What has Dr. Leakey got to do with SAFINA, when he is not even a Christian?

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, I do realise that I am in a minority in this debate and we have given you all the time. The best courage one can marshal in his system is to be able to hear everything. I have only 10 minutes to contribute on this Bill and I am travelling out of the country tonight. Please, hon. Members, give me time to contribute.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Farah, that you are travelling out of the country does not mean that we suspend the rules of the House.

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, that was not a point of order. It was a point of information, I rejected it and everybody is trying to say something. It is a way of trying to take away my time.

Mr. Temporary Deputy Speaker, Sir, NCEC is a non-conforming victim of prejudice. It has refused to conform to the powers that be and the intimidations that they have been subjected to. It has also refused to conform to the cheap, populist sell-outs to the masses. The people of Kenya will grab anything that will give them the opportunity of hope. That is why they have given the IPPG package an opportunity. But with time, they are going to realise that very little was achieved through the IPPG. The fact that very little was achieved through the IPPG and now that it is going to be implemented--- Even before the debate here has been concluded, we have seen what has happened over the last three days. It was not by sheer accident that three or four different Opposition leaders were attacked in three or four different places. When laws are not imposed, they cease to be laws. A law is a law as long as it is enforced. If it is not enforced, then it is just an adage or a sentence in a book that is rusting away somewhere.

Mr. Temporary Deputy Speaker, Sir, now we have Parliament legislating dictatorship in this country. When we say that we want to remove discretionary powers right from the President down to the lowest person, let everybody work within the laws and within the Constitution. Let us all have balanced power. Let us have a Judiciary which we can refer to. The most powerful President in this world has been taken to court by a woman because he made undue advances at her and she felt that it was wrong. How many people can do that to the President, the Vice-President, a PC or to an ordinary Minister? Who is going to save the people who will suffer the crunch of this? It is none other than these guys, from both sides of the House, who are laughing and smiling and thinking that they have got the bow and they are going for a catch. They are sycophants.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Some of us are very old here and we know the rules. Is it in order for him to refer to us as "these guys and sycophants?" How dare he call a Member like me a sycophant, when probably I may not see him in the next Parliament?

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Farah, it is out of order to make discourteous remarks against your colleagues.

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, I do not think sycophancy is unparliamentary. Laws are necessitated by experience and refined over a period of time. The same people who suffered very much like hon. Shikuku are here, and he is wasting my time. He does not have the bravery to listen!

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. First of all, the hon. Member, after four years here, does not know that the word "waste of time" is out of order. Secondly, he says some people who have suffered like myself should know better. I have suffered but I would like to go by the rules of this House. If he can keep to the rules, I have no problem with him.

Mr. Farah: That was not a point of order but a point of information.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Farah, hon. Shikuku is quarrelling with you

because you are referring to your hon. colleagues as "guys". Can you withdraw that?

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, I withdraw that word. They are hon. Members. There is no worse torture than bad laws. I have seen Members of Parliament who are in this House today, who went on record in the past as having gone overboard. An hon. Member here said the most ardent Nyayo followers are from a certain community. I will not mention the community - and a short while later, he was in trouble with the same system.

ADJOURNMENT

The Temporary Deputy Speaker (Mr.

Wetangula): Order, hon. Members. It is now time for the interruption of business. The House stands adjourned until tomorrow, Wednesday, 8th October, 1997, at 9.00 a.m.

The House rose at 6.30 p.m.