

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 8th July, 1997

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## PAPERS LAID

The following Papers were laid on the Table:-

The Annual Report and Accounts of the Kenya Veterinary Vaccines Production Institute for the year ended 30th June, 1996, and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of the Kenya Sisal Board for the year ended 30th June, 1996, and the Certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Agriculture,  
Livestock Development and Marketing)*

The Annual Report and Accounts of the Local Authorities Provident Fund for the year ended 30th June, 1996, and the Certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Agriculture, Livestock  
Development and Marketing, on behalf  
of the Minister for Local Government)*

## ORAL ANSWERS TO QUESTIONS

*Question No.086*

### GAZETTEMMENT OF SOCIETY'S LAND

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

(a) whether he is aware that parts of Mihango Farmers Society's land in Nakuru has been recommended by the Nakuru District Development Committee for gazettelement and as result two hundred and forty (240) members will be displaced; and,

(b) if the answer to "a" above is in the affirmative, what plans does he have for compensating the displaced members.

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

(a) Yes, I am aware.

(b) In the DDC meeting held on the 26th April, 1996, it was recommended that those allocated plots on the hill be resettled elsewhere within the farm.

**Bishop Kimani:** Mr. Speaker, Sir, the answer given by the Assistant Minister is completely misleading because this farm of Mihango Farmers Society was subdivided many years ago and each farmer given his own plot. When the Assistant Minister says they should be reallocated the land where others have been located, it is wrong. The District Commissioner said that they are going to look for another area where these people could be resettled. Could the Assistant Minister tell this House what plans they have, otherwise, if they are going to be resettled on other people's plots, that would be wrong and this would create chaos? They should be taken to another place if they are going to own the hill.

**Mr. Sunkuli:** Mr. Speaker, Sir, the information that I have is that, the persons who have been allocated land on this hill will be resettled within the farm. Just to enlighten this House, the hill in Question here is about 188 hectares, and it forms part of the 3,559 acres which exist in Nyakinyua Mihango Farm which was formerly on another farm. It was subdivided into 239 plots of one and two acres each. However, this particular hill is a catchment area and as soon as it was subdivided, some persons moved in and destroyed all the trees which were there and, as a result, a lot of environmental degradation has taken place. The levels in the water of rivers Githioro and Chania have gone down.

At the same time the salt level in that area has risen and the soil within the region has loosened hence trees are falling down. Because of this, it is important that nobody lives on the hill and we should retain the hill for environmental purposes.

**Dr. Lwali-Oyondi:** Arising from what the Assistant Minister has just given as an answer and judging from what he said, he has a concern for environmental pollution. Why is it that at the same time, Mau Hills, which is forested, is being subdivided into five-acre plots and the trees are being cut down? At the same time, Dondori Hills in the same place had a forest which has been cut down. How is it that you are concerned about this environmental degradation on this particular hill, but not on Mau and Dondori hills?

**Mr. Sunkuli:** Mr. Speaker, I hope the hon. Member is not saying that degradation of the environment elsewhere justifies the degradation in this particular place. I am protecting the environment in this particular matter that I have been asked.

**Bishop Kimani:** Mr. Speaker, Sir, the demolition of houses for these people was totally political because this land was subdivided and each member was given his or her own plot where they settled and built homes. One night the DC sent the policemen who demolished all the homes and a lot of property was destroyed. Children were left homeless and people were in panic, and it is not true that this was done because of the environment. As he has been informed, Dondori forest has just been cleared and they are not caring about it. This land is fallow and forested and these are water catchment areas. Why did you come to demolish the homes of people who had got their own land, and did not care about other areas, if this was not political? I am demanding that these people be settled.

**Mr. Sunkuli:** Mr. Speaker, Sir, these people will be settled. There is nothing political about it; it is all a question of the environment. After all, 55 per cent of that land on the hills is not suitable for agriculture. It is not political, we will settle the people.

**Mr. Kamuyu:** Mr. Speaker, Sir, I am complaining that I have not received a written answer to this Question despite the fact that it had been asked since last year.

*Question No.257*

ASSIGNMENTS OF VEHICLE NO.GK270B

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

(a) to which Ministry Government Vehicle GK 270B is attached; and,

(b) which specific assignments were allocated to this vehicle between 1st January, 1996 to 30th, 1996.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** Mr. Speaker, Sir, I wish to beg your indulgence, if you can call it for another time. I would get the answer delivered. I also do not have a written answer.

**Mr. Speaker:** Mr. Sunkuli, I am informed from the Table that your office had said that this Question be referred to the Attorney-General. Are you aware of that?

**The Assistant Minister, Office of the President (Mr. Sunkuli):** No, Sir.

**Mr. Speaker:** Mr. Kamuyu, I am informed from the Table that---

**Mr. Kamuyu:** Mr. Speaker, Sir, I am sure that you can read between the lines and detect that there is something clandestine or fishy about this. Hon. Sunkuli, outside Parliament, tells us that he is the "Acting Attorney-General". Which is which?

*(Laughter)*

**Mr. Speaker:** Order! What I had wanted to inform the hon. Kamuyu is that from the Table, I was informed that this Question was passed on to the Attorney-General who has just come in, and I would like to know whether he is read to reply?

**The Assistant Minister for State, Office of the President (Mr. Sunkuli):** Mr. Speaker, Sir, hon. Manga's Department deals with this matter, but I would have liked to answer the Question. The Attorney-General has informed me that the matter has not been referred to him and that means it is still in the Office of the President.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Speaker, Sir. Did you hear hon. Kamuyu say that hon. Sunkuli is the acting Attorney-General? We know that he does some work for the Attorney-General, but it is not in order for hon. hon. Kamuyu to give hon. Sunkuli a post which the President has not given him!

**Mr. Speaker:** Hon. Otieno-Kopiyo, no doubt you have read our Constitution. There is no provision for a deputy Attorney-General.

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

**Mr. Speaker:** Order! I will instruct the Office of the Clerk of the National Assembly to liaise with the Attorney-General and the Office of the President and have this Question answered next week.

**Mr. Ojode:** On a point of order, Mr. Speaker, Sir. We want to know who misled the Chair because you said that you were informed that the Question was going to be answered by the Attorney-General.

**An hon. Member:** Ni mhe. Sunkuli.

**Mr. Speaker:** Order! I do not think the Chair was misled at all. The Chair knows exactly what comes up in the House. I will give them time to sort out the matter between themselves, and the Question will be answered next week.

*(Question deferred)*

*Question No.194*

#### MARKETING MONOPOLY OF COFFEE BOARD

**Mr. Murungi** asked the Minister for Agriculture, Livestock Development and Marketing:-

(a) why the Government has refused to allow Kenya Planters Co-operative Union (KPCU) and Thika Mills to market and sell coffee; and,

(b) whether the marketing monopoly of coffee by the Coffee Board of Kenya (CBK) is consistent with the Government policy of privatisation and liberalisation of the coffee sub-sector.

**The Minister for Agriculture, Livestock Development and Marketing** (Mr. D.M. Mbela): Mr. Speaker, Sir, I beg to reply.

(a) The Government has not refused to allow KPCU and Thika Mills to market and sell coffee. Rather, the Government must issue clear policy guidelines to the Coffee Board of Kenya on the final phase of the liberalisation of the coffee sub-sector, which includes further liberalisation of coffee marketing. The Government is currently in the process of gazetting the rules, which would specify various obligations of the planters and marketing agents and guarantee the security of the farmers' coffee as well as proceeds from coffee sales.

(b) The marketing monopoly by the CBK is not consistent with Government policy on privatisation and liberalisation of the coffee sub-sector. In this regard, interested marketing agents will be at liberty to apply for marketing licences when marketing rules are officially gazetted.

**Mr. Murungi:** Mr. Speaker, Sir, I wish to thank the Minister for his answer. But I would like to observe that the CBK has since the colonial days been exploiting farmers in this country by extracting from them unreasonable marketing charges. In fact, between 1980 and 1988 the marketing charges rose from 1.3 per cent of the total sales to 47 per cent. This talk about rules and regulations has been there for some time. I think the main problem is with the Coffee Act itself, which gives the CBK the monopoly. Can the Minister assure the House that he is going to amend the provisions of the Coffee Act, which give the CBK a monopoly in the marketing of coffee, so as to show that he is really serious about this issue?

**Mr. D.M. Mbela:** Mr. Speaker, Sir, the preparation of the rules started after I moved to the Ministry of Agriculture, Livestock and Marketing, and they are almost ready. I do not propose to challenge the hon. Member regarding the high charges that the CBK demands from coffee farmers.

**Mr. Murungi:** On a point of order, Mr. Speaker, Sir. The Minister has not answered my question. I said that the main problem is with the Coffee Act. Is the Government going to amend this Act, which gives the CBK the monopoly? The rules cannot override the Act!

**Mr. D.M. Mbela:** Mr. Speaker, Sir, I agree that in the process of liberalisation it will be necessary to even amend certain sections of the Coffee Act. I am prepared to do that.

**Mr. R.K. Mungai:** Mr. Speaker, Sir, last year the Government directed the CBK to hold all the cess money that was supposed to be paid to farmers. So, the CBK has been holding substantial sums of money from cess. Can the Minister tell the House how much the CBK is currently holding on behalf of the farmers, and whether that money is earning any interest for the farmers?

**Mr. D.M. Mbela:** Mr. Speaker, Sir, I do not have facts regarding the amount of cess money that is being withheld by the CBK. But one thing that I know is that the CBK is a very expensive organisation, and I doubt whether they are going to pay any interest on the money.

**Mr. Mbui:** Mr. Speaker, Sir, this is a very conflicting answer. The President himself has said in public meetings that the Government has got nothing to do with the marketing of coffee and tea. But to date other actors in the coffee industry have not been allowed to market the crop, as had been promised by the President. Can the Minister tell the House exactly when farmers should expect these rules to be gazetted, so that they can exercise control on their own crop? Farmers are demanding for liberalisation of the coffee sub-sector. When will the Minister act on this issue? It appears as if there are some forces which are against the gazetting of the rules! We would not like the CBK to be above the President himself.

**Mr. D.M. Mbela:** Mr. Speaker, Sir, I have finished with the draft rules and at present they are in the Attorney-General's Chambers for tidying up before they are gazetted.

**Mr. P.N. Ndwiya:** On a point of order, Mr. Speaker, Sir. The Minister has told the House that he has completed the draft rules, but the Question is about liberalisation of the coffee industry. Could he, perhaps, consider asking the CBK to license more auctioneers while the draft rules go through the Attorney-General Office? The Attorney-General has his hands full with new commissions and task forces. The rules may never see the light of the day, if they have to go through the Attorney-General's Office.

**Mr. Speaker:** Order! That is a supplementary question. Mr. Rotino's Question.

*Question No.427*

SUPPLY OF ELECTRICITY TO SIGOR CENTRES

**Mr. Rotino** asked the Minister for Energy whether he could consider supplying electricity to Chepareria, Ortum and Sigor Centres.

**The Assistant Minister for Energy (Mr. Marita):** Mr. Speaker, Sir, I beg to reply.

Yes, the Minister will consider supplying electricity to Chepararia, Ortum and Sigor centres when we get the money.

*(Laughter)*

**Mr. Rotino:** Mr. Speaker, Sir, I expected that answer. I have asked this Question several times since I came to this House, and the answer that I have been getting all the time is; "when funds are available." What criteria does the Ministry use to allocate money for power distribution to various areas in this country? What policy do they have? Is it based on political considerations or it is just haphazard?

**Mr. Marita:** Mr. Speaker, Sir, there is no criteria used to supply electricity to any parts of this country. If the hon. Member can consider what the Ministry has done for his district of West Pokot so far, already, we have done some work at places known as Kapenguria town, Makutano trading centre and Soyi market. So, we did not use any criteria.

**Mr. Rotino:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is giving an amusing answer.

**An hon. Member:** Why?

**Mr. Rotino:** Mr. Speaker, Sir, because he is not answering what I am asking him. In the first place, he says there is no criteria used. How can the Government work without a criteria or a policy? Can he answer the question because the power that was given to Kapenguria and Makutano was long time ago. In the first place, Turkwel Gorge is in West Pokot, we produce the power, and yet we do not benefit from it. How do you take care of a cow and you do not even get a share of its milk?

**Mr. Speaker:** Mr. Marita, would you like to respond?

**Mr. Marita:** Mr. Speaker, Sir, I have already said that we supplied electricity in the areas that I have mentioned in his district. In any case, we must get the recommendation of the District Development Committee (DDC) of such areas. I am happy to inform the hon. Member that for the places which he has mentioned, we have already got the recommendations from the DDC of West Pokot. In this case, when we get money, these places will be supplied with electricity.

**Mr. Nyagah:** On a point of order, Mr. Speaker, Sir. I want to simplify this question for you. Kenya is expected to become an industrial nation, and we want to have electricity in every part of this country in the next ten, 20 or 30 years. What plans has the Government got so that this country can benefit from the power that we generate from

places like Kindaruma, Masinga, Gitaru and Turkwell Gorge? What are your plans as a Ministry?

**Mr. Marita:** Mr. Speaker, Sir, even myself, I need to get electricity in my area. Even if any district recommends that a project be done, we can only do it when money is available.

**Mr. Leshore:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House that they are going to supply electricity to these towns when money is available? In 1994, I remember he told me that; "that when money is available---" I understand that there is K£300 million which has been set aside by the Treasury to be spent by his Ministry. No wonder he is saying that there is no criteria, because during the Kipipiri by-elections, electricity was taken there overnight. When are we going to get this power in our constituencies or in the remote areas?

**Mr. Marita:** Mr. Speaker, Sir, I have not rejected hon. Leshore's Question. I have already agreed that we are trying our level best as a Ministry to see that we implement this project which he had asked about.

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

**Mr. Speaker:** I am sorry, I will give the last one to Mr. Wamalwa.

**Mr. Wamalwa:** Mr. Speaker, Sir, I would like the Assistant Minister to tell this House, considering the fact that electricity is now being generated from Turkwell Gorge in West Pokot, and considering the fact that money does not just become available, the Ministry plans and apportion the money; how soon does his Ministry intend to apportion money for electrification of Chepararia, Ortum and Sigor?

**Mr. Marita:** Mr. Speaker, Sir, the money already allocated to these projects is K£106,000. As soon as this money is released from the Treasury, we shall implement these projects even if we do not complete them all.

**Mr. Speaker:** Very well. Next Question!

*Question No. 246*

CLOSURE OF LWALA LIVESTOCK MARKET

**Mr. Ojode** asked the Minister for Local Government:-

(a) if he is aware that Lwala Livestock Market within Central Kabuoch Location in Ndhiwa Division has been closed for the last five years; and,

(b) whether he could explain the circumstances that led to its closure.

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

(a) Yes, I am aware that Lwala Livestock Market has been closed from the beginning of 1991 because of a ban on cattle sale by the Veterinary Department due to foot and mouth disease.

(b) This being a technical matter, the market will remain closed until the ban is lifted by the Veterinary Department.

**Mr. Ojode:** Mr. Speaker, Sir, the market has not been operational since February, 1991. The following neighbouring markets have been operational: Opapo, Ndhiwa and Rodi Kopany. Could the Assistant Minister tell the House whether the foot and mouth disease has been in existence since 1991 to date?

**Mr. F.P.L. Lotodo:** Yes, Mr. Speaker, Sir. The foot and mouth disease has been there since 1991 and we do not know when it will end.

**Prof. Ouma:** Mr. Speaker, Sir, when a Minister gives an answer in this House, the House takes his answer seriously. The Minister is alleging that foot and mouth disease is endemic there. It is not endemic there. Could he tell us then what steps they are taking to eradicate this endemicity? What are they doing if it is endemic?

**Mr. F.P.L. Lotodo:** Mr. Speaker, Sir, I have just said that the disease has been there and it is still there. I do know when it will come to an end.

**Mr. Speaker:** What is your point of order, Mr. Maore?

**Mr. Maore:** On a point of order, Mr. Speaker, Sir. The Minister is contradicting himself. The foot and mouth disease is supposed to be an outbreak, and therefore, it cannot be permanently resident in this area for all these six years. So, can the Minister apologise to the country and also come back to the Question and say why the market was closed? It cannot be as a result of the foot and mouth disease.

**Mr. F.P.L. Lotodo:** Mr. Speaker, Sir, I know of a place where this sort of disease has been affecting animals for about 20 years. Therefore, I have nothing to apologise for.

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, I think, the Minister is misleading the House and the nation. Being mindful of the fact that all of us have been used to animals since we rear animals, no foot and mouth disease can stay in a place forever. It comes as an outbreak and then it goes away. In any case, we have vaccines which are supposed to be used against the foot and mouth disease. What sort of steps has the Minister taken to make sure that he has done ring

vaccinations so that this area can be free off foot and mouth disease?

**Mr. F.P.L. Lotodo:** Mr. Speaker, Sir, this is the problem with the hon. Members who do not know what to do. If you want to know what is happening, you could have asked the veterinary department. I was asked why the market was closed and I have given the reasons for its disclosure.

**Mr. Ojode:** On a point of order, Mr. Speaker, Sir. The Minister, who is a known cattle rustler, is misleading this House.

*(Mr. F.P.L. Lotodo moved towards the microphone)*

**Mr. Speaker:** Order! Order, hon. Ojode, hon. F.P.L. Lotodo and hon. Galgalo. Mr. Ojode, that is not the language expected of a Member of this House. That language is unacceptable in this House and you are ordered to withdraw and apologise.

**Mr. Ojode:** Mr. Speaker, Sir, I am not going to withdraw if he is not going to give me an answer which is---

**Mr. Speaker:** Very well, then. It is easy then. If you defy instructions from the Chair, I am afraid, you will then be excluded from the House and you now leave the Chamber.

*(Mr. Ojode withdrew from the Chamber)*

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

**Mr. Speaker:** Very well. I think, I will give the last chance to Prof. Ouma.

**Prof. Ouma:** Mr. Speaker, Sir, this is an important matter because it affects development and the lifestyles of the people. I am appealing through you to the Minister that the same area which supplies Lwala Market with the vaccines, supplies these vaccines not only to Rodi-Kokwanyo in Rangwe, but also to Opadho in Ndhiwa. That is our area and we know what is happening there and we are not nitwits.

Could the Minister tell us: One, why is the disease endemic as he claims? Two: What will they do to eradicate that unusual ethnicity so that the people can also benefit? It is common in Rangwe and also in parts of Ndhiwa.

We cannot just sit and say "There it is." If it is there - this is not true - what are they doing?

**Mr. F.P.L. Lotodo:** Mr. Speaker, Sir, the Veterinary Department has been working round the clock since 1991. The disease has not disappeared from the area.

**Mr. Speaker:** Very well. Next Question.

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

**Mr. Speaker:** Order, Mr. Mulusya!

**Mr. Wamalwa:** On a point of order, Mr. Speaker, Sir. I rise on a point of order to draw the Chairs' attention to a rather unusual situation in the House and that apart from the schoolchildren who are sitting in the public gallery and a lot of special branch officers, the public have not been allowed to enter the gallery today. That applies to both the Public Gallery or the Speaker's Gallery. People are out there at the Gate demanding to come in.

I did not know whether the Chair was aware of that.

**Mr. Speaker:** Well, Mr. Wamalwa as a very senior Member of the House, I am sure if you have a problem, you can always get in touch with me.

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

**Mr. Speaker:** Order! Order! I do not think really Members ought all the time to police this area on behalf of Mr. Speaker as to what is on the top of Mr. Speaker.

So, can we do it in a better fashion. I do not think that would make our business not to proceed. Where is Bishop Njeru?

*Question No.446*

CEMETERY FOR RESIDENTS OF MARURA/NGUKA SWAMP

**Mr. Speaker:** Bishop Njeru not here? We will leave this Question until the end. Let us move to the next Question.

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

**Mr. Speaker:** I am sorry Mr. Ndwiga. Will you sit down Mr. Ndwiga? Dr. Otieno-Kopiyo's Question.

*Question No. 109*

UPGRADING OF KENDU BAY  
AND RANGWE EXCHANGES

**Dr. Otieno-Kopiyo** asked the Minister for Transport and Communications:-

- (a) When the Kenya Posts and Telecommunications Corporation will upgrade Kendu Bay and Rangwe exchanges to Subscriber Trunk Dialling status; and,  
(b) why does this exercise take so long to complete.

**The Assistant Minister for Transport and Communications** (Mr. Morogo): Mr. Speaker, Sir, I beg to reply.

(a) (i) Kendu Bay Manual Exchange will be automated by October, 1997 and the line concentrator exchange will be connected to Homa Bay.

(ii) Rangwe exchange is planned for automation in the two years development plan - 1997/1999.

(b) The exercise has taken long because we had to do some telephone demand survey first which was only concluded in May this year.

**Dr. Otieno-Kopiyo:** Mr. Speaker, Sir, is the Assistant Minister aware that the people of Rangwe and Karachuonyo Constituencies, where Kendu-Bay is situated, are fishermen and a lot of fish is produced in this area and the Luos who live in that area cannot market their fish because they have no telephones? Is he aware that this is affecting the provision of fish as a protein to Kenyans because we cannot market our fish as a result of this?

**Mr. Morogo:** Mr. Speaker, Sir, I cannot relate the telephone to fishing. I know telephone service for sure is a medium of good marketing and as I said we will provide this facility by October this year.

**Prof. Ouma:** Both Kendu-Bay and Rangwe are very vibrant commercial and political scorefronts and this lack of STD is a major manifestation of underdevelopment. What assurance could the Assistant Minister give us if by the end of 1997/1999 financial year we shall still be where we are? What assurance do we have from the Assistant Minister that this form of underdevelopment will be eradicated?

**Mr. Morogo:** Mr. Speaker, Sir, I cannot say beyond what I have said. The hon. Members have just to take my word that we will provide an automated facility under the two year Development Plan.

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

**Mr. Speaker:** Are you sure Mr. Ndicho you want to ask on this issue?

**Mr. Ndicho:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** What is the question then Mr. Ndicho?

**Mr. Ndicho:** Mr. Speaker, Sir, I want to thank you very much. Could the Assistant Minister tell us why the new telephone booths which are supposed to receive the new five shillings and ten shilling coins are all non-functional in this country? When you put those coins there they are rejected and now the service in the whole country has been paralysed. Why is this so?

**Mr. Speaker:** Mr. Ndicho, you are totally irrelevant and you have taken Dr. Otieno-Kopiyo's time for nothing.

**Dr. Otieno-Kopiyo:** Mr. Speaker, Sir, the first whiteman arrived in Nyanza province around 1900 and among the first printing press in Kenya was built in Kendu-Bay in 1907. How come it has taken the Kenya Posts and Telecommunications 90 years to realise that this is a very, very important centre for business and other commercial interests in the region? What are your priorities when you automate exchanges? We have had exchanges in some areas where they should not be and where people are demanding that they are not there. What criteria do you use to determine where to put these exchanges?

**Mr. Morogo:** Mr. Speaker, Sir, the criteria for STD provision is simply commercial viability of the same. The hon. Member should consider himself lucky because they have a telephone at least. This is because some parts of Kenya do not have even have the manual exchanges which they already have. But as I said, we do recognise the need and we are going to provide this service by October.

**Mr. Speaker:** Next Question, Mr. Nyagah.

*Question No.087*

ALLOCATION OF AIR TIME BY KBC

**Mr. Nyagah** asked the Minister for Information and Broadcasting:-

- (a) if he could give a breakdown of air time allocated by the Kenya Broadcasting Corporation to all registered political parties between 1992 and 1995; and,  
(b) under what provisions of the law he licenses television stations in Kenya.

**The Assistant Minister for Information and Broadcasting** (Rev. Ommani): Mr. Speaker, Sir, I beg to

reply.

(a) I would like to inform the hon. Member for Gachoka that the criteria used in air time allocation with regard to news is the newsworthiness of any item received, and this is not unique only to the Kenya Broadcasting Corporation (KBC). How frequent a given political party is mentioned in the news bulletins depends, therefore, on this criteria. So, the question of equal air time being allocated to all registered political parties does not arise.

**Mr. Nyagah:** Mr. Speaker, Sir, I am surprised that what is newsworthiness in Kenya is when the spokesman for the Kenya Police announces that Nairobi town was as normal as any other day yesterday; the policemen did not storm into All Saints Cathedral and so on, is considered as being newsworthy. I want to ask the Assistant Minister to make reference of the book we have in library and answer this Question. You will agree with me that the Question I asked was: "Can the Minister give a breakdown of air time allocated?" I did not expect anything short of that breakdown. I have an example of such breakdown of 1992 from a book that is in the library. Can he answer this Question, bearing in mind that I first brought this Question here in 1995, but it never saw the Floor of the House, and in 1996 it was brought back and now it is 1997? Can he give this House the answer to this Question and not give us what we are not asking?

**Rev. Ommani:** Mr. Speaker, Sir, according to KBC Cap. No.221 of the Laws of Kenya there is no provision for allocation of air time on the basis of the registered political parties in any way.

**Prof. Ouma:** Mr. Speaker, Sir, maybe, I did not understand him or; he spoke in a silent language, but I did not hear the Assistant Minister answering part "b" of the Question. Under what provisions of the law does the Minister licence television and radio stations in Kenya?

**Rev. Ommani:** Mr. Speaker, Sir, strictly speaking, there is no current law in our statute books that provides for the licensing of the electronic media and for the purposes connected therewith. It was, indeed, recognition of the need for such a law that the hon. Attorney-General appointed the Task Force on Press laws vide Gazette Notice No.6889 of 1993 to make provisions for it.

**Mr. Mulusya:** Mr. Speaker, Sir, the Assistant Minister still has not answered the Question. Yesterday, at round 2.00 p.m., hon. Orenge, hon. Kopyo, hon. Mak'Onyango and I were at Kamukunji grounds. The KBC radio was announcing very loudly that there is no meeting anywhere which was called by the Opposition leaders, but we were very busy addressing a mammoth rally at Kamukunji grounds. Can the Assistant Minister tell Kenyans why KBC is misleading Kenyans on what is happening in this country?

**Rev. Ommani:** Mr. Speaker, Sir, this Question was asked before yesterday. So, whatever happened yesterday is not in the answer!

*(Applause)*

**Dr. Kituyi:** Mr. Speaker, Sir, arising from the Assistant Minister's reply who is a reverend in some church in Kakamega, since he has told us that KBC decides when something is newsworthy, it is covered, when it is concerned not to be newsworthy, it is not covered; and notwithstanding the fact that this Assistant Minister does not know what happens with media elsewhere in the world because it is not correct to say that in every country, they do the kind of nonsense that is done here, can he tell us what is newsworthy about President Moi being in church in Kabarak every Sunday, half of the time on television, half of news on radio, when hon. Nassir is addressing a bunch of women in Mombasa cheating them that he and them can organise to resist Opposition and when hon. Kibaki is beaten in the All Saints Cathedral in Nairobi this Government does not consider it to be newsworthy?

**The Assistant Minister for Information and Broadcasting (Mr. Nassir):** On a point of order, Mr. Speaker, Sir. We respect our ladies and we do not refer to them as a "bunch of women" as hon. Kituyi does at home.

**Rev. Ommani:** Mr. Speaker, Sir, the President is the President of Kenya. He is not the President of one community. Therefore, KBC has to cover him all the time.

**Mr. Nyagah:** Mr. Speaker, Sir, what the hon. Assistant Minister has told this House, and probably, I need to remind him is that KBC is funded by all Kenyans, but he does not seem to realise, that is: The KBC is used as a medium of disinforming Kenyans. Since you are fully in charge of your Ministry, when will you licence the Democratic Party radio station as applied for a couple of years ago? We do not need any help from hon. Nassir who has nothing to do with this Question.

**Rev. Ommani:** Mr. Speaker, Sir, the Government will process all pending applications and whatever will come up whether it is radio, television stations and so on, once the Press Laws Bill has been enacted in this House.

**Mr. Maore:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House and the nation that they are waiting the outcome of the Task Force, yet last week the BBC was given two FM channels and Mr. S.K. Macharia about two months ago as a reward for his KANU activities?



**Rev. Ommani:** Mr. Speaker, Sir, until the said Task Force finalises its recommendation and a Bill brought into this House for enactment, the Government can only facilitate the liberalisation administratively. That is what it is doing!

**Mr. Speaker:** Next Question, Mr. Muite.

*Question No.071*

KENYA'S STAND ON THE INTERNATIONAL  
CRIMINAL COURT

**Mr. Speaker:** Is Mr. Muite not here? Let us move on to the next Question.

*Question No.337*

DEATH OF MR. JOSEPH K. KIHARA

**Mr. R.K. Mungai** asked the Attorney-General:-

- (a) if he is aware that Mr. Joseph Kamau Kihara (deceased) died in suspicious circumstances while in police custody at Makuyu Police Station on 4th May, 1996; and,
- (b) if the answer to "a" above is in the affirmative, if he can inform the House when the inquest thereof is scheduled to be held.

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

(a) I am aware that Joseph Kamau Kihara, the deceased, had been arrested for the offence of robbery with violence on 29th April, 1996. He fell sick and on 4th May, 1996 was rushed to Makuyu health centre where he was treated and discharged. However, on return to police station, he collapsed and died instantly.

(b) An inquest file No.9/96 was opened and the Provincial State Counsel in Nyeri directed that further investigations be done by Maragua Police Station. As soon as the investigation report is complete, inquest will commence or criminal charges will be preferred.

**Mr. R.K. Mungai:** Mr. Speaker, Sir, the answer from the Attorney-General, is quite misleading to this House and the nation. This is because Mr. Kihara was never treated and discharged at Makuyu Health Centre. The fact of the matter is that Mr. Kihara was taken there on his death bed and the clinical officer refused to attend to him because he could see the state in which he was. Can the Attorney-General confirm or deny that Mr. Kihara died as a result of police brutality and torture?

**Mr. Wako:** Mr. Speaker, Sir, as I said, the Provincial State Counsel directed further investigations to be done because the issue on how he died was not very clear, although there was a postmortem report to show that he died of cardiac respiratory arrest due to severe anaemia, which I understand is malaria.

**Mr. Nthenge:** On a point of order, Mr. Speaker, Sir. The Attorney-General has said that further investigations will be done. Can he tell us when he expects to report back to this House?

**Mr. Wako:** Mr. Speaker, Sir, it is not so much reporting back to the House, but the House will definitely hear the decision I would have made through the press.

**Mr. Gatabaki:** On a point of order, Mr. Speaker, Sir. I do not know whether the Attorney-General is aware of a special report by the Kenya Human Rights Commission on the death of this particular person, and how he was deliberately tortured by the Flying Squad.

Mr. Speaker, Sir, I am a victim of the Flying Squad. Can the Attorney-General tell this nation what the purpose of the Flying Squad is? I am putting it to the Attorney-General that the purpose of the Flying Squad is to eliminate all the Opposition leaders! Yesterday, the Flying Squad had instructions to kill as many Members of Parliament as possible! Can the Attorney-General deny that, that is the purpose of the Flying Squad?

**Mr. Wako:** Mr. Speaker, Sir, I totally and completely deny that, that is the purpose of the Flying Squad. As far as this Question is concerned---

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

**Mr. Speaker:** But he is responding to another point of order!

**Mr. Wako:** Mr. Speaker, Sir, as far as the death of this person is concerned, my office looks at---

**Mr. Speaker:** Order! What is it, hon. Orengo?

**Mr. Orengo:** On a point of order, Mr. Speaker, Sir. I am seeing a stranger in the House! If you look on

my left, he looks like hon. Kamuyu, but I cannot recognise him because he does not have what other hon. Members have. He looks like hon. Kamuyu but--

**Mr. Speaker:** Hon. Kamuyu!

**Mr. Kamuyu:** Mr. Speaker, Sir, three Dagoretti people have been killed and we are mourning. This is how we dress traditionally, when we are mourning.

**Mr. Speaker:** Very well! What you do, hon. Kamuyu, is that, if you have already finished the mourning, you should go and put on a jacket and come back. But if the mourning is not over, go and mourn and when you are ready to come with the proper attire, you can come back. But for now, we cannot see you! Even hon. Orengo cannot see you!

**Mr. Kamuyu:** Mr. Speaker, Sir, can you allow others five minutes to mourn with me?

**Mr. Speaker:** Order! Order, hon. Kamuyu! Can we now proceed!

*(Mr. Kamuyu wore his jacket)*

Order, hon. Kamuyu! It is totally disorderly for hon. Members to use this Chamber as a dressing room. I think hon. Members must take Parliament very seriously. It is not a place where you can casually do what you please. Take this House seriously!

Very well, proceed, hon. Wako!

**Mr. Kamuyu:** Can I remain in the House, Mr. Speaker, Sir?

**Mr. Speaker:** Yes, you may!

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir. I am seeking your guidance. What has happened may in future be looked upon as an example to be copied. Somebody can come here probably naked with his clothes under his armpits, and then start dressing here. Is it not a very bad precedent where we have people coming in here badly dressed, and then they dress in the Chamber?

**Mr. Speaker:** It is very bad! I fully share the sentiments of hon. Shikuku. We must treat this House with due honour and dignity, and I do not think we should allow hon. Members to dress or undress in this place! So, can we all come here properly dressed? If you want to go and undress, move out of this Chamber! So, that ends the matter! Proceed, hon. Wako!

**Mr. Wako:** Mr. Speaker, Sir, as far as this particular case is concerned, my Provincial State Counsel did look at the file, and he was not sure of certain factors. Those are the factors that are being investigated, to enable the office to determine whether or not an inquest should be held or criminal charges should be preferred.

**Mr. Murungi:** Mr. Speaker, Sir, it is very sad that the Attorney-General did not really tell the House the whole truth regarding this matter. I have with me a report from the Kenya Human Rights Commission who investigated the death of Mr. Joseph Kamau Kihara. The findings are that Mr. Joseph Kihara was killed by police officers by way of torture, while trying to seek information from him regarding a reported case of robbery in a private house in Makuyu division. I have a copy of the report which I would like to lay on the Table.

Can the Attorney-General undertake to this House that he will investigate and punish the police officers who killed this person as a result of torture?

*(Mr. Murungi laid the report on the Table)*

**Mr. Wako:** Mr. Speaker, Sir, as I made it very clear, the file did come to us for inquest, but we were not satisfied with the investigations. We ordered further investigations and as soon as we get a clarified report, maybe including the factors which are in the various allegations contained in the report of the Kenya Human Rights Commission and Amnesty International, we shall then be in a position to know the facts and determine the course of action in accordance with those facts.

**Mr. Speaker:** For the second time, Bishop Njeru's Question? The Question is dropped!

**Mr. Mbui:** Mr. Speaker! Mr. Speaker!

**Mr. Speaker:** Order! Hon. Mbui, why are you calling Mr. Speaker? I called Bishop Njeru, for the second time!

**Mr. Mbui:** Mr. Speaker, Sir, I had to move from that corner to the microphone!

**Mr. Speaker:** Are you Bishop Njeru?

**Mr. Mbui:** I come from Kirinyaga and Bishop Njeru comes from Kirinyaga and he had requested me to ask this Question on his behalf.

**Mr. Speaker:** Okay, go ahead!

*Question No. 446*

## CEMETERY FOR RESIDENTS OF MARURA/NGUKA SWAMP

**Mr. Mbui**, on behalf of **Bishop Njeru**, asked the Minister for Local Government:-

(a) whether he is aware that there are people who have lived in Marura/Nguka Swamp in Mwea Constituency in Kirinyaga district since 1988, and that they bury their dead in this swampy area; and,

(b) what plans the Minister has for allocating the residents of this swamp a cemetery.

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

(a) I am aware that the people of Marura/Nguka Swamp have lived in this area since 1988.

(b) The Kirinyaga County Council is in the process of acquiring a piece of land near Marura/Nguka Swamp suitable for the cemetery.

**Mr. Mbui:** Mr. Speaker, Sir, this issue is very serious. The Kirinyaga County Council does not require time to look for a plot for a cemetery. Cases have been reported of bodies being removed by dogs and eaten, when they are buried in this swamp. Can the Minister direct the Clerk and the Chairman of Kirinyaga County Council, because it has land, to issue land to these people immediately?

**Mr. F.P.L. Lotodo:** Mr. Speaker, Sir, the County Council of Kirinyaga has to get land from somewhere and convert it into a cemetery. There is no way I can direct them to do that until they get a piece of land for this purpose.

**Mr. Mbui:** Mr. Speaker, Sir, we know that the County Council of Kirinyaga has more than 20,000 acres of land in Ngariama Ranch which they can exchange with any piece of land anywhere in Kirinyaga. Having told the Minister this, can he now direct the County Council of Kirinyaga to apportion a piece of land for this purpose?

**Mr. F.P.L. Lotodo:** Mr. Speaker, Sir, the Minister does not know that the land is there, but if it is true that it is there, I will ask them to make it available for this purpose.

**Mr. P.N. Ndwiga:** Mr. Speaker, Sir, while appreciating the seriousness with which this Minister takes his work could he now, given the circumstances of the situation, do something? Last time we witnessed a situation where dogs had dug up a body from those swamps which had been pushed up by the water beneath. Could the Minister, using his good office, consult with Kirinyaga County Council and make sure that plots will be made available for a cemetery?

**Mr. F.P.L. Lotodo:** Mr. Speaker, Sir, I have already replied to that question.

**Mr. Speaker:** Question 071 will be deferred.

*QUESTION No. 071*KENYA'S STAND ON THE INTERNATIONAL  
CRIMINAL COURT

*(Question deferred)*

**QUESTION BY PRIVATE NOTICE**IRREGULAR ALLOCATION OF LAND  
IN MERU MUNICIPALITY

**Mr. Mwiraria:** Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that the area in Meru Municipality, set aside for vehicle parking, to be developed with funding from the recently approved World Bank Loan for urban centres has been subdivided vide part development plan Ref.167/95/6 and irregularly allocated to individuals?

(b) Which authority allocated this plot?

(c) Since the Government has recently stopped allocation of public plots to individuals, what action is the Minister taking to restore this land to its original use?

**The Assistant Minister for Lands and Settlement** (Mr. Kaino): Mr. Speaker, Sir, I beg to reply.

(a) I am aware.

(b) The allocation was approved by the Ministry on the strength of recommendations from the technical officers on the ground and the District Commissioner who confirmed that the land is uncommitted and was available for development.

(c) I have instructed my officers to carry out appropriate investigations with the view of withdrawing the title deeds in compliance with the Government policy to protect public plots.

**Mr. Mwiraria:** Mr. Speaker, Sir, the plots in question have already been fenced ready for development. Given the fact that the only remaining public toilet in Meru was on this land and it is already out of use, could the Assistant Minister give us a time frame within which he intends to have this land put back to public use to make sure that it is not developed by default?

**Mr. Kaino:** Mr. Speaker, Sir, as already stated, the plots are registered in favour of the allottees and if they are to be cancelled, it would require voluntary surrender of the title deeds by the leases or a court order. The Ministry is taking up the matter with the allottees to have their titles withdrawn so that the plot can be reverted to the original use.

**Mr. Maore:** Mr. Speaker, Sir, the Assistant Minister has referred to the recommendations made by the technical officers on the ground and the District Commissioner. Is the Assistant Minister aware that it is the District Commissioner plus the allottees who went and acquired these plots and the godfathers involved may not allow the Assistant Minister do what he is promising? Can he undertake to assure this House that he will be able to override the powers of the godfathers involved?

**Mr. Kaino:** Mr. Speaker, Sir, that is a different question. When it comes to talking to the allottees so that they can surrender the plots, it is the Commissioner of Lands who does the work. As I have said, the plots are public utility and the Ministry is concerned about the issue. In fact, we are in the process of reverting the plots to their original use.

**Mr. Murungi:** Mr. Speaker, Sir, I am very happy that the Assistant Minister is willing to consider cancelling the title deeds to this public land. As a matter of fact, we have a list of all the public plots which have been allocated to individuals in Meru town and some of these were earmarked for certain public utilities. Supposing we bring this list to the Assistant Minister, can he confirm that he can similarly cancel all those other title deeds and revert the land to public use?

**Mr. Kaino:** Mr. Speaker, Sir, any public utility plot, not only in Meru District, but in the entire Republic, should not be given to individuals. We are ready to see that those plots are reverted to their original use. If the hon. Member can bring this list to our Ministry, we shall take the matter seriously and see that something is done.

**Mr. Mwiraria:** Mr. Speaker, Sir, I have with me part of the minutes of the Meru Municipal Council. Under Minute MG1614/93: "The Council resolved that all the irregularly allocated plots created under past development plans indicated hereunder be nullified." I will not read the list, but there are 14 plots on this list. There is another list with many more plots still to be brought. Given the fact that it is the District Commissioner, the Physical Planning Officer and the Clerk to the Meru Municipal Council who have been responsible for the improper allocation of all public land including the only park where people could go and rest in Meru, the only plot for a municipal mortuary and so on, could the Assistant Minister undertake to cancel these allocations? I will lay this paper on the Table.

*(Mr. Mwiraria laid the document on the Table)*

**Mr. Kaino:** Mr. Speaker, Sir, as I have stated, the Ministry is concerned about these public utility plots. We are taking action. Unless I peruse the document which the hon. Member has just put on the Table, I cannot understand the issue. Hon. Murungi has just said that he will produce a list of all those people who have been allocated public plots. We will be very grateful to go through it and we promise to take appropriate action.

## MINISTERIAL STATEMENT

### DISBURSEMENT OF STABEX FUNDS

**The Assistant Minister for Finance (Mr. Keah):** Mr. Speaker, Sir, in answer to Question 065, asked by hon. Kiraitu Murungi, I promised to get some more details with regard to the figure Kshs5.7 billion relation to the Stabex funds.

Mr. Speaker, Sir, I have the pleasure in presenting the information which is that: From 1990 to 1996 we were eligible for allocation by the European Union a total of Kshs6.3 billion as opposed to Kshs5.7 billion, the difference being the interest that has accrued thereon.

Mr. Speaker, Sir, transfers that have been made for usage is Kshs2.096 billion and we have to date actually

disbursed including GOK funding, Kshs2.5 billion held in the banks both in Kenya and overseas. That is in, ABN AMRO Bank, Banque Indosuez, Kenya Commercial Bank, General de Banque and Standard Chartered Bank where we have a total of Kshs4.2 billion. Thank you.

**Mr. Murungi:** Mr. Speaker, Sir, I appreciate that the Assistant Minister who was then not aware that this money existed, has now discovered that the money existed, and that in fact, there is now Kshs4.2 billion lying in local and foreign banks.

Mr. Speaker, Sir, I would only like to ask one question. We have a road in Meru which we are told is going to be financed by EEC and these are EEC funds. The road will cost Kshs800 million. That is the Meru-Githongo-Chogoria Road. Can the Assistant Minister confirm that Kshs800 million of this Kshs4.2 billion is going to be used in tarmacking that road instead of it being in the banks?

**The Assistant Minister for Finance (Mr. Keah):** Mr. Speaker, Sir, perhaps the Minister for Public Works and Housing would be better placed to answer that question, because he prioritizes the roads to be tarmacked. I would ask my friend to perhaps liaise with the Minister for Public Works and Housing in this regard.

**Mr. P.N. Ndwiga:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Sorry! Mr. Kapten!

**Mr. P.N. Ndwiga:** Why are you sitting on our money?

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

##### POLICE BRUTALITY ON PRO-REFORM SUPPORTERS

**Mr. Kapten:** On a point of order, Mr. Speaker, Sir. Under Standing Order No.20, I stand to seek leave of the House to move a motion of adjournment of the House for the purpose of discussing a definite matter of urgent national importance concerning the events that happened yesterday, where several people were clobbered, killed and maimed by the police, including the storming of the All Saints Cathedral, Nairobi.

*(Members on the Opposition side  
stood up in their places)*

**Mr. Speaker:** Just a moment, first of all! All these things have stages. He has to make his Motion and Mr. Speaker has to decide whether or not it is a matter that may properly be brought under Standing Order No.20.

I now wish to find that the hon. Member is attempting to move the House to adjourn to discuss a matter which he sees of national importance. I do find that indeed, it is a matter of national importance. It is a matter of recent happenings and I think, it is a matter that can properly be discussed under Standing Order No.20. If you have at least 15 other Members to support your application, the Chair will allocate you time later today to move that motion. Do you have 15 other Members?

*(All hon. Members on the Opposition  
side stood up in their places)*

**Mr. Speaker:** Very well! I think on the face of it, without having to count the Members who rose in their places in support of that application by the hon. Kapten are more than the requisite 15 and therefore, the Motion is allowed, and I will call upon a Minister at 5.30 to move the Motion that the House be adjourned. You will then proceed with your Motion. Mr. Ndicho!

#### **POINT OF ORDER**

##### SUSPENSION OF WORKERS

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. This is directed to the Ministry of Labour and Manpower Development where on Wednesday last week, 1,789 workers of Del Monte Company were locked outside the Del Monte gate by the Personnel Director, Mr. Wallace Mantu and where the Minister sent the Provincial Labour Officer to PLO go and arbitrate on a matter that had arisen.

Mr. Speaker, Sir, when the PLO went there, they negotiated between the union and the management and the

management refused to implement what the Provincial Labour Officer and the Union decided. Up to today, the over 1,700 workers are still locked at the gate of Del Monte. Yesterday, they were clobbered by police and one lady was fatally beaten on the head. I am now asking the Minister for Labour and Manpower Development to make a Ministerial Statement in view and in respect of what is happening in Thika. This is because what the Del Monte management wants to do, is to sack these people and employ cheap labour. I would really appreciate if that was done.

**Mr. Speaker:** Very Well, next Order!

## BILL

### *Second Reading*

#### THE FINANCE BILL

**The Assistant Minister for Finance** (Mr. Keah): Mr. Speaker, Sir, I beg to move that The Finance Bill be now read a Second Time.

Mr. Speaker, Sir, the Finance Bill contains proposals announced in the 1997/98 Budget Speech relating to liability and collection of taxes, miscellaneous fees and matters incidental to fiscal policy. The measures contained in the Bill, billed on previous reforms and seek to take the reform programme a step further. Major components of this reform have involved fiscal adjustments which include rationalization and lowering of tax rates with expenditure adjustments and controls. The aim is to lower the tax burden on both individuals and companies and therefore, increase retained earnings for more investments. Expenditure control has led to a reduction in the share of the public sector as a ratio of GDP, leaving more resources in the private sector for re-investment. These measures are vital in order to ensure that the economy grows and generates adequate employment in order to reduce poverty.

Mr. Speaker, Sir, under the income tax, several measures have been taken to reduce taxation on both the individual and corporate tax payers. Other measures seek to promote participation of insurance companies in the Nairobi Stock Exchange. In summary, the top rate for both individuals and corporations has been reduced by 2.5 per cent, Personal Relief increased by 10 per cent, while the income tax bracket has been widened by 10 per cent. These measures will not only reduce the cost of doing business, but also enable the private sector retain financial resources which can be ploughed back into the business. Development of venture capital companies is being encouraged by granting them tax exemption on their income arising from dividends and gains from trade in qualifying venture company shares. The Bill will promote Establishment of registered venture capital companies of funds by making their income non taxable for the first 10 years from the date of first investment in a qualifying venture company.

These companies will encourage investments in small and medium size enterprises that have the potential for growth by providing them capital for new investments and expansion.

Mr. Speaker, Sir, in addition, tax exemption has also been granted to specialised dealers who will be licensed by the Capital Market Authority to trade in stocks as their sole business activities. The gains on stocks sold within 24 months from the date of their acquisition will be exempted from tax. This will increase liquidity in the stock market and also moderate share prices. These dealers play an important role in the expansion of the Capital Markets. In order to encourage local companies to be rated by independent rating agencies, expenses related to rating will be deductible from the taxable profits. As hon. Members may be aware, independent rating of businesses is a major attraction for foreign direct investments which is rapidly replacing foreign aid as a source of external finance. In many parts of the world, overseas investments are only permitted in rated enterprises. Still under the Income Tax Act, development of lease finance will also be encouraged with the introduction of new regulations in the course of the year in order to promote leasing of machinery and equipments. Leasing arrangements are particularly important in order to support small and medium scale enterprises which get the option to either buy or lease the required equipments and machinery at reasonable cost depending on the company or business cash flow.

Mr. Speaker, Sir, proposals made under the Customs and Excise Act seek to improve the operating environment and reduce compliance cost in order to enhance the competitiveness of our economy. The Import Duty structure will be rationalised further to three positive rates, namely; 5 per cent, 15 per cent and 25 per cent. The fewer the rates, the lower the cost of compliance by the businesses.

Similarly, enforcement cost falls recognising the current state of energy supply in the country, duties on industrial diesel and fuel oils have been reduced in order to cut cost for our industries. This has been necessitated by the large number of our industries and hotels which have to use generators in order to supplement their power supply.

On expenditure, more money has been allocated to further development of power generation. In order to curb the problem of diversion of transit goods into the domestic market, tight controls have been put in place. No doubt reduction of the top rate of the duty from the 35 per cent to 25 per cent may cause some difficulties to some local

industries, particularly to the manufacturers. For those domestic producers who may require some assistance, as they are adjust, temporary protection has been provided through the imposition of additional suspended duties of 5 per cent and 10 per cent. Since the publication of the Finance Bill, we have held discussions with the local industry representatives and received submission from them in this respect. These submissions, together with comments that we shall receive from the hon. Members, will be examined and considered for possible action at the Committee Stage of the Bill.

For the farmers, we recognise that from time-to-time, they have suffered from volatile downwards trends in world prices of basic agricultural commodities. To protect them, a 70 per cent suspended duty has been provided in addition to the import duty at the top rate. Should the world prices on these commodities decline sharply, it will now be possible to impose suspended duty immediately at an appropriate rate in order to protect the local producers. Under the Excise Duties, measures have been taken to rationalise and simplify Excise Duty structure. This will facilitate easier compliance and enforcement.

Mr. Speaker, Sir, under the Value Added Tax (VAT) measures have been proposed to continue the rationalisation of VAT rates and move towards a single rate structure. The gap between the higher and the lower rates has been narrowed by raising the low rate from 8 per cent to 10 per cent. The adoption of a single rate will reduce both administrative as well as compliance cost. Furthermore, the VAT base has been expanded by making a few more services taxable. These services includes; arbitration services, investigation services and goods handling warehouses and storage services.

Mr. Speaker, Sir, under the Miscellaneous Measures in the Finance Bill, Stamp Duty rates has been reduced by 60 per cent for primary securities and 50 per cent for other securities registered as collateral in order to reduce the cost of borrowing.

Similarly, the elimination of licences at the Central Government level will cut down costs and time for businesses. These measures taken together with those under the Income Tax and the Customs and Excise seek to make the business environment more hospitable to investors. I take this opportunity to encourage the world and indeed, all investors to take advantage of these good taxation measures so that they can invest in our country.

Mr. Speaker, Sir, as hon. Members will appreciate, performance of local authorities has become a major hindrance to attracting new investments. The Finance Bill before us has introduced measures to increase the revenue base for these local authorities. The increase will, however, go hand in hand with increased financial responsibilities as well as accountability and transparency. For local authorities to enhance their image and credit worthiness, they need to improve their financial management and accountability. They also need to build adequate human resources capital. To achieve these twin goals, they will need the support of the Central Government together with that of the local communities. They will also need to make their jurisdiction more investor friendly. For this reason, they have to reduce all their licences to one business permit granted automatically. This is a key component of our policy to increase investments for poverty alleviation.

In this Finance Bill, we will lay the initial foundation towards building a strong central local Government fiscal relations in order to improve performance of local authorities.

Mr. Speaker, Sir, realising the need to improve the road infrastructure, increased funding of road maintenance has also been provided through increased levy.

Finally, we have noted the comments made by the hon. Members when moving the Motion on taxation measures and indeed we look forward to hon. Members contribution to the Finance Bill. We have also received many representations made by the public and various sectors of the economy. This comment will certainly be critically analysed, and taken into account as we approach the Committee Stage.

Mr. Speaker, Sir, I am sure that hon. Members have had time to look at this document, and that they are now ready to make their contributions, so that when this Finance Bill is adopted it will become law.

With these few remarks, I beg to move.

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): Mr. Speaker, Sir, I rise to second this Bill. Let me say at the outset that the Finance Bill contains much more detailed breakdown of the measures which were announced by the Minister for Finance in his presentation of the Budget in the House. In addition, it contains a detailed breakdown of taxation proposals, whose Motion was passed by this House. We are, therefore, right into the business of examining, case by case, the effect of measures which were announced by the Minister for Finance.

The Bill contains several measures but I only wish to single out a few of them. In the case of the Customs Duty I note with great appreciation the fact that rationalisation of tariffs has continued to the extent that from the large number of them that we used to have we are now going to have only three tariffs: These the five per cent, 15 per cent and 25 per cent rates. I think we should take great solace in the fact that the highest tariff of 35 per cent has been brought down to 25 per cent. In effect, this means two things: Having fewer tariff rates will make it much easier to

enforce collection of duty. It will be that much less cumbersome. In any case there are only three rates to consider. When the rates are many it becomes much more time-consuming and expensive to collect duty, even on the part of the importer.

The other thing to take into account is the fact that these rates have been reduced. As I said the highest rate is 25 per cent. Importers will perceive these rates to be more justifiable and fair. In effect this means that importers will be much more willing to pay the rates they believe are fair. The illusion that the higher the rates are the more is the collection has been proved wrong through experience not only in Kenya but also in many other places. Instead of more revenue being collected high rates become an incentive for tax evasion. In fact, they become an incentive for corruption. When somebody knows that by paying a much lower price he will avoid very high rates he is much more willing to part with a bribe. When the rates are as low as they are the payer has the incentive to voluntarily pay the tax.

The other important thing to be also noted is the fact that the Bill has reduced the tariff on intermediate goods, such as farm machineries, which are very badly required in our local industries. Nothing could have been better than that because this will assist our local industries to produce at a much lower cost. In that way they will be in a much better position to compete internationally. In any case, our policy is to orient our manufacturing industry to produce goods for export. In that way they will expand their production capacity, employ more people and earn foreign exchange for this country. That the rates on machinery and intermediate goods, which go into the manufacture of final goods, have been reduced is a commendable measure. Apart from being competitive internationally our industries will also become more competitive locally. In this way our investment in industries will be that much protected.

Mr. Speaker, Sir, I have also noted with great appreciation that under customs tariffs on industrial oil have also come down. This in itself reduces the cost of manufactured goods. This is also a great boost to our tourist industry. I believe that we are all aware that a number of energy projects conceived many years ago have not yet become operational. As a result, many industries have resorted to the use of diesel engines. The reduction of duty on industrial oil will make it much cheaper to operate diesel engines. That is a measure which is much welcome.

Again, there are certain measures that I think we all welcome because they are very useful. I am glad that the Assistant Minister, who has just moved this Bill, did bring this out. It is a fact that our farmers who produce food for local consumption and export need protection. We have witnessed cases in the recent past of sugar being imported into the country and creating a lot of problems for our sugar industry. This has been so to the extent that sugar companies' stores have been unable to hold stocks. The most important measure in this Bill is the introduction of a suspended duty of about 80 per cent on a variety of agricultural products. It will be brought into operation as soon as it is perceived that international prices of similar goods have come down. We urge the Minister for Finance to invoke this measure when it becomes necessary because our farmers need to be protected. Farmers all over the world are protected. It is absolutely important that we also protect our farmers, since we now have a measure to be invoked.

We do not want the Kenyan market to become a dumping ground for sub-standard goods and also goods which have been subsidised in the countries where they are produced. We do know that there are a lot of goods coming into the Kenyan market, especially from South Africa. We do not have anything at all against South Africa. It is a country whose independence we welcomed. It is a country that we want to promote our own trade with. But there can be no doubt that the Kenyan market today is being flooded with a lot of South African goods. We also do know, and this is not an accusation of a friendly state, that a lot of goods coming from South Africa do enjoy substantial subsidies from South Africa. The effect of that is that our own locally manufactured goods are totally unable to compete with goods coming from South Africa.

Mr. Speaker, Sir, if you look at the whole of juice industry in this country, you can all see that our own infant juice industry, which was growing quite well, has almost been overtaken or replaced by the South African juices. I have nothing against the South African juices, good as they are, but let us also bear in mind that we do have Kenyan farmers and we must protect them. This is why, I do welcome the announcement by the Minister for Finance and the definition of the dumping taxation. Therefore, the anti-dumping legislation, which is contained in this Bill, is a great relief to Kenya's local industry. We hope that the anti-dumping legislation will be applied effectively, especially when it comes to the textile goods. We have built a very stable and sound textile industry. We do grow cotton which is the raw material, but unfortunately, I think there is no doubt, that there have been a lot of textile products coming here. All these apparels have had very adverse effects on our own textile industry to the extent that a lot of our own people have been laid off. We have a responsibility to ensure that Kenyans continue to enjoy their employment opportunity and we cannot allow Kenyans to be laid off from their own positions of work so that we can continue to subsidise foreign industries. Therefore, I hope that these anti-dumping legislation will be enforced fully to protect our own textile industry and other goods across. A great deal of investment has been made in our own industrial sector and we cannot afford to have that major investment wiped out because of the introduction of subsidised goods into this



country.

Mr. Speaker, Sir, another measure that I do welcome under the Customs Act is the measure which is being introduced in this Bill to deal with goods which are short-landed. I think we have heard and seen, too often, goods that are normally supposed to be on transit from the Port of Mombasa to our neighbouring countries. Only later on, to hear that, for one reason or the other, those goods have found their own way in the local market here. Two things happen here which are terrible. The fact that these goods enter into the market here means that no payment has been paid either of customs or, where necessary, the Value Added Tax. To that extent, the Exchequer becomes a major loser and the mwananchi becomes a loser because the revenue collected is the one that offers mwananchi the services, and that is a great loss. The second loss which is a problem is that; the fact that these goods happen to be short-landed here without having paid the appropriate taxation means that they become much less expensive than the locally produced goods. As a result, they also hurt our local industries. Therefore, I am happy that a stiff penalty has been prescribed in this Bill by the Minister for Finance to deal effectively with those goods which are in transit, and which are diverted for local consumption here. I very much appreciate the fact that the vehicle that normally would be carrying those goods which are later short-landed here will face seizure. We hope that the Customs and Exercise Department will implement this measure to the letter in order to protect our own economy.

Mr. Speaker, Sir, I am also pleased to note the fact that under the VAT, the difference between the lower rate and the top rate has also been narrowed by raising the eight per cent to ten per cent. Here again, let us also appreciate the significance of the VAT. The VAT is now being taxed at the retail level, and it is a very interesting taxation in the sense that what it does is to tax the consumption. The more you consume, the more you are charged, and that is the best way of collecting taxes. That person with a higher appetite is the one who is normally taxed by the VAT. I am quite happy about this taxation since it was introduced several years ago. We do know many of our neighbouring countries who have found it extremely difficult to introduce the VAT. I know that in one case, they tried to introduce VAT and there were riots all over the streets. We have been able to introduce the VAT and to implement it properly and clearly. I would like to commend the VAT Department, and of course, our own taxation enforcers. This taxation is now being broadened, we welcome that. It is being broadened by taxing quite a number of facilities such as warehousing, storage and all sorts of things. I can only say the following on these things; that it is extremely difficult to enforce it and it is my hope that the Department of the VAT, especially, the Commissioner, will be able to ensure that his own officers are able to collect all these taxes. It is extremely difficult because quite a number of dealers themselves normally do not issue the receipts that are required. We do know of cases where, when a customer goes to buy certain goods which are allowed for the VAT, the customer is told: "We will charge you so much with VAT, but if you do not want to accept the receipt, we are going to charge you much less." Undoubtedly, sometimes the customers do agree. We hope the VAT officers are going to look into such cases very thoroughly, because substantial resources are being lost.

Mr. Speaker, Sir, there is also an area that I would like to touch on as far as the income tax is concerned. Several measures, which we believe are going to assist investment in this country, have been announced and are contained here. Contained here is a reduction by 2.5 per cent of the top bracket of the personal income tax and also the corporate tax. As far as the corporate tax is concerned, that reduction making a rate of 32.5 per cent will also attract investment into this country because it does not earn us any good if Kenya is known to be a country with very high income tax. If a country is known to have high taxation rates, the investors normally avoid a place of that nature. This measure is going to act as a major investment into this country by a number of corporations. We also believe that the amount of money that they would have paid, the savings made out of lower taxation will form a re-investment. Once it is re-invested, that also creates more employment opportunity. We welcome that.

We also do welcome the fact that the top individual income tax rate has also been brought down again to 32.5 per cent. That again is going to make compliance much much, easier. Individuals too will find it much easier to declare their earnings voluntarily and to pay their taxes.

*[Mr. Speaker left the Chair]*

*[The Temporary Deputy Speaker*

*[Mr. Wetangula) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, the recognition that the inflation has taken toll especially on the low-income earner is a most welcome measure. The increase of the release by 10 per cent combined with the widening of the bracket by 10 per cent has resulted in more than 140 to 150 Kenyans being kicked out of the Income-Tax altogether and these are the low Income-Tax group. Again, this is important since our own people especially the low-income tax group have suffered and been affected greatly by the inflation. That recognition has been made here.

So, this is a Budget as it can be said, with a human face. It is a Budget that aims at attracting investments into this country or that is aimed at generating and increasing the revenue to be used in order to make sure that the Government can offer services. But at the same time, it is a budget intended to take care of the low-earners in this country.

Mr. Temporary Deputy Speaker, Sir, also the exemption of paying taxation by venture capitals for about ten years is a most welcome measure. We do hope that as a result of this measure, many venture capitals not in this country, but venture capitals from abroad are now welcome and I am sure many of them will come in as a result of this very important measure.

Mr. Temporary Deputy Speaker, Sir, I would like to end here by commending the Minister on something which, I think, is absolutely important. We are all aware especially in the City of Nairobi of the potholes in our roads. Similar potholes are found in a number of urban areas especially for the classified roads. This has been the case as a result of the fact that a number of the majority of the local authorities do not have the finances to maintain and repair the roads. Therefore, the amendment of the Road Maintenance Levy Fund will ensure that this during Financial Year 20 per cent of it will be used by the local authorities on maintenance of the roads and that is a most welcome move. I am also happy to know the fact that this 20 per cent which will go to the local authorities will not just be left to the local authorities alone because a committee will be put in place to ensure that the money collected is going to be used properly by the local authorities. That will make the levy important. But, I think, one must also see the fact that as we approach the year 2000, more resources have got to be made available to the local authorities. This, we think, is of utmost important for that one.

Mr. Temporary Deputy Speaker, Sir, all these measures have been announced in the Budget are contained in this particular text here--- The text may look very thick. However, I would like to draw the attention of the hon. Member that it is the schedules that make it thick. This is because items have been stated one by one and the rates that they are supposed to attract. These measures will be able to take effect in a country where the rule of law is respected by every citizen. We cannot be able to build this nation if the rule of the law is trampled upon. Much more important is that those of us Members of Parliament who legislate should be the last people to want to break the laws. We should become the examples to be emulated by our citizens. This is because we must be committed to the laws which are here. As long as they are laws, we must continue to respect them until such a time that we repeal them. Even if we do not like them, we cannot go out into the streets and urge innocent wananchi to continue breaking the laws when we do know that they are still in the statute books. We cannot by the same token invoke the word "reform" as a cover for irresponsibility. We cannot. The word "reform" is today being misused. The word "reform" is being misused to break the laws. The word "reform" is being misused to create violence. The majority of Kenyans do not want violence in this country. Kenyans want to be left on their own. They have fundamental problems and they know they can solve their problems in a peaceful manner.

Mr. Temporary Deputy Speaker, Sir, inciting people to go and loot people's shops and burn vehicles, is what I do not believe to be reforms. That is anarchy. We do not want anarchy in this country. I have friends on the other side who go on calling for reforms want to give the impression that they are the liberators of Kenya. We want to tell them this and we want it to be known: At no time has the Government on this side in a way or the other been anti-reforms. Since 1963 when we became an independent country and formed the first KANU Government, when necessity required, we have carried out the necessary reforms both economic and political reforms. We have always carried out the reforms once we recognise that these reforms are in the interest of the Kenyan people and not reforms to suit a few of us. No! Reforms to be carried out must be reforms for the majority of the Kenyan people and for this nation.

Mr. Temporary Deputy Speaker, Sir, the issue where we do disagree on with the other side is the fact that we believe the reforms are necessary. It is not something that you carry out arbitrarily or where you take a shock action. We believe that the issue of the reforms and especially the Constitution being such an important structure holding this country needs to be studied thoroughly and, therefore, where change is preferred, it is a change that is universally accepted by all Kenyans. We, ourselves will consult with the Kenyans for a change on the Constitution. We cannot ourselves say here that we know what the Kenyans want and then change the Constitution without the consultations of Kenyans. A reform must bring in all the Kenyans of all shades of opinions and professions. That, in itself argues for time. It argues for sitting and thorough work, but not for a clumsy job.

Mr. Temporary Deputy Speaker, neither for that reason is violence going to be the one to solve it. If we provoke violence, if we have anarchy in this country, we cannot have the reforms that are going to hold this country as a cohesive unit. We want this country to be a cohesive unit. But that cohesiveness cannot come about when we introduce violence, lawlessness and so on. Things must be done gradually.

Mr. Temporary Deputy Speaker, Sir, I want it to be known that, as far as the Government is concerned, we believe in the reforms, our record is there, we have carried out reforms, but the reforms we believe in are reforms that are properly programmed. They are reforms which are carried out in a systematic manner not sporadic reforms; not reforms which have not been thought out carefully. We carry out reforms which are thought out carefully and which

are for the interest of the wananchi.

Mr. Temporary Deputy Speaker, not because now that we believe that election is near and then start looking around and say, "I want to see these reforms because maybe these reforms are going to assist me to win the election." Or maybe another one looks at the Constitution and says, "Maybe with the Constitution as it is today, maybe I cannot go through. Why do I not play with the Constitution and see whether I can win?" That kind of a methodology is not in the interests of Kenyans.

We want a Constitution for the interest of Kenya. Let the Kenyans be the one who will be the final arbiters on the Constitution. They must be fully consulted wherever they are, if there are changes which are required. Where they are required, let them be given time, if they want to look at the constitutional changes all over the country. Even the few people called Elmoro, as few as they are, let us listen to their views. What do they want, how do they see themselves and so on? Let us also hear even from the churches, Muslims and other people so that the Constitution reforms we carry out will be the one accepted by all Kenyans, but not to rush.

Mr. Temporary Deputy Speaker, Sir, but there is something else here. The reforms are not necessarily equivalent to the election because there is that mistake, namely, we cannot have the election unless we have reforms. Let us be very clearly here. Our Constitution, as it stands today and upon which we were elected, stipulates clearly; "in no unmistakable terms that there has to be an election every five-years." That end is coming. We, in this House, have no mandate whatsoever to extend our term. We must, as the time is getting nearer, go and face the electorates. We cannot use the veil of reforms to delay the elections. The two can be parallel, but not necessarily as we are being told that the reforms must be carried out before the elections. That one is tantamount to disenfranchising the Kenyans of their Constitution rights.

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

*(Applause)*

*(Question proposed)*

**Mr. Nthenge:** Mr. Temporary Deputy Speaker, Sir, I am very thankful for this chance to say a few words on taxation of this country.

First of all, I would like the House and nation to know that I am a great believer in taxation. Taxation is just like Harambee spirit in this country. If you have slightly more you should be taxed a bit high and those who have little should be taxed less and those without should not be subjected to taxation. We should be taxed according to our ability. Taxation empowers the Minister for Finance to collect finances so that Ministries can serve the nation. It is not money for hon. Nthenge, hon. G.G. Kariuki or hon. Towett. This is money for the development of our country because there is no road for the President, hon. Member of Parliament, rich, poor and so on. We all use same roads, hospitals, schools and so on.

It is very reasonable to make tax collection simple, understandable and reasonable. If one becomes complicated in tax collection, hon. Saitoti said, you encourage people to be involved in bribery. They will pay less rates while they are supposed to pay more. We in business say that if tax is high on one item, we recover in the other item which is less taxed. Let us make tax collection in a way that it is both convenient to both the Government and taxpayer.

Unfortunately, at this juncture, I am warning this nation that it has become a fashion that the richer you are the more important you are and, therefore, you should be a leader. This is a big mistake. A leader should be a person who is interested in the welfare of people, but not the money-collector or the rich man. You could be a very bad person yet very rich, but you do not qualify for leadership. Let us remember the fact that you should not have a lot of money in order to lead. Leadership means guiding. You can guide even if you are not rich, so long as you have brain, love, sympathy, peace, love and so on. As a leader, all the time you have to make sure that you do not hurt your subjects. Your duty should be let me die first before my followers die.

As a matter of fact, I am ashamed to see leaders believing in bodyguards. Why are you being protected? Do you lead a normal life? I remember a general of an army who did not want bodyguards because he was very fair in the army. He would give permission to his drivers and bodyguards to go home and see their families. I will go home and see my age-mates and my family. I do not want protection. Protection signify fear. If you have been doing good things to us all we will admire you. We will like and protect you.

Mr. Temporary Deputy Speaker, Sir, I believe employment is being belittled by Kenyans, when it comes to taxation of imported goods. If goods are being imported to come and make our people unemployed, we should not import them. Imported goods should be taxed 20 times because we are still many in this country, and we require employment. We are not like Europe where women stopped giving birth and they are short of human beings. So,

they have to depend on machinery. A very simple example is that we are not short of manpower. Instead of importing lights to stop vehicles, we should employ 100 youths to man the roads and earn some money. Their work would be to direct cars around the city and they get an income. We should do away with machines for controlling traffic. They are important in a place where there is a shortage of human beings.

Not so recently, about two years ago, a few of us went to Europe as a delegation of this House, led by hon. Sunkuli. When we arrived there, we found that even very old people are working because they cannot retire. If they retire, who will take their jobs? They were induced to keep on working because there is shortage of human beings. When you see a pregnant lady there, it looks as if you have seen a wonderful thing which is out of normal. Why is that? It is because there are no people. They give birth to a few people, and therefore, they require machinery. I am suggesting to the Minister for Finance to stop the importation of some of the machinery whose purpose is to reduce manpower. This is because we have a lot of manpower here.

What I require as an old man with beards is not what a school boy requires. This is because they do not shave because they do not have beards. We have to know who wants what, and what for. Me and hon. Nassir do not want a little bicycle to run around. This is because our bodies are already aching of old age. We do not want an extra burden. But thank God, at the age of 70, we feel young and act young; we can go for a dance and enjoy dancing because we are active. But the fact remains that when you are aged, there are things that you do not require, but which your grandchildren require.

Mr. Temporary Deputy Speaker, Sir, let me come to another point. After saying that anything that is interfering with employment here should not be allowed, we should get our technocrats who are experts. When you meet one like hon. Nthenge, he will say that there are very many unemployed people in all the constituencies, including his, who are looking for jobs. When they go to their Member of Parliament, they say; "mtoto wangu amemaliza skuli", what can you do? You have many requests and the employers are already saying that they are overloaded. What do you do? One of the things that we should do is to tell the Minister to prevent importation of anything which is interfering with employment. If we employ many people, we will get people to tax. There are many ways of taxing. Somebody told me that I do not pay income tax. But you know one way of paying income tax is when you buy an item which is already taxed. In that way, you are already paying tax. In other words, if a suit costs Kshs1000 and it is taxed Kshs200, its new price becomes Kshs1,200. If you buy such a suit at Kshs1,200, you have already paid tax. So, if we can enable our people to have an income, and then the same people spend their money here, we will be taxing them more and gaining more, rather than bringing a large producing machinery and eliminating 20 per cent of workers. If you have employed 2000 people and you reduce them by 10 per cent, you have reduced very many people. Those are not going to be taxed any more. They will be jobless.

An unemployed person finds it very easy to commit crime because; first, they are unhappy psychologically and secondly, they feel that they are doing nothing. So, they might end up doing anything. This is not the best system. Thirdly, they will feel that we are ignoring them, and they will be ready to bring us down. Therefore, they would want to bring the Government down.

So, when it comes to tax collection, let us also make sure that we, from the Cabinet to Parliament, try to be fair and own things fairly. This is because if they find that we the leaders are having too much by using our influence to get away with things, they will become corrupt. Even the tax collector will tell somebody; "pay half, and then let us share the other half". If you were supposed to pay Kshs20,000, he will tell you to pay Kshs10,000 to be received and then share the rest. That is what is now going on in Kenya, and almost everybody is doing it. The few who are not doing it are called fools. That has to be prevented by the Minister, with the encouragement of this house and the people. He should make sure that nobody gets an unfair income.

Mr. Temporary Deputy Speaker, Sir, this brings me to something called harambees. In fact, the more we have harambees, the more we encourage corruption. This is because everybody would like to appear the greatest. If you give Kshs10,000 and hon. Nassir gives Kshs200, which is all that he can afford, he will be looked down upon for just being a very fair man who gave all he could. When you give too much, how did you get it? Or it was got through under-hand deals. Why should we not tell everybody to pay his fair tax so that we can develop by taxation?

I would like the Minister for Finance, when he is replying, to tell us how many governments there are in the world, which are being run through harambees. The correct harambee is taxation. Therefore, we should sit here, as the leaders of these people and ensure that a proper harambee is done. When we find that somebody is very rich, we should go deep and find out whether the man pays income tax and how he earns. If we find that he does not pay his taxes and so on, and he is rich, we should go to him and tell him; "let us not punish you brother, just give back what you should have given! We know you could not have erected this building worth Kshs30 million with your normal income! This is because as per your income returns, you only had Kshs3 million! How come you have Kshs30 million! Please, just bring it back to the Government and we will keep quiet".

I do not believe in punishment all the time, but if he becomes too difficult, the Government then can become a

dog which can bite and has teeth. Therefore, we take such a person to a court of law.

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

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

Mr. Temporary Deputy Speaker, Sir, let me come to another point which deals with local standards. I would like to see our standards get a bit higher. Unfortunately, they are getting too low. By the time I was in this House fighting for Independence, the standards were expected to improve when we got Independence. When we got our Independence, the standards started plummeting. I can bet that the Temporary Deputy Speaker, who happens to be on the Chair, never thought that the Government Road and Delamare Avenue, which are now called Moi Avenue and Kenyatta Avenue, and which bear the names of our two Presidents, could have potholes. Just go and drive on them and you will be ashamed. You will wonder whether hon. Nthenge and hon. Kariuki, as leaders of this country, were right to get rid of the British, if these are the standards they are now giving to their people. We need to raise our standards. Shall I give this House an idea on how they should raise the standards in as far as taxation is concerned? Before you give a dog the duty of guarding you, you have to make sure that it can bite and bark. Similarly, if you want to give somebody the responsibility of leading, you have to make sure that he has the ability to lead. Do not lower the standard of leaders in this country. A lot of our leaders go to Government offices in bikes and leave driving Mercedes Benz. You see the difference? We have a good example of a mayor. By the time he is elected as the mayor of the City he only owns a Volkswagen, but by the time he leaves the office he is driving a Mercedes Benz, his child a Volvo and his wife a BMW. This is individualism of the highest order. That is why when some of us become great we get scared and demand many body guards. I would expect the Member for Kisauni to be liked by the people from Kisauni. I would expect people from Kamukunji to be happy with their Member of Parliament. The standards should go up. All local authorities should be led by people who have leadership qualities. During the colonial days, for one to be a member of the local government, he had to have qualifications. For one to be a Member of Parliament, he had to have some qualifications. These days, even somebody who does not know how to read and write seems to be qualified to be elected. One wonders how such a person can read and write important issues affecting his constituents. That is lowering our standards. Let us stop this nonsense. I am calling upon the Minister for Finance to consider establishing a committee that will be concerned with finding out how people acquire their wealth. Some people are getting rich too fast. They should be called before such a committee and declare their wealth. A man like hon. G.G. Kariuki started leading this country many years ago. I was with him in the 1960's and surprisingly enough, he owns an ordinary car while a man, who is his son's agemate, drives a very expensive car. How does such a person make his money? This committee should find out how somebody like hon. George Nthenge can acquire 20 buildings in one year. Some of these people are lowly paid yet they own so much money. A police inspector can have more wealth than the Minister himself. It defeats reason how such a thing can come about.

I know some people in this country are corrupt and that is why I have been fighting this practice, but I seem to be alone. Whenever I get somebody to assist me in the fight, they run away too soon. However, a few have remained and I am praying to God that we will fight this practice to the end.

Let us come to the law. Law is basically about order in a society. That is why there is a Parliament. At the moment, we are fighting for the change of our Constitution. Before we got our Independence, I was very poor because we used to meet regularly to formulate our Constitution. There were a number of political parties that were in existence then. We had KADU, where President Moi and hon. Shikuku belonged and I was in KANU. Each political party had its own constitution. Each group produced its constitution and it was very surprising to note that KANU and KADU had one principle; to share power. So, the British Government had an easy time. We, in KANU had it in our Constitution that every district had to have a body and KADU had it that every province had to have a body. So, we in KANU found it reasonable to give power to the provinces. We had what we would call safety valves. The first safety valve was the Senate, the law-making body which was the House of Commons, regional assemblies and county councils. What happened? In less than five years, unfortunately, I was out of politics. I had become difficult. I was told by my party to vie for a seat away from where I was representing my people but I refused. I insisted on remaining where I used to be.

Today, I am lucky to speak about the Constitution of Kenya. One of the people who were working with me was hon. Taitta Toweett. We were in London for a number of weeks and formulated our Constitution, giving power to a number of people. When we came back, a clique of some cunning people amended the Constitution and removed the safety valves. That is why we are in a mess. The Senate was killed. I happened to have the honour of being an

Electoral Commissioner then. We, in the Electoral Commission were told to treat the senators as people somewhere in a constituency so that the two houses could become one. The regional assemblies were abolished. Despite doing that, where are we now? Did we improve? Yesterday, over ten people died. Why? Because they were demanding reforms. The President of this country has been a leader for a long time. Some of you were not born when he started leading. He was Chairman of a party in the early days. He was in fact, one of the first eight elected Africans. He represented the whole Rift Valley Province which has about 30 Members now. The man has got experience, whether you like it or not. He is a leader with experience. Hon. Moi, hon. Toweett and I are the only three signatories of the Constitution of Kenya here. But honestly, this Constitution has been played with, it requires to be looked at. At that time, the three of us did not want the present Constitution, but we proposed the one of sharing power. That was the KANU and KADU Constitution that was agreed upon by everybody. We came back here with a document accepted by all of us. Why did you people get it changed within such a short time? I would like to be told why it took five years to put the Constitution in place and by the time I became a Member of this House, I found the Senate had been killed and I was told as an electoral commissioner to create constituencies to fit the Senators because they used to cover a district. For example, you would go to Kericho and if you found out that it is hon. Toweett who had the biggest constituency, you would divide it into two, so that the Senator could be fitted in one side and the hon. Toweett in the other side. That is the kind of thing we did that I think killed this country, whether you like it or not. Every electrician will tell you that you require a safety valve, so as not to spoil the whole system. That is why we are now running about killing 10 human beings, yet none of the leaders of this country died.

Mr. Temporary Deputy Speaker, Sir, other Members will also catch your eye and they will also say the truth, because the more we talk about the truth, the better this country is going to be. Even when one person dies, it is a big loss to this country. It is our duty as leaders to make sure that everybody is safe in his own country. We the rich can run away in case of chaos, but what about the poor people who cannot run away? Why are you spoiling the country? If you are fed up with your own country, you should go away alone and leave your country in good shape for the poor ordinary mwananchi like hon. G.G. Kariuki and I. We are some of the leaders who have never run away. In fact, I intend to die here before I become a refugee. I will never be a refugee, because a refugee fears to tackle problems at home. I am ready to tackle our problems right here.

Mr. Speaker, Sir, the rule of law is for the good of everybody. If the Government did not want this to occur, it should have let them meet. They should give, for example, hon. G.G. Kariuki, I and everybody else a licence to preach what they believe, then the public will decide what they want. Why should you deny them a licence anyway?

**An hon. Member:** Because of looting!

**Mr. Nthenge:** The looting is a by-product of lack of licence. If I was younger, I would have asked how much it costs the government to pay these askaris who came to scatter the meetings. Because if it is a licensed meeting, you do not have to scatter people. The askaris do not have to come and motor-vehicles do not have to be stoned. All these things happen because somebody has advised the Provincial Administration not to give licences. If, for example, hon. Nassir is popular in his constituency, you do not kill him by not giving him a licence to meet his people. Actually, it is a sin, evil and lawlessness to refuse to give a representative of the people - a leader, a right to meet people. Whether it is done by my friends or I, it is a sin. Let every Member of Parliament, councillor and every other leader have the right to meet their people and be protected by the police, so that there is no interference.

**The Assistant Minister for Finance (Mr. Keah):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Nthenge in order to continue misleading this House and this nation, by saying that people are denied licences when we know very well that they refuse to apply for licences?

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

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

**Mr. Nthenge:** Mr. Temporary Deputy Speaker, Sir, that is a very good and legitimate question. Shall I answer it honestly? What happened is this--

**The Temporary Deputy Speaker (Mr. Wetangula):** Hon. Nthenge, you can only respond. It is not Question Time. You have no business answering questions.

**Mr. Nthenge:** Mr. Temporary Deputy Speaker, Sir, I thought that the House is interested in knowing about licences. Some Members do not want to ask for licences to meet the electorate, because they have been telling them things which are not workable. There are people like I who have asked for licences till they became fed up and they stopped. This is because I will never get it. And if I ever get it, somebody "higher" interferes and the DC then tells me

he has withdrawn the licence. The one who gave me the licence must be having a boss who tells him not to give it to me. Yet I am only going to tell people about Government policy, whatever else they want to hear and they will in turn tell me what they want me to fight on their behalf.

Mr. Temporary Deputy Speaker, Sir, licensing public meetings is a civilised thing. Good countries all over the world have given people the right to meet. If you went to Britain, you would find somebody in Hyde Park having no audience, just for the simple fact that he is allowed to speak to the people.

**Mr. Mbeo:** On a point of information, Mr. Temporary Deputy Speaker, Sir. While speaking of licences, let you people on the other side, through the Temporary Deputy Speaker, know that the situation of licences in this country has gone out of hand. The times we apply for licences, we get licensed at 5.30 pm on a Friday evening, for a Saturday rally. This is the trend of this Government and we have tried it many times as late as last week in Kitale where we got a license on Friday, at 5.30 pm for a meeting on Sunday. That is the trend.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that we do issue licences too late, when we are very efficient in the issuance of licenses? I know the hon. Member does not believe in the law that says you must apply for a licence. But the hon. Member must obey the law until it is changed.

**Mr. Nthenge:** Mr. Temporary Deputy Speaker, Sir, I have been asking for licences since we were allowed to go into politics after the ban was lifted. But we were only allowed to organise meetings per district. So, I was only getting licences for Nairobi. When I became a leader in Machakos, I used to get licences for Machakos, till the ban was lifted, so that we could have national meetings although the British Government knew we were fighting them to go so that we can rule ourselves. I went on applying for licences during the Colonial days, which were normally given a number of days in advance before, to be able to publicise the meeting and for the police to organise for security.

Mr. Temporary Deputy Speaker, Sir, now it is being said that we are civilised enough not to even require a licence. We can run the country the way other countries are run without licences. All you require is to advertise your meeting until the day of the meeting and the security around will make sure nobody interferes. If nobody attends your meeting, you have nowhere to complain, because some of us can call a meeting and hardly anybody will come. Others can call a big meeting and many people will turn up.

Mr. Temporary Deputy Speaker, Sir, I am appealing to the Minister concerned to advise all the leaders that licences are not necessary except for the sake of security. Therefore, if hon. Towett wants to meet the people of Kericho and gives a notice of one month or two months, the security committee should meet in a week and give him an okay, so that he knows that he will be having a meeting at Kericho and he will print pamphlets, posters and advertise so that the meeting will take place. Also the security personnel should be there in case the meeting goes out of order.

If I am talking of killing Mr. George Nthenge, that is illegal, and I should be taken to court. That is why lawyers exist and we have very many now. It is not like in those days when we used to have no lawyers. When we used to hear that there is one African who has become a lawyer, we all had to run there to see how an African lawyer would look like. We have very many now, actually now on the Chair, there is a very good lawyer who can be equal to any other lawyer in the world.

**An hon. Member:** Who were not spoon-fed!

**Mr. Nthenge:** I have been told that our lawyers did not become lawyers because they were spoon-fed. Many of them went to ordinary schools and performed excellently well, and they passed their exams with grade one and became learned lawyers. If you ask these boys of the rich who have become lawyers, they will tell you that "the African lawyer is very brilliant," that is what we used to be told.

I have very many Asian friends who are lawyers and they used to tell me about African lawyers. I know that our lawyers are good. So, if you make a mistake in a meeting the Special Branch and CID should be there to record what I said. These days, there are recorders which can record what you say and if you deny it, it is played back and then you hear hon. Sunkuli speaking. He will not say that he did not incite the Maasai, because if he did, it will be there in the recorded cassette.

**The Assistant Minister for Education (Mr. Komora):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Since the hon. Member is contributing nothing to do with the Finance Bill, may I call upon the Mover to reply?

**The Temporary Deputy Speaker (Mr. Wetangula):** I am sorry, Mr. Komora, this is only the first speaker after the Mover and the Seconder. I will not accept that. Mr. Nthenge, can you talk about the Finance Bill?

**Mr. Nthenge:** But the security issue was raised by the Vice-President and Minister for Planning and National Development and I was replying about licenses and the meeting which I have already covered. I am urging the Government to allow people to correct and discuss this matter and the opposite side to have the chance, let the people of Kenya decide who is teaching what. If there are ten candidates in Mvita, all can address meetings and then at the end, if Mr. Nassir gets more votes than the rest, then we will accept him as the leader of the people. So, the idea of

denying people the right to meet is wrong. That is why I respect him because he defeated my colleagues in a by-election. If there is an election and Mr. Kamotho wins, what shall I say? I will say that Mr. Kamotho is the winner, whether I like him or not. So, hon. Members in this House are supposed to have won an election and that is why they are in a position to discuss the Finance Bill because they are given the responsibility of running this country by the electorate. That is why they are hon. Members.

Mr. Temporary Deputy Speaker, Sir, I have made the point concerning the President as advised by the Vice-President and Minister for Planning and National Development and I am saying that, taxation should be encouraged and when it is finally collected, it should be shared by the Ministries. It should be safeguarded and spent properly. A messenger should not be given a GK car to deliver a letter; let him walk or cycle. There are fax machines nowadays, let the letter be faxed because it is cheaper to fax a message than to send a messenger in a GK car.

Mr. Temporary Deputy Speaker, Sir, if finances are well managed by the Ministry of Finance, this country will be okay, but they are giving the Minister trouble. They are even stealing finances from the Headquarters where it should not be stolen. He has very many people he is sending to court with cases of having stolen billions of shillings, money which cannot be accounted for by the ordinary people. Let us leave taxation in the hands of the Minister for Finance to manage it properly and the finance officers in charge of all the Ministries to make sure that the money is well spent and we will come back into this House as respected leaders knowing that none is going to be our bodyguards except people in the streets because they will be happy for we are leading the country properly.

Mr. Temporary Deputy Speaker, Sir, with these remarks, I beg to support.

**The Assistant Minister for Information and Broadcasting** (Mr. Nassir): Bw. Naibu Spika wa Muda, ijapokuwa nina dakika chache, nafurahi kupata nafasi kuwakilisha wale walionipigia kura katika kujadili Mswada huu. Wakati huu wa Bajeti ni wakati muhimu kwa Mbunge kuhakikisha kuwa haki inatekelezwa kwa yule atoaye ushuru. Kila Mkenya anatoa ushuru kupitia kile anachonunua kama vile nguo, chakula na vitu vingine.

Kwa miaka mingi sasa, tumeendelea kutozwa ushuru lakini pesa hizi zimelelea upande mmoja. Yafaa zitolewe kwa kila upande. Kwa miaka hii yote 18 ambayo nimekuwa katika Bunge hili, nimekuwa nikilia na kuzungumzia kuhusu pesa zinazokusanywa ambazo sisi watu wa Pwani hatupewi. Miaka-nenda-miaka-rudi, hadi karibu kufa, hakuna kilichotolewa Pwani, na wale wanaopewa nyingi hawatoi shukrani.

Katika Mkoa wa Pwani, hatuna chuo kikuu na pia shule za upili za kutosha, na haya yote tumesema. Vifaa vyetu vya uvuvi vinatozwa ushuru na vile vifaa vya kilimo havitozwi ushuru na hali mashamba yetu ni uvuvi. Tumezungumzia kuhusu jambo hili lakini hatujaambiwa kitu. Ninasikitika kuona watu wengine hawana haja na mambo haya ya ushuru, bali wanataka mabadiliko ya kikatiba. Ninawaambia wasikilize na kama masikio yao wameyatia pamba, watoe hizo pamba, mabadiliko ya kikatiba hayafanywi hadi baada ya uchaguzi mkuu.

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

*[Mr. Speaker resumed the Chair]*

Kuna watu wanaotuona wale tulioko katika Serikali kwa kuchaguliwa na wananchi ni watu wapumbavu sana tusiokuwa na nguvu. Sauti ya watu ndiyo iliyotupatia nguvu na tunasema kuwa tutashikilia yale tulionayo siku zilizobakia chache, ni miezi miwili au mitatu.

**Mr. Mulusya:** Wewe ni nani?

**The Assistant Minister for Information and Broadcasting** (Mr. Nassir): Wakati huo wewe utatupwa nje na hakuna kitu utafanya!

Bw. Spika, nataka kuwafahamisha Wabunge wa Upinzani kuwa chama cha KANU ni chama cha Kenya kilichochaguliwa na hakitatishwa na mtu yeyote. Hakitishwi na tutaenda vivi hivi hata mkifanya jehuri zenu!

Bw. Spika, ninawaambia Wabunge wenzangu kwamba sisi tumewalinda Wakenya kwa kila njia. Katika maisha yangu nimeona Serikali nne. Niliziona Serikali za Sultan, hayati Kenyatta, Mwingereza na sasa ya Rais Moi. Lakini mimi nasema kwamba heshima Wabunge wa Upinzani wanayopata kutoka kwa Serikali ya Rais Moi hawawezi kuipata kutoka pahali pengine. Haifai wao kuidharau heshima hiyo. Ujeuri ulioonyeshwa na Wabunge wa Upinzani haufai. Jana walijihaibisha bure. Sehemu tano kati ya sehemu 42 ndizo zilizofanya fujo, na zote ziliongozwa na ukabila mtupu. Watu waliitana kwa sababu wao ni ndugu moja. Waliwafanya watu wapigwe bure na hali makosa yalikuwa yao.

Watu wa Kenya ni Wastaarabu na hawalani. Kuna nchi nyingine ambako mtu akifa analiwa, lakini sisi hapa Kenya hatuli maiti. Sisi tunajua haki zetu. Inafaa sisi Wabunge wa KANU tumuombe Mungu Wabunge wa Upinzani wasije wakaongoza kwa sababu watatuu mchana. Watu hawa waliwaua watu na kuwafunga wengine



gerezeni, lakini leo wanataka demokrasia. Watu hawa walimfunga gerezeni mhe Shikuku, lakini leo wanajifanya wanajua haki sana.

**Mr. Mulusya:** On a point of order, Mr. Speaker, Sir. Hon. Nassir has categorically stated that we Opposition hon. Members killed people, and that if we get power we will kill people. Could he substantiate by saying which people we killed? He also said that we detained hon. Shikuku. Could he substantiate how we detained him? Which power did we have to do that?

**The Assistant Minister for Information and Broadcasting (Mr. Nassir):** Bw. Spika, ikiwa mhe. Mulusya bado alikuwa shuleni, wenzawe waliwafunga watu gerezeni na kuwaua wengine. Watu hao wanataka kuwaua watu tena, kwa sababu wao ni majangili wakubwa.

**Mr. Mulusya:** On a point of order, Mr. Speaker, Sir. He has again said that it was not me, but other people who are not in here, who killed and imprisoned people. Can he mention when this was? This is very serious!

**The Assistant Minister for Information and Broadcasting (Mr. Nassir):** Bw. Spika, Waswahili wana msemu huu: Pilipili usiyoila yakuashia nini? Mimi ninawaambia tena sisi tunaiendesha Serikali--

**Mr. Kapten:** On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to tell the House that the Opposition hon. Members killed people and imprisoned hon. Shikuku when, in fact, when hon. Shikuku was detained President Moi was in charge detention?

**The Assistant Minister for Information and Broadcasting (Mr. Nassir):** Bw. Spika, nafikiri wakati huo mhe Kapten bado alikuwa katika chuo kikuu. Unajua kuna Wabunge wengi wachanga kama vile mhe Nyagah. Tuna kikundi cha watoto hapa.

**Mr. Nyagah:** On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to insinuate that I am child when I am a grandfather in my own right?

**Mr. Speaker:** Order! Youth is relative. To a 100-year old person, a 40-year person is a very young child.

**The Assistant Minister for Information and Broadcasting (Mr. Nassir):** Bw. Spika, unajua mtu anaweza kuwa mrefu na mne sana, na mwenye elimu nyingi, lakini akili yake inaweza kuwa ya kitoto. Inafaa wenzangu wajue kwamba Serikali hii inaongozwa na ndugu zao Waafrika: Wasifikiri kwamba tuna Serikali ya kikoloni. We are in the Government and we will not accept thuggery. Tena, kwa vile muda wetu umekwisha inafaa tuende uwanjani tukaombe kura. Kwani wanaogopa nini? Wanafikiri fujo zao zitauzia uchaguzi mkuu? Inafaa wajue kwamba kelele za chura hazimzui ndovu kunywa maji. Wanaweza kupiga kelele lakini tutaendelea kuyanywa maji yetu.

Bw. Spika nia ya Mswada huu ni kutoa pesa zitakazogawiwa kila sehemu ya nchi hii. Ninaomba mikoa yote ipewe kiasi sawa cha pesa. Tunajaribu kuwa na usawa katika nchi hii. Kuna watu ambao wana ekari 10,000 za mashamba na hali ndugu zao hawana nusu ekari. Hata mtu anapomwona ndugu yake akilima kando kando mwa barabara anamfukuza. Kuna watu walionyakua mashamba makubwa baada ya nchi hii kuunyakua Uhuru. Watu wa Mombasa ni maskini ambao wanafanya kazi ya uchuuzi ili wapate chakula na kuishi vizuri.

Wabunge wa Upinzani wanataka mabadiliko lakini hawajui jinsi ya kuyaleta mabadiliko hayo. Nawaomba wastarehe kwa amani, kwa sababu madiliko yanaweza kutuletea kiongozi mbaya zaidi. Wao wamewaingiza viongozi wa dini katika siasa. Mimi nawasihi viongozi wa dini wasicheze na siasa. Wale ambao wamecheza na siasa zimewadhuru. Siasa si kitu cha kuchezea. Upinzani una mawakili mashuhuri, na kwa hivyo ninawaambia kwamba Kenya itaendelea kuongozwa kulingana na sheria. Serikali yetu si ya magaidi.

**Mr. Speaker:** Very well, Mr. Shariff Nassir.

**The Assistant Minister for Information and Broadcasting (Mr. Nassir):** Basi kwa hayo machache---

**Mr. Speaker:** Order, Mr. Nassir! You will continue your contribution on the resumption of this debate.

It is now time for me to call upon hon. Kapten to move the Motion of adjournment, which will run for one hour. Under the Standing Orders, I would like to propose to the House that we allow the Mover and the Government Responder 10 minutes each, and five minutes to every other hon. Member contributing so as to allow as many hon. Members as possible to participate in the debate. Is that acceptable to the House.

*(Hon. Members nodded in agreement)*

It is so agreed. Mr. Sunkuli, first move the adjournment of the House.

### MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.20

POLICE BRUTALITY ON PRO-REFORM SUPPORTERS

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

**The Minister of State, Office of the President** (Mr. Biwott) seconded.

*(Question proposed)*

**Mr. Kapten:** Mr. Speaker, Sir, thank you, very much for giving us this opportunity to move this very important Motion of Adjournment.

The events that took place yesterday have saddened the whole nation. As we stand here, many people have lost their lives, many are in hospital and many parents do not know where their children are. While moving this Motion, I do not want to be partisan because this is a matter which concerns the security of everybody and the security of the whole nation.

Why did the events that happened yesterday happen? It is because Kenyans have been crying for reforms. They have been asking for constitutional change. The fact that people are asking for constitutional reforms does not mean that it is only the Opposition. The Constitution we want is a Constitution which is going to embrace everybody in this country. We had the first Constitution way back in 1963. From that period, we have had 28 amendments to the Kenyan Constitution. Out of those 28 amendments, 12 were done from 1978. In 1992, we had two Constitutional amendments. All that I am trying to say is that we still have a lot of time to carry out Constitutional amendments. If we cannot do a comprehensive amendment, at least those minimum reforms that the Kenyans have been asking for should be allowed.

Mr. Speaker, Sir, the police in this country has become too brutal. They are not only too brutal to the Opposition people, they are brutal to everybody in this country, if you are not in a position of power. At least ten people lost their lives yesterday. The question we ask ourselves is: Why did these people lose their lives? They did not die because they were sick, but their lives were cut short by the brutal arm of the police. We cannot say that these people were killed because they were engaging the police in any violence. We have school children who were killed and we have some people who were attacked right in their houses, dragged out from their estates and beaten up. What kind of police force do we have in this country? Could the Government do something about the training and the discipline of our police force?

Mr. Speaker, Sir, I was at the All Saints Cathedral and we were in prayer. While we were in the church, the police from nowhere attacked us, threw four teargas canisters in the church, opened the door, came in and started clobbering people. We had a lot of blood spilled on the floor of the church. Why should the police come to a house of God where people were peaceful and were only praying? If people were throwing stones at the police, that would have been a different matter. But this is an incident which I witnessed myself. I did not have any stone, I did not have any weapon, but the police came and clobbered everybody in the church. We were unable to leave that church because of the behaviour of the police officers. Hon. Kibaki was amongst those who were clobbered and two other Members. As we speak now, hon. Icharia and hon. Njoka Mutani are admitted in Nairobi Hospital. Is this the kind of police force we should allow to have in this country?

Mr. Speaker, Sir, I am surprised, and we have to look at this matter very seriously. Some of the people who were attacking others were in police uniforms, others were in General Service Unit (GSU) uniforms, but there was another group in foreign registered vehicles, who seemed to work with the police force. I say so because I saw a police officer beckoning down a vehicle with foreign registration numbers. These fellows had walkie-talkies, whips and pistols with them. In fact, one of them had an AK47. The police officer asked one of these chaps whether that team was theirs. The man said, "yes", that, that was part of their team. Why should we have a private army? Why should we have people in foreign registration vehicles attacking Kenyans? We may think that this is a group which is protecting, perhaps, the President or whoever, but what I am saying is that we are treading on very dangerous ground.

Mr. Speaker, Sir, many leaders have had those kind of private armies. The *Securitate* did not save Ceausescu in Romania; the *Tonton Macouts* did not save Baby Doc in Haiti and the *Nyau* did not save Banda in Malawi. We must be careful. The *Interahamwe* did not save Habyarimana and the Special Presidential Guard never saved Mobutu.

This *jeshi la mzee* which we now know exists must be investigated. It is not going to save President Moi; it is not going to save this country, but it is simply going to bring problems in this country.

*(Applause)*

What happened yesterday is something that all Kenyans of goodwill must condemn. Yesterday we noticed that most of these security personnel seemed to be targeting leaders. They were looking for political leaders and that is why

they attacked Messrs. Kibaki, Icharia, Kigano, Njoka and others. Right now, Rev. Njoya is in Nairobi Hospital. Can we say that Rev. Njoya was throwing a stone at the security forces?

Can we say that Rev. Njoya was throwing stones at security forces? He never threw any stone at anybody. Rev. Njoya was in fact, found standing with some police officers while the Presidential Escort was passing. These chaps stopped their vehicle and one of them came out and said: "Huyu si ni Njoya?" Immediately they set upon Rev. Njoya. The Presidential Escort should be concerned with looking after the security of the President. We should not allow those people to get involved in acts of hooliganism, beating and killing people.

With those few remarks, I beg to move.

**The Minister of State, Office of the President** (Mr. Biwott): Mr. Speaker, Sir, I would like to contribute to this Motion by saying that the incident that took place yesterday and the ones which took place on the 31st of last month and any other incidents that disturbs the normal life of this country should be condemned. This is because the lives of Kenyans are very precious. The security of this country is very important. The normal security of every individual is very important. Every live that was lost is a loss to this nation and it should be condemned.

Mr. Speaker, Sir, I have seen a document issued most probably this afternoon by, I presume, the Members of the Opposition.

**Mr. Nyagah:** Is it signed?

**The Minister of State, Office of the President** (Mr. Biwott): The one that I have seen is not signed. I am, therefore, happy to say that since it was not signed and they are disowning it, I will not comment on it. There is a wrong notion that the KANU side does not support reforms. KANU side is made up of reformists number one. We believe in reforms and we will review the Constitution. We want to amend it thoroughly. We want to look at it and see how it affects everybody as soon as it is practicable. Therefore, the notion that the Members of the Opposition are reformists and the KANU people are not reformists is not correct at all. It is misleading. I would like to appeal to our friends opposite that they should not be dragging peoples names into newspapers and so on unnecessarily. I saw yesterday somebody making some reference to me. I think it is wicked and unnecessary.

Mr. Speaker, Sir, we believe in free and fair elections and we believe in having a level playing ground. We believe in an independent Electoral Commission. That is where all of us if we have any problems, should go and address issues on an equal footing. We also believe that the elections will take place on an equal footing because the ballot box will be one. The voters will also be the same and, therefore, the only choice of the individual will influence who is elected.

Mr. Speaker, Sir, I would like to appeal to our hon. friends on the other side that they should not be the ones who are leading this nation to anarchy. This is because we are here to pass the laws. We are here to pass the laws and we are here to respect those laws. Even if we do not like a law, we should come here and amend that law. If we are able to convince every Member of this House that the law is not correct or we feel that it is not serving our nation properly, we will amend it. We are going to amend and change the Public Order Act into the Peaceful Assembly Act. If you do not like the name, let us debate it here and argue over it rather than taking the issue into the streets. This is because what we are doing is that we are encouraging a situation where the police are drawn into something which they should not get involved in. Looking into those laws, who is actually the culprit in a mess like this?

Mr. Speaker, Sir, the hon. Member for Kwanza, hon. Kapten, earlier on talked about the police entering the church. Then all of a sudden he said that Rev. Njoya was seen by a Presidential Motorcade which was passing along the road. If that is true, then Rev. Njoya was not in the church. This is because if he was in the church, how can the Presidential motorcade see him from the road? We condemn any kind of violence. We condemn also anything that takes place in the church, but let us all be helpful by being reasonable so that we can argue on an equal basis as mature hon. Members.

**Mr. Shikuku:** Asante sana, Bw. Spika. Hili ni jambo ambalo lazima tuliseme wazi. Ni jambo ambalo ni lazima tuliseme na huzuni mwingi kutoka kwa roho zetu. Mimi nasimama kuunga mkono mhe. Kapten kwa yale maneno alisema. Jambo la kwanza ni kwamba ni wajibu wa Serikali na kadhalika wa Upinzani kuona kwamba damu ya mwananchi haiwezi kumwagwa. Huo ni wajibu wetu na hali kadhalika wa Serikali.

Bw. Spika, kwa hivyo, jambo tunalolizungumzia ni la muhimu sana. Bw. Spika, jambo tunalizingumza hapa ni ile sheria ya Public Order Act. Wewe unajua na umeapa, vilevile mimi mimeapa na Mtukufu Rais ameapa kulinda Katiba ya nchi hii na sheria za nchi hii. Hiyo sheria inajulikana kwamba siyo sheria tena. Hii ni kwa sababu imeandikwa katiba Katiba kwamba sheria yoyote ambayo ni kinyume ya Katiba basi sheria hiyo si sheria tena. Huo ndio ukweli. Kwa hivyo, kusema ama kuwadanganya wananchi kwamba wanavunja sheria ni uwongo. Katiba inasema kuna uhuru wa watu kukutana na kusema yale wanayotaka. Haisemi ukitaka kukutana utafute leseni. Hii sheria ndiyo inaleta leseni na hiyo ni kinyume ya Katiba. Kwa hivyo, hiyo si sheria. Na kuuwa watu eti kwa sababu wamevunja sheria, hii damu itabaki kwa mikono ya wale ambao waliuleta mchezo huu. Wanatuuliza: "Ni nani aliuawa hapa?" Wale waliouawa na Serikali. Hakuna haja ya mtu kupiga kelele. Wale waliokufa ni wananchi na wanajua, na tunajua

ni nani aliwauwa.

Bw. Spika, kuna jambo lingine juu ya mabadiliko. Kama vile mhe. Biwott alivyosema eti wanapenda mabadiliko, hiyo si kweli. Tuliambiwa kwamba tutakuwa na mabadiliko 1995 na wataalamu watatoka ng'ambo kuja kutusaidia. Mwaka huu ni 1997. Huo si kweli? Hata wakituambia hiyo itafanyika "as soon as possible", tutasema kwamba hakuna kitu kama "as soon as possible". Hii ni kwa sababu mwaka wa 1995 hawakutuambia ukweli na sasa hawawezi kutuambia ukweli. Lakini gari limeshaanza mwendo. Tulikuwa hapa na wabeberu ambao hawakutaka kusikia Wafrika lakini mwishowe waliwauwa watu na wakakaa nasi. Sina tashwishi. Bw. Moi hataki watu kufa. Yeye atakaa nasi tuzungumze na tulete amani katika nchi hii. Ni kazi yake kuona kwamba tumekaa pamoja. Tusije tukawauwa watu wetu. Kwa hivyo, mimi nina hakika atakaa nasi ili tutengeneze nchi hii iwe nzuri na salama kwa watoto wetu na vijukuu wetu. Hii ni kwa sababu hakuna kitu kisicho na mwisho. Hata akikataa, atakaa jinsi wabeberu walivyokaa nasi. Bw. Spika, ni sheria gani katika nchi hii inayompa polisi ruhusa ya kuwapiga watu? Sheria inampa uwezo polisi kumshika mtu na kumpeleka kortini ili hakimu aweze kuamua kesi dhidi yake. Hakuna sheria inayowapa polisi ruhusa ya kuwapiga watu!

Ni uwongo mtupu kwa mzungumzaji wa maswala ya polisi kusema kwamba polisi hawakuingia katika kanisa. Watu waliokufa, damu yao ni juu yake kwa sababu leo katika magazeti kuna picha zinazoonyesha polisi wakipiga watu ndani ya kanisa. Hatuwezi kucheza na ukweli kwani ukweli, ni Mungu!

Bw. Spika, hata hadhi ya majengo ya Bunge yalichafuliwa. Watu fulani waliruka juu ya ua na kuingia hapa. Watu hawa walipigwa na askari. Hii ni kinyume na hadhi ya Bunge hili kama inavyoelezwa katika Powers and Privileges Act of Parliament. Mtu akiingia hapa hata akiwa mwizi atangojewa huko nje ili akamatwe na afikishwe kortini. Watu hao walikuwa wamekuja kutafuta usalama na kisha wakapigwa na askari wa kikosi cha wanajeshi ambacho kiko hapa. Damu ya waliokufa jana itawafuata hadi mwisho, hata mkienda kanisa mara ngapi na kuomba Mungu!

**Mr. Otieno:** Mr. Speaker, Sir, we have to be honest to each other. To be honest to each other means we, the elders in this House, should not take to any junior police officers the job which we should do here in silence when each of us is listening to each other.

Mr. Speaker, Sir, the Opposition Members know very well that if they have any agenda with substance, it can be an election issue. We have published the Bill that would repeal the Public Order Act. If that is inadequate, it is upon the elders in this House to recommend that adequate committees of this House sit and enact the Peaceful Assemblies Bill that the whole House is comfortable with.

*(Applause)*

Mr. Speaker, Sir, the law provides that if you want to amend the Constitution, amend it within the Constitution. If you want to amend any law, bring it to this House. Because the reform agenda is apparently empty, somebody prefers to take to the streets what should come before this House.

We know that there are going to be constitutional reforms in this country. There is no doubt about it, but we also know that there are minor and major reforms. For example, if you want to delete the 25 per cent rule and replace it with a 51 per cent rule, that is a fundamental reform dependent on your vision of the Kenya you want to make. It is not going to be a simple matter for Kenyans to agree on their own vision of Kenya. So, it is something that you cannot do in two weeks. There may be minor and major reforms, and hon. Members know these things. But because we do not want to face issues squarely, we would rather deal with youngsters and stand the shame of junior police officers, the age of hon. Kibaki's son, knocking hon. Kibaki on the head. That is a shame and we should not allow such situations!

*(Applause)*

Mr. Speaker, Sir, the Opposition leaders are elected leaders and have powers to discuss with their colleagues on the KANU side to make proper amendments of the laws of this country. Why should they go to mislead youngsters in the streets and create the wrong precedents in this country by allowing junior officers to touch elders who should be respected in this country? That shame rightfully belongs to us hon. Members of this House.

Mr. Speaker, Sir, it is known that the Public Order Act is unconstitutional, but before a constitutional court has so ruled, it is either Parliament to amend it, or we obey it until it is amended.

**An hon. Member:** Do you obey it?

**Mr. Otieno:** I have no time, my friend, for the Public Order Act because it has been abused by the Provincial Administration! But that is not to say that you should break it and order youngsters to disabuse and disobey elders, like going to knock down senior members of this country by clubs in the streets. The fault is rightly on

the Opposition Members who resolved that instead of facing us, their equals in this House, either in Committees or in any other forum, they would rather go to the streets and pretend they are praying!

*(Applause)*

Mr. Speaker, Sir, we know that there will be fundamental amendments. We also know there will be minor amendments. If we are going to talk of an amendment to allow a coalition Government in this country, it may be alright. But if the political parties are identical to tribal parties, then we have a problem in our hands and we need time to sober up and change the attitudes of Kenyans before we pass anything.

So long as political parties are so powerful as to cow leaders who have hitherto been nationalists in this country to succumb to tribalism, we have a major problem in our hands and we had better be sober before we start anything.

You cannot talk of an independent electoral commission---

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

**Mr. Speaker:** Order, hon. Members! The Chair will be most unsympathetic to unnecessary points of order!

**Dr. Otieno-Kopiyo:** How do you know?

**Mr. Speaker:** Order, Dr. Kopiyo! If you will interject again, you may not hear what is going on. Mr. Kibaki!

**Mr. Kibaki:** Mr. Speaker Sir, this Motion---

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Speaker, Sir. I take it very unkindly when the former hon. Member for Rongo states in this House that there are tribal parties in this Parliament when we have come here on the platform of national parties. These kind of impressions should be corrected when they occur and his eloquence reminds me of the late Robert Ouko.

**Mr. Speaker:** Order! Order! You are not actually on a point of order. You are responding to the argument of hon. Otieno. You have your views, he has his, if you "catch" my eyes, you will be in a position to put them across!

**Mr. Kibaki:** Mr. Speaker, Sir, the matter we are discussing is so serious that it is a pity to see people behaving as if it is a joke.

The Government has taken a line of action to use force and to target that force on whom to damage. The instructions of the policemen who were attacking yesterday, were not to disperse meetings. It was actually to damage specific individuals because I watched it myself. The individuals who attacked Rev. Njoya, targeted for him, moved from one end to where he was and he was not doing anything. They went for him and in a big number. He was just one person standing alone, not disturbing anybody and he was set upon by seven or eight policemen. They beat him and while he was still on the ground they continued beating him meaning to actually damage him and they did damage him.

He did not die, but obviously they meant to eliminate him.

Mr. Speaker, Sir, the people who attacked Mr. Muturi Kigano said: "That is Mr. Muturi Kigano."

**An hon. Member:** How did you know that?

**Mr. Kibaki:** I heard it with my own ears, stop joking!

They went for Mr. Muturi Kigano. They had been instructed. They were targeting specific persons. When we were taking the people to the hospital using our own vehicles, one priest said that we should say a word of prayer before we take them. What I am saying is that, that church should never have been invaded. You should not throw teargas into a church. It is primitive and criminal. The people who were attacked inside the church, included the hon. Mutani and hon. Icharia. The police went for the two hon. Members of Parliament, and on their way there, they hit me with a rungu on my shoulder. All I am saying is that yesterday, the police whom we pay with our own tax money, had been instructed by some cruel, evil leader, to target specific political leaders and damage them. They were not beating the people en masse. They moved in specific groups and targeted particular people. That tells us that the Government has gone bankrupt and it wants to use brutal, open force to achieve its targets

Now, let us not shout in this Parliament. We know that we cannot deceive Kenyans by that line of action. Above all, I personally remember a time before Independence, when at a place in Molo, we saw that kind of behaviour by the police. When we checked later, those police, GSU and others had been instructed to target specific people. The DC also owned up that police cannot move through the crowd and go for specific persons without having been instructed to look for specific persons. In that particular famous meeting I am talking about, they were looking for us and Mr. John Keen. Of course, they did not get us because the people surrounded us. But I am saying that the

Government must listen. This is because eliminating leaders will not stop the Opposition. The Opposition has gone deep into Kenyans because they are suffering and are being robbed of their money and everything that they have.

That will not succeed. Even if you kill all these leaders, we have so many other Kibakis, Shikukus, Wamalwas around. You should think more positively. Why can the President not call for a dialogue? He has said that he wants to, but why is it that he cannot meet with the leaders of the Opposition and talk practical politics? If he thinks he will silence us by force, I am assuring him that it will not succeed and it will not gain him any votes. So, let us not pursue this line.

Above all, let us not be told what hon. Dalmas Otieno was saying. We are not equal with un-elected people. We are elected people, and one of the things we want to amend is to remove the power to nominate anyone. But most important, hon. Otieno is missing the point. The Opposition will go on insisting on these reforms, whether the Government takes or does not take them. So, all we are pleading is that a better way to deal with this is to have dialogue. We are willing to discuss reforms.

**The Minister for Education** (Mr. Kamotho): Thank you, Mr. Speaker, Sir, for giving me a chance to make my own contributions to this Motion.

I would like to start by condemning whole-heartedly the events of yesterday, and also tell this honourable House that no police force anywhere in the world, is trained or taught how to throw stones. It is not the police of Kenya who were throwing stones yesterday. We watched the television and read in the Press and we know that the followers of Opposition Members of Parliament of Kenya, are the ones who were throwing stones, in the streets of Nairobi.

Mr. Speaker, Sir, it is wrong for people to condemn the police unnecessarily. This is because the police were doing their own duty, which is to maintain law and order. You cannot allow hooliganism to be masterminded by anybody, or by any group. Late in the afternoon, on Uhuru Highway, I did witness quite a large number of policemen injured and bleeding profusely. In Nyahururu, an askari was shot by somebody who was in a group of Opposition activists. How come that we are only talking of people who happened to have fallen victim of a masterminded programme by the Opposition yesterday, and not the police who suffered a lot of injuries and are lying in hospitals?

Mr. Speaker, Sir, we all disagree with a state of affairs where any Kenyan loses his or her life. This is because the Constitution of this country protects the lives and properties of all the people in this land.

I would like to ask the Members of the Opposition in this land, to join us and make sure that this country continues in peace. The solution to all these problems is the 1997 General Elections. We will have reached a point where we ought to go back and look for a fresh mandate from the people. This House needs a fresh mandate of the people. They have been talking of constitutional reforms. Why did they not incorporate a programme of constitutional reforms in their 1992 manifesto? What are they working on? The behaviour of these Members of the Opposition is crude! This is because the other day, they were lifting this mace here, disregarding the existence of this House. What are they talking about?

**An hon. Member:** You are not part of this House!

**The Minister for Education** (Mr. Kamotho): Mr. Speaker, Sir, by the powers given by the Constitution of this country, I am rightly a Member of this House! I am a national Member, nominated to this House! Therefore, the Opposition should know that they have failed, and they are responsible for stone throwing, and for the chaos that occurred in Nairobi and some parts of this country yesterday! They were responsible for the chaos that occurred in Nairobi on 31st May, 1997! They should be held responsible for anything that has taken place! The Opposition Members of Parliament should go and pay hospital bills for anybody who was injured yesterday, and also compensate all the families who lost their people who passed away yesterday. None of these Members should run away from that responsibility! This is because what they were doing yesterday was illegal and badly throughout. It is wrong to see elderly people like hon. Shikuku and hon. Kibaki in the streets! Thank you.

**Mr. Wamalwa:** Mr. Speaker, Sir, I thank you for giving me the opportunity to contribute to this very important Motion. The events of yesterday will leave an indelible mark on the history of this country. Anybody who is ever given a chance to lead a nation or form a government, must always do so with one eye on history. This is because history is a harsh judge. It does not fear anybody, however rich and powerful he is. It will judge you as you really are.

Mr. Speaker, Sir, the pictures that were contained in the centre pages of the *East African Standard* and the *Nation* newspapers are going to be seen right across the world. Nobody is going to blame the Opposition for those pictures. The Government of the day and its police machinery will bear the blame squarely. That is as it should be. There are ways of controlling a riot or dealing with independent citizens. It took a lot of fights in this country to gain our Independence. If you say that law must be obeyed as it is, even if it is unfair and unjust, there would have been no Independence in this country. The culture of defiance is a natural political culture anywhere, even in your own family. You get your teenage son defying you if you are not allowing him to stay out long enough. It is a natural instinct. The

law as it may be an ass and it is up to those who see better alternatives to push for that law to be changed. It is very easy to say "bring it here" because you have superiority of numbers. Even savages, fools and animals can win by superiority of numbers. Winning by superiority of numbers or physical strength is no great thing.

I want to take this opportunity to deplore the escalating use of violence by the police. We have now seen the police using bayonets to stab people. We have seen the re-introduction of live ammunition in crowd control yet it was said in this House that the police will not carry live ammunition when dealing with people. The Minister who said it is sitting here. I am a believer in dialogue, but how are you going to discuss with somebody who declares that he will not discuss with the Opposition leaders because they hold different opinions from his.

**An hon. Member:** Nyayoism!

**Mr. Wamalwa:** Mr. Speaker, Sir, that will go down in history as the statement of the century. Dialogue is about differing opinions; Not about agreeing opinions. If we were to talk only to people who agree with us, we talk at them and they agree with us. If you want to discuss, you must be prepared to encounter somebody who does not agree with you. Prophet Isaiah said: "Come my brothers, let us reason together". He did not seek to know the opinions of the others before reasoning with them.

I want to warn the police in this country that obedience of superior orders is no longer defence in international law and very soon not even in domestic law. The Nuremburg trials were all about people who were enforcing the law as it was and people who were obeying superior orders. The law according to Hitler was that only tall, blond and blue eyed people should exist and anybody with dark hair, a long nose and who looked slightly like a Jew should be eliminated. So, those who operated the gas chambers obeyed superior orders and incinerated millions of Jews. Are we being asked to obey the law, however stupid that law is? I do not think this is going to happen and Kenyans are being expected to believe too much. If the Head of State in his New Year's message, of 1995, said we are going to review the Constitution then he did not review it and did not even tell the country what made it impossible, how are we expected to believe him when he says there shall be reforms after elections?

**Mr. Speaker:** Order! I will now call upon a Government representative to reply for ten minutes.

**The Minister of State, Office of the President (Mr. Kalweo):** I stand here to condemn yesterday's incidents which were perpetuated by the Opposition. They talk of human rights. Human rights do not state that if you hate me, I laugh at you. I will react. Many lives were lost while property was destroyed. These acts were perpetrated by the opposite side. They had grouped themselves and the following personalities were in different areas of this country trying to force the youth to cause chaos. In Nairobi, there was Martin Shikuku, Paul Muite, James Orengo, Raila Odinga, Timothy Njoya, Musikari Kombo, Onyango Midika and Muturi Kigano. In Kisumu, there was Karan, Ogeka---

*(Several hon. Members interjected as they moved to the Table)*

**Mr. Speaker:** Order! Order, Minister! Order, all of you! What is your point of order, Mr. Ndicho!

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. Is the hon. Kalweo in order to think that whenever there are chaos in this country, irrespective of where hon. Raila is at that time, he must be in Nairobi? Is he in order to mislead the House that hon. Raila was here yesterday when we know that he is in Mexico?

**Mr. Speaker:** Order! To the best of my recollection, I have given hon. Raila leave of absence to visit Mexico.

**The Minister of State, Office of the President (Mr. Kalweo):** It is his brother. Mr. Speaker, Sir, there was Karan, Ogeka, Oburu, Owino Obwaha and Stephen Ogwaza. In Ol Kalaou, there was Julius Mwangi, Joseph Wanjohi and Mr. Julius Karanja. In Nakuru there was Dr. Lwali-Oyondi and Francis Wachira. They were even throwing stones and as a result of that one police officer was shot---

**Mr. Speaker:** Order! Order!

**Mr. Mbeo:** On a point of order, Mr. Speaker, Sir. We are in the middle of discussing a crisis in this country and here is the Minister, reading names which he picked from the newspapers. We are here discussing the future of this country. Is he in order to do that?

**Mr. Speaker:** Order! Order! Minister, you know the rules. You should not read from a prepared statement. This is a free debate. You may refer to your papers, but hold a free debate.

**The Minister of State, Office of the President (Mr. Kalweo):** What I said is that as a result of this, a police officer was shot and about 33 policemen were injured because of chaos perpetuated by you people---

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir. I have no doubt you heard the hon. Member mentioning names of hon. Members here. Our Standing Orders forbid anybody trying to censure another hon. Member

without bringing a substantive Motion. Is this Minister exempted from that rule?

**Mr. Speaker:** Hon. Kalweo, you are reminded that if you want to discuss the personal conduct of any Member, here present, you will only do so on a motion specifically brought for that purpose. So, you are out of order, if you ever again discuss any Member.

**The Minister of State, Office of the President** (Mr. Kalweo): Thank you, Mr. Speaker, Sir. About seven people lost their lives in these incidences and about 57 people were injured. So, it is something to be condemned and it should not be perpetuated by the Opposition side, simply because it is the duty of leaders not to mesmerise the well being of this country. The police must keep order.

With these few remarks, I call upon hon. Prof. Saitoti to take my five minutes. You cannot mesmerise this country at all!

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): Mr. Speaker, Sir, we are not talking about a very simple matter and I want to express my horror over the death of Kenyans who lost their lives yesterday. And at the same time, from the depth of my heart, I wish to convey my condolences to the loved ones who lost their people.

Mr. Speaker, Sir, when Kenya became an independent country, this was brought about as a result of shedding blood of Kenyans. We buried Colonialism with an epitaph that no unnecessary blood of an innocent Kenyan would be shed again. It is therefore, a great pity when Kenyans have died. The question here is: Why did they die? We are being told it is under the banner of reforms. For reforms to be conducted, the people in this National Assembly are the ones to deliberate on the reforms and it is for us to discuss the first reforms. And that is an indication of goodwill on the part of the Government. We have published a Bill on the Peaceful Assemblies which is going to repeal the Public Order Act. For mature Parliamentarians, when the Bill comes here, and there are problems, we express our views and once we on the side of the Government are convinced, we have never failed to carry out the necessary amendments and there can be no reason not to do so now.

Mr. Speaker, Sir, the point here which has already been stated by my colleague is simple. We do have the Public Order Act, we have to repeal it here in Parliament. Until we repeal it, it is an Act and the best we can do is for us to discuss this Peaceful Assemblies Bill here and enact it. But I do not believe it is responsible for Members of Parliament to go out to the streets and incite young people to go and loot.

I do not believe in strikes. We are knowledgeable and we know that the moment we ask people to break the law, they are likely to lose their lives because law and order has got to be maintained. We cannot, and let me put it this way: "We cannot effect reforms by looting the shops and burning people's cars. I do not think we should do that sort of thing".

Mr. Speaker, Sir, some Members here talked of dialogue. Dialogue is a two-way traffic. It begins from the point of view of mutual respect. You must show the respect.

Mr. Speaker, Sir, no decent request for dialogue has been requested. But if you apply indecent and crude methods, there can be no dialogue that way. For dialogue to be there, there must be mutual respect. You must respect this side of the House. You must respect our President and we will respect you. But if you begin from the premise of utter disrespect, it becomes a problem.

**Mr. Farah:** Thank you very much, Mr. Speaker, Sir. Yesterday was a sad day in the history of this country. If the 4 billion or 5 billion people in the world today say that this paper is black and yet it is white, it cannot be made black just by saying so. If the whole world says that what happened yesterday did not happen while it happened, it cannot change the facts. We saw it on the television. We saw people in Makongeni and other places being beaten in their houses. We saw police hitting, kicking doors in and smashing people's heads. We saw on the television and the Press a woman with a child on her back in a residential area bleeding from head wounds. We have not seen in the Press and on KBC any one single soldier or askari bleeding or trying to nurse his wounds.

Mr. Speaker, Sir, the force of dialogue is always stronger than the dialogue of force. The difference between us and animals is that animals rule one another with force. You can see one lion chasing 1,000 wild beasts, but human beings are supposed to be ruled with thought, reasoning, logic and dialogue. We have seen thousands of Kenyans being chased by handfuls of askaris because they have guns and batons and yet, wananchi do not have those weapons.

Mr. Speaker, Sir, procession under peaceful defiance without any violence is a form of dialogue. Peaceful defiance of oppressive laws is a form of dialogue. Mahatma Gandhi did it, we did it in Kenya before and others have done it all over the world. Apartheid in South Africa was lost. I do not think the other side of the House will tell me that President Nelson Mandela had a duty to obey those laws. He did not have a duty to obey those laws. Now, you call him a head of state. He is one of the redeemers of the Continent. We have seen history. We have seen how oppressive regimes have ended. My heart bleeds because I do not want to see a situation in which we go like the rest. I want to see a peaceful change. When I say change, I am not saying that we change KANU and the Opposition side becomes the Government, but let us change this country for the benefit of everybody. Let us reform these archaic, Colonial and



draconian laws and the Constitution. The provisions of the Constitution are draconian. You cannot have a player in a game deciding the rules and becoming an umpire. That side of the House, including the President, are players in the political---

**The Assistant Minister, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir.

**Hon. Members:** Kaa chini wewe!

**Mr. Speaker:** Order, hon. Sunkuli!

**The Assistant Minister, Office of the President** (Mr. Sunkuli) On a point of order, Mr. Speaker, Sir. I want to---

**Mr. Speaker:** Order! Order, Mr. Sunkuli! The Chair will not accept defiance from you. You will now leave the House.

*(Hon. Sunkuli withdrew from the Chamber)*

**Mr. Farah:** Mr. Speaker, Sir, what we say is that, in most of the democracies in this world, the chief executive, before an election---

#### ADJOURNMENT

**Mr. Speaker:** Hon. Members, it is now time for interruption of business and the House is, therefore, adjourned until tomorrow, Wednesday, 9th July, at 9.00 a.m.

The House rose at 6.30 p.m.