

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 16th April, 1996

The House met at 2.30 p.m.

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

## PRAYERS

## NOTICES OF MOTIONS

**Prof. Mzee:** Mr. Temporary Deputy Speaker, Sir, I wish to give notices of the following Motions:-

### BANNING CONSUMPTION OF MIRAA

THAT, in view of the fact that Miraa, also known as GHAT, is a drug widely used in Kenya and its strong anti-social effect causing economic and medical harm to those consuming it, this House urges the Government to ban the growing, selling and consumption of Miraa.

### REVENUE FROM WILDLIFE SERVICES

THAT, since the Kenya Wildlife Services collects large revenue from tourists staying at Coast hotels, in form of fees for visiting the Marine Parks and bed occupancy levy, this House urges the Kenya Wildlife Services to make available 40 per cent of the revenue for improvement of education and vocational training in regions of collection.

### EXPORTATION OF MANGROVE POLES

THAT, since the ban for the last 20 years of the export of mangrove poles has resulted in deterioration of mangrove forests and since the ecology of mangrove forests require regular harvests to stimulate regeneration, this House urges the Government to lift the ban on export of mangrove poles.

## ORAL ANSWERS TO QUESTIONS

### QUESTION No 014

#### NUMBER OF CONFIRMED CHIEFS

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

- (a) how many confirmed chiefs are currently serving in the six locations of Dagoretti Constituency; and,
- (b) how many assistant chiefs are currently serving as acting chiefs in Dagoretti Constituency and when they will be confirmed.

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

There are two confirmed chiefs serving in Dagoretti Constituency. In Waitheka Location, we have Mr. Peterson Kariuki and in Kawangware Location, we have Mr. James Githinji. There are three vacant positions and those acting as chiefs have applied to be interviewed for the vacant posts together with others. When the interviews will be conducted those vacant positions will be filled. They will be done towards the end of April,

1996.

Those acting as chiefs in those locations are: Mr. Solomon O. Akonya - Kangemi Location; Mr. Francis Waneno - Mutuini Location; and Mr. Peter Gachie - Riruta Location.

**Mr. Kamuyu:** I thank the Minister for that answer, but as you can see out of six locations, there are only two confirmed chiefs and four acting chiefs. Mr. Gachie and Mr. Waneno have been acting as chiefs for over six years. That has created a very low morale in the administration generally in Dagoretti Constituency. Can the Minister tell this House whether these acting chiefs will be given their acting allowances and from when? He should also tell us the terms of service for these acting chiefs once they are confirmed.

**Mr. Kalweo:** They are acting because they are working. They are doing more or less the same administrative work. I cannot promise that they will be confirmed to the positions of chiefs or not. This is because they will have to attend interviews with others. Of course, those acting now, have a better chance of being appointed to the positions of chiefs.

**Mr. Kamuyu:** I think the Minister was not paying attention. Since two of these chiefs, Mr. Waneno and Mr. Gachie, have been acting for over six years, are they going to be given acting allowances or not? The question, as to whether they will be confirmed or not as chiefs is another issue altogether. What will be their terms of service once they are confirmed in those positions?

**Mr. Kalweo:** They are not going to be compensated because they are doing the same administrative work. Although they are working in an acting capacity, they will not be given the acting allowances. Maybe, they are even earning more than a chief.

**Mrs. Ngilu:** In the last two years or so, there has been a creation of many districts and divisions. In these new divisions, there has been a creation of new locations. In my constituency, for instance, there are several locations that have no chiefs and assistant chiefs. Can the Minister tell this House why locations have been created without chiefs for those locations being appointed.

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! One Question at a time!

**Mr. Kalweo:** If we have created locations in any part of the country, we shall one day fill those posts.

**Mr. Nthenge:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The public entrance to Parliament Buildings and the main gate where the ordinary people would pass are locked. Can we be told what is happening? I am surprised because, as I was walking in, I found a lot of insecurity. Are we about to be bombed or what is happening?

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! Next Question, Mr. Mbui.

**Mr. Kamuyu:** I have only asked one supplementary question. Why are you discriminating against me?

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! Hon. Mbui's Question.

*Question No. 008*

COLD STORAGE FACILITIES FOR TOMATOES

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

- (a) whether he was aware that farmers from Kirinyaga District are losing a lot of tomatoes due to lack of cold storage facilities; and,
- (b) when the Ministry will put up a cold storage facility in order to curb the losses.

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

(a) No, I am not aware. Indeed, Mr. Temporary Deputy Speaker, Sir, the prices of tomatoes are quite high in Nairobi and Mombasa, and the farmers should be able to take advantage of this market without resulting to cold storage facilities.

**The Temporary Deputy Speaker (Mr. Wetangula):** Mr. Assistant Minister, I cannot hear you. I do not know whether the Members are hearing you?

**The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu):** Yes, this is what I am answering, Mr. Temporary Deputy Speaker, Sir.

**Hon. Members:** You are not on the microphone!

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

- (a) The prices of tomatoes are quite high in Nairobi and Mombasa and farmers should be able to take

advantage of this market without resulting to cold storage facilities. In addition, there are tomato varieties which are available and take a long time in the open without resulting to cold storage facilities and farmers should endeavour to produce these varieties.

(b) Mr. Temporary Deputy Speaker, Sir, my Ministry has no immediate plans to set up a cold storage facility in Kirinyaga for tomatoes storage. However, plans are under way to put up cold stores in Mwea and Sagana sometimes in 1998.

**Mr. Mbui:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister stands here and says that he is not aware of something that is on the ground and we know that the Ministry of Agriculture, Livestock Development and Marketing is spread countrywide, and there are agriculture officers who can give satisfactory answers. We can see these happening with our naked eyes and that is why the Assistant Minister said that plans are underway to put a cold storage facility. If he is not aware that these tomatoes are rotting, why is he planning to put up a cold storage facility there and when is he going to do it? It is not a matter of having plans, but when he is going to do so because actually we are creating a big loss to the farmers?

*(Applause)*

**Mr. Maundu:** Mr. Temporary Deputy Speaker, Sir, first, it is not advisable to put tomatoes in cold storage except under a serious emergency situation. Secondly, there are tomato varieties that would take a longer period in the open, and does not need to be put in a cold storage. But the problem with this particular area is that people are not synchronizing the production with marketing. I think that is what the hon. Member should advise his farmers that they synchronize the production with marketing. This facility that we are going to put up in Sagana or in Mwea, is not necessarily for tomatoes, but for other horticultural produce that come from that potential area.

**Prof. Mzee:** Temporary Deputy Speaker, Sir, arising from the absurd answer which the Assistant Minister has given, it looks like the Assistant Minister does not understand economics. The prices are high because the demand is great and the supply is low because of the spoilage. It is a fact that 30 per cent of the agricultural produce, tomatoes and others, in this country are spoiled through insect damage and weather. They are rotting in the field and the Question here is very simple and straightforward. What is your Ministry going to do to stop this spoilage and waste of 30 per cent of agricultural produce?

**Mr. Maundu:** Mr. Temporary Deputy Speaker, Sir, I want to answer that absurd question because I am generally dealing with tomatoes and not every agricultural produce. If you talked about all the other aspects of horticulture, I would be able to answer you appropriately, but I am dealing with a specific horticultural produce, which is tomatoes. Tomatoes are very highly perishable products, but which are also not expected to be put in the cold storage for a long time. So, hon. Mbui should advise his farmers to make sure that they tie production with marketing at the right time and take advantage of the big markets like Nairobi and Mombasa. At the same time, when we put up this facility for cold storage for other horticultural products, if we can afford within that facility, then he can advise his farmers to take advantage of that.

Additionally, we have liberalised horticultural production and marketing in our country and, farmers can even organize themselves to have a cold storage facility for their own use, if they so wish.

**Mr. Gatabaki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House about the Government's plans to introduce cold storage facilities when we know very well that horticulture, which is the fastest growing industry, has been publicly neglected by this Government and this Government is completely hostile to farmers of this country and that this Ministry has no policy on agriculture which is applicable?

*(Applause)*

**Mr. Maundu:** Mr. Temporary Deputy Speaker, Sir, this Government and the Ministry of Agriculture, Livestock Development and Marketing is not hostile to agricultural production in this country. You would realise that we are putting up a cold storage facility at Jomo Kenyatta International Airport (JKIA) to assist the farmers in storing their produce. In addition, with a crop like tomatoes, this is a very highly perishable horticultural produce and we are doing everything to assist the farmers. But the farmers of the area, where hon. Mbui comes from, should also organize themselves to market their produce at the right time.

**The Temporary Deputy Speaker** (Mr. Wetangula): The last one, hon. Mbui.

**Mr. Mbui:** Mr. Temporary Deputy Speaker, Sir, it is the Ministry of Agriculture, Livestock

Development and Marketing, through the former Minister of Agriculture, the hon. Elijah Mwangale, which promised the farmers in Kirinyaga that he would put up a cold storage facility at Sagana and rather than you going with that plan you are trying to educate farmers in Kirinyaga District on how to market their horticultural produce as if they cannot do it.

Can the Assistant Minister go back and do his homework and fulfil the promise of hon. Mwangale? He should fulfil that promise because it came from a Government Minister and do the needful to the farmers of Kirinyaga.

**Mr. Maundu:** Mr. Temporary Deputy Speaker, Sir, it is unlikely that I will go backwards; I want to move forward. I am saying that in 1998 plans are under-way to have a cold storage facility to serve Mwea and Sagana. The hon. Member should take advantage of that facility which is coming up. But if that is too long to wait, then the farmers in that particular area should be able to organize themselves to put up the facility.

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

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

**Mrs. Ngilu:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is talking about the year 1998. Surely, is this not an empty promise to the people of Sagana because that will be soon after the next General Elections?

**The Temporary Deputy Speaker** (Mr. Wetangula): That is not a point of order. Had you finished, hon. Maundu?

**Mr. Maundu:** Mr. Temporary Deputy Speaker, Sir, I am sorry to interpret the rules of the House, but I cannot consider that to be a serious point of order. There is no point of order in law.

**The Temporary Deputy Speaker** (Mr. Wetangula): Next Question, hon. Muite.

*Question No. 028*

SACKING OF UNIVERSITY LECTURERS

**Mr. Muite** asked the Minister for Education how many lecturers have been sacked in the last four years in the five public universities and for what reasons.

**The Minister for Education** (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

50 lecturers had their services terminated during the last four years in the five public universities and some of the reasons being due to negligence of duty, absconding, incompetence, poor work performance, gross misconduct and one of them due to forgery.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, the answer from the Minister avoids to mention what is a matter of public knowledge and, public notoriety that a majority of these lecturers have been sacked because of pursuing their constitutional right of associating with Universities Academic Staff Union (UASU). Is this Government aware of the serious crisis which is building up at our public universities with scholarships and university education having collapsed? Those who were not sacked are wholly demoralised. There is no quality teaching in our public universities. Is this Government aware of this serious situation, and if so, what are they doing about it?

**Mr. Kamotho:** Mr. Temporary Deputy Speaker Sir, the Government is not aware that there is any crisis in our public universities. The statement made by my friend, hon. Paul Muite, is an opinion rather than a fact and I stand here to categorically deny the sentiments expressed by hon. Paul Muite because they are misleading.

**Mr. Akumu:** Mr. Temporary Deputy Speaker, Sir, is the Minister denying that the victimised lecturers were pursuing the right of having an association? Does he still insist that these lecturers should not have a trade union or an association which puts Kenya in the category of totalitarian states?

**Mr. Kamotho:** Mr. Temporary Deputy Speaker, Sir, as I said earlier, I categorically deny that any of these lecturers was sacked for associating with any political opinion. Some of the lecturers, as I said, had their services terminated due to forgery; others due to misconduct and others had absconded their duties and 50 lecturers out of close to 5,000 lecturers in our five public universities, is a very negligible number.

**Mr. Busolo:** Mr. Temporary Deputy Speaker, Sir, I stand here as a victim. In December, 1994, when I declared my interest to stand for elections on an Opposition ticket, I went home and I received a letter claiming that I had been sacked on account of poor performance when I had never even been examined. Can the Minister deny or confirm that it is the Special Branch or Political Police, that is in charge of mass sackings at our public universities?

**Mr. Kamotho:** Mr. Temporary Deputy Speaker, Sir, I am terribly amused because the hon. Member left

the university on his own accord because he wanted to change his job and he changed his job at the university in order to come to this Parliament which is a full-time job. In any case, if he received a letter from the university telling him that his services were terminated because he was incompetent he has yet to prove his competence in this House.

**Mr. Busolo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to claim that I was sacked on account of incompetence when it is known that I was sacked because I had declared my interest to campaign on a FORD(K) ticket? Can he substantiate that I was sacked on account of incompetence?

**Mr. Kamotho:** Mr. Temporary Deputy Speaker, Sir, first of all, the hon. Member said earlier that he received a letter from the university saying that his services were being terminated because he was incompetent. It was only a few weeks ago when we read in the newspapers that he was also sacked by FORD(K) in Bungoma. So, I do not know what he really means.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, through you, can we persuade the hon. "arap" Kamotho to take this matter a little bit more seriously. Is the Minister aware that, back in 1994, lecturers had taken the university to court and they went up to the Court of Appeal in a judgement, otherwise wholly incomprehensible, on any legal basis? At least the Court of Appeal suggested that the lecturers should open dialogue with the university and their lawyer, Gibson Kamau Kuria, wrote in May 1994 seeking that dialogue. Is this [Mr. Muite] Government aware that since May, 1994, the university authorities, presumably as a result of being directed by the Government, have arrogantly refused to respond to that letter?

**Mr. Kamotho:** Mr. Temporary Deputy Speaker, Sir, although I did not get that question clearly, I would like through you, hon. Paul Muite to first of all, to remove the reference to me as "arap Kamotho" because that is imputing a tribalistic motive.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Order! Next Question. Mr. Mwaura.

*Question No.033*

THEFT OF UNICEF FUNDS

**Mr. Mwaura** asked the Minister for Foreign Affairs and International Co-operation:-

- (a) what is the position regarding the alleged misappropriation of US \$10 million (ten Million dollars) at the UNICEF Kenya Office in the 1993/94 Financial Year was; and,
- (b) whether he was aware that as a result of this misappropriation, some programmes such as the Children Immunisation and Support to Women Health, have been affected and that some Kenyans have been suspended.

**The Minister for Foreign Affairs and International Co-operation** (Mr. Kalonzo):

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

UNICEF Kenya country Office is one of the several UNICEF Offices located in Nairobi. Others include UNICEF Regional Office for East and Central Africa and the Somalia UNICEF Country Office. UNICEF Kenya Country Office is not administered by the Government of Kenya. Since May, 1995, the Executive Director of UNICEF is Carol Bellamy, who is answerable to the Secretary-General of the United Nations organisation by virtue of UNICEF being a Programme of the United Nations. Kenya, like other member states of the UN, contributes an assessed amount towards the general budget of the UN. It is, therefore, the responsibility of the UN to institute legal proceedings against those implicated by the Internal Audit Report on the Kenya Country Office 1993/94 transactions.

(b) I am aware that several UNICEF programmes were adversely affected by the Audit results. Kenya is concerned, not only as a member State of UNICEF, but also because some our nationals were sacked and face possible criminal prosecution. However, Kenya as a country, has no control over UNICEF's funds nor can we take any other direct recourse.

**Mr. Mwaura:** Mr. Temporary Deputy Speaker, Sir, I am disappointed with his answer because I raised this Question, the Ministry should know that UNICEF, as an organization, has a major role to play in our country.

For example, do you know that UNICEF does help in the immunization of our children in this country? It supports the women programmes. Recently due to the large number of refugees in the country, UNICEF has been pumping money into the Kenya office. As a result of this misappropriation and loss of large amounts of money, could the Minister confirm whether UNICEF is still assisting to Kenya after this irregularity?

**Mr. Musyoka:** Mr. Temporary Deputy Speaker, Sir, I am able to confirm that UNICEF programmes in Kenya are under-way, but admittedly the same have had to be slowed down because of this misappropriation of

funds. We remain optimistic that the situation will be corrected.

**Mr. Mbeo:** Mr. Temporary Deputy Speaker, Sir, it is common knowledge that UNICEF right now is helping a lot in reducing the infant mortality in our country. It is also very well known that most of the programmes that have been conducted by UNICEF from 1993/94 and 1994/95 up to now, have been suspended. Is the Minister aware that several Kenyans have actually lost their jobs or have been suspended for reasons which are not of their own making and what are the reasons? I would only want to quote a few names for the Minister to consider. We have Mrs. Grace Thiong'o, who was the Head of Children's Education Programme who was suspended for going with her son to Kisumu.

**The Temporary Deputy Speaker** (Mr. Wetangula): What is your question, hon. Mbeo?

**Mr. Mbeo:** I have already asked my question, I only want to prove the point.

**The Temporary Deputy Speaker** (Mr. Wetangula): Then let him answer you.

**Mr. Mbeo:** I want to give the names.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Let the Minister answer your supplementary question.

**Mr. Musyoka:** I thank you, Mr. Temporary Deputy Speaker, Sir, and I want to confirm that I am aware that 19 of the people affected were Kenyans. I also want to confirm that as a result of widespread fraud and losses in handling UNICEF funds, even some of those Kenyans might, indeed, be faced with possible prosecution in the near future.

**The Temporary Deputy Speaker** (Mr. Wetangula): Next Question!

#### *Question No.42*

#### PROVISIONS FOR WEBUYE HOSPITAL

**Mr. Busolo** asked the Minister for Health:-

(a) when the Government will provide an effectively functional sewage system and supply medical and general equipment for Webuye Hospital; and,

(b) whether he could consider establishing a Medical Training Institute at Webuye Hospital.

**The Minister for Health** (Mr. Angatia): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Although the Hospital's sewage line is currently not connected to the main Municipal sewage system, nevertheless it is effectively using its septic tank which was designed and put up during the construction stage of the hospital. My Ministry has plans to build the sewage line when funds become available.

The procurement process of the medical and general equipment has been completed. The orders have been placed with the suppliers and the delivery of the items has already started. The first consignment which includes linen and clothing will be delivered to Webuye Hospital on 18th April, 1996. The other items; kitchenware, furniture and normal equipment will be delivered very soon.

(b) My Ministry does not have immediate plans to establish a Medical Training Institute at Webuye as of now.

**Mr. Busolo:** Mr. Temporary Deputy Speaker, Sir, I thank the Minister for his answer and his attempts to procure one or two things for the hospital. But, I would like the Minister to assure this House as to whether or not he is aware that part of this equipment that he is talking about is not yet functional. In the X-Ray Department, there is no film processing machine although there are other machines. In the theatre, there are no anaesthetic machines, as well as, operational kits. As for the wards, there is no equipment in four wards. Now, I would like him to assure us that he is aware that these items are not there and give us the time-table as to when they will be delivered.

**Mr. Angatia:** Mr. Temporary Deputy Speaker, Sir, I am aware that these equipments have not been there. We were using borrowed equipments to keep the hospital running. But now that its own designed equipment is arriving, we will withdraw different pieces of equipment that we were using, to take to other hospitals, but give the hospital its proper and full equipment. When we do that, the parts he is mentioning will be included.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, is the Minister aware that this problem which is afflicting the Webuye Hospital is a common problem in virtually all hospitals in the country? What national immediate programme does he have to rehabilitate equipments which are lying idle and which could be giving very good service to Kenyans?

**Mr. Angatia:** Mr. Temporary Deputy Speaker, Sir, that is such a generalised question that I do not

expect any specific answer to be given to him.

**The Temporary Deputy Speaker** (Mr. Wetangula): Next Question! We are running out of time.

*Question No.17*

DRUGS FOR DISPENSARY

**Mr. Karengi** asked the Minister for Health:-

- (a) whether he is aware that Kaburungi Dispensary in Kandara has a shortage of drugs; and,
- (b) what measures he is taking to ensure that there are adequate drugs in the dispensary.

**The Assistant Minister for Health** (Mr. Criticos): Mr. Temporary Deputy Speaker, Sir, I beg to reply:-

It is not true that Kaburungi Dispensary, which is officially known as Naro Dispensary in Kandara Division, has a shortage of drugs. The dispensary is supplied with drugs regularly and the last consignment of drugs was delivered on 20th march 1996. My Ministry has adequate stocks of drugs and we will continue to supply the required drugs to this dispensary on a regular basis.

**Mr. Karengi:** Mr. Temporary Deputy Speaker, Sir, it is quite funny to hear the Assistant Minister say that what Members are asking is not true. We are on the ground and we know exactly what is happening. Either the Assistant Minister is being misled by his officers or he is deliberately misleading us. He is being misled by his officers at the district, or he is misleading this House deliberately. This Question was also asked during the last Session and as at that time, it is true that there were no drugs, no adequate facilities and staff was not enough.

Now, for him to come here to say that it is not true, is really demoralising. Could I ask, if it is true that these drugs were delivered there, when is he going to facilitate provision of the other facilities such as staff and other equipment that are needed in that dispensary?

**Mr. Criticos:** Mr. Temporary Deputy Speaker, Sir, I sympathise with the hon. Member. But that is a completely different question from what he is asking. The Question he has asked here concerns a shortage of drugs in this particular dispensary. If the hon. Member would like on answer to other issues on that particular dispensary, we are willing to give a reply to that effect.

**The Temporary Deputy Speaker** (Mr. Wetangula): Next Question!

*Question No.45*

ALLOCATION OF YALA SWAMP

**Mr. Mak'Onyango** asked the Minister for Land Reclamation, Regional and Water Development:-

- (a) whether he is aware that, unlike similar projects elsewhere in the country, the Yala Swamp Project does not benefit the local people as it only benefits the Lake Basin Development Authority, the implementing company and the Kenya Seed Company, a private commercial concern to which Lake Basin Development Authority leases part of the land; and,
- (b) since this is part of the ancestral land, what steps he is taking to either return the land to its original owners or sub-divide it into four or so acre plots and allocate the same to the local people.

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

(a) I am not aware that the Yala Swamp does not benefit local people. What I am aware of is that, the part of the Yala Swamp which was reclaimed by the Government through the Lake Basin Development Authority has benefitted the local people in many ways that include the following few examples:-

- (i) The creation of demonstration farms and development of approved seedlings for replication by the farmers;
- (ii) Creation of gainful employment for approximately 250 local people;
- (iii) Construction of access roads from Siaya through the Yala Swamp to Bondo Division and
- (iv) Guarantee of permanent dry land due to timely intervention by the Authority in case of any dyke breakages.

(b) According to the Gazette Notice No. 2570, of the 27th of August 1970, the Yala Swamp is Trust

Land, under the Trust Land Act, Chapter 288. Under the circumstances, the Government does not owe any land to anybody in the Yala Swamp.

**Mr. Mak'Onyango:** Arising from that unfortunate answer, Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister deny that the whole 3,000 hectares of land that has been reclaimed under Yala Swamp, are currently being used by Lake Basin Development Authority? Could the Government consider allocating those 3,000 hectares of land to the local people, so that if some demonstration has to be done, the local people do that demonstration or grow whatever crops in accordance with the accepted way of doing so, rather than the Lake Basin Development Authority doing it? Could this land be allocated to the local people to enable them do what the Lake Basin Development Authority is doing there right now?

**Mr. Ligale:** Mr. Temporary Deputy Speaker, Sir, firstly, all the 2,300 hectares of land have been reclaimed and secondly, apart from the benefits which I have enumerated, the Lake Basin Development Authority needs to recover its investment.

**Dr. Oburu:** Mr. Temporary Deputy Speaker, is the Assistant Minister aware that out of the 2,400 hectares, which he claims was the only land reclaimed by the Authority, more than 700 hectares have already been reclaimed by water and that, that scheme itself is in danger of collapse unless the Government takes immediate steps to correct the situation there?

**Mr. Ligale:** Mr. Temporary Deputy Speaker, Sir, the 2,400 hectares reclaimed are currently being utilised by the Lake Basin Development Authority.

**Mr. Karan:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm to the House that after the Lake Basin Development Authority has recovered its investment, this land will be given to the ancestral owners?

**Mr. Ligale:** Mr. Temporary Deputy Speaker, Sir, that land is Trust Land, and if the Lake Basin Development Authority recovers its money, that issue will be looked into.

**Dr. Kituyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House, that Trust Land becomes land that the Government can dispose of or use in perpetuity without any regard to the ancestral owners, when we know that Trust Land is often public land the Government is just a trustee, and not a primary user?

**Mr. Ligale:** Mr. Temporary Deputy Speaker, I have said that as soon as the Lake Basin Development Authority has recovered its investments, that issue will be looked into.

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order!

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! You are out of order!

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Your persistence will amount to gross misconduct!

*Question No.003*

ELECTIONS IN COFFEE CO-OPERATIVE

**Mr. Murungi** asked the Minister for Co-operative Development:-

(a) whether he is aware that in December, 1995, coffee farmers from Mikumbene Location in Nkuene Division were dispersed with tear gas by armed policemen to prevent them from voting Mr. Geoffrey Muguongo as Chairman of the Nkuene Farmers Co-operative Society; and,

(b) what steps he is taking to stop the Commissioner of Co-operatives from exercising arbitrary authority on coffee farmers?

**The Minister for Co-operative Development** (Mr. Munyi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

I am not aware that in December, 1995, policemen did stop the election which was going to take place. I am aware that the incident which the hon. Member is referring to did arise as a result of incitement which by one member who was removed from his position because he misappropriated the funds belonging to that Co-operative Society. The hon. Member himself is aware of that.

**Mr. Munyasia:** Mr. Temporary Deputy Speaker, Sir, could the Minister be asked to speak to us in English? He has said a member incited and misappropriated whatever it was, and that does not make sense to us.



Could he be asked to read in English the answer that he has?

**Mr. Munyi:** Mr. Temporary Deputy Speaker, Sir, I have already read my reply. The Member has even got a verified answer which has been given to him. Therefore, you have no right to put words in my mouth.

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, I wish to thank the Minister for continuing to provide this House with unlimited entertainment. It is surprising to hear the Minister say that he is not aware, and then in the next sentence he says he is aware.

My colleague, hon. Mwiraria, and I attended a meeting in the Minister's office sometime in October, last year. In that meeting it was agreed that the Minister would order fresh, free and fair elections for all the co-operative societies in Meru. The Minister was later overruled by his Commissioner of Co-operatives. Could the Minister tell this House who runs the Ministry of Co-operatives Development? Is it him as the Minister or the Commissioner of Co-operatives?

**Mr. Munyi:** Mr. Temporary Deputy Speaker, Sir, I am the Minister in charge of that Ministry. When hon. Murungi and hon. Mwiraria came to my office, I explained to them what needed to be done. But then hon. Murungi wanted this man to be the Chairman, but he was removed. The democratic atmosphere that prevailed during the elections could not allow the man of his own choice to be elected.

**Mr. Murungi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House by saying that, during that meeting I insisted on Mr. Muguongo being made Chairman of Nkuene Farmers Co-operative Society limited, when as a matter of fact, it is the Commissioner of Co-operatives who ordered that Mr. Muguongo was not to be among the candidates in the elections which took place on 7th of December, 1995? Is the Minister in order to mislead and deceive this House?

**Mr. Munyi:** Mr. Temporary Deputy Speaker, Sir, he cannot use the word, "deceive". What I have already said, and the Member is aware, is that the elections were conducted democratically and the following people were elected; Chairman - Mr. Cyrus and the Vice Chairman, Mr--- He has got the list. These people were elected democratically.

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, this Minister who has come to this House at various times in various ways, has been here for a long time; ever since the beginning of this Parliament. I used to be with him here, when I was here earlier, before they threw me out. Now, this Minister is in charge of co-operatives and the truth of the matter is that the co-operative movement in the country has died. It has collapsed. What I would like the Minister to tell us is this; here is a case where there were supposed to be democratic elections. For security, the policemen should have come to make sure that the elections took place. Not to discuss people and---

**Mr. Temporary Deputy Speaker** (Mr. Wetangula): What is your question, Anyona?

**Mr. Anyona:** Mr. Temporary Deputy Speaker, could this Minister make sure that he runs the Ministry properly, because I have three letters from him to me, written by his officers, which contradict the answers he has given to this House. Could he assure this House that he will wake up and run this Ministry for the benefit of Kenyans?

**Mr. Munyi:** Mr. Temporary Deputy Speaker, Sir, I am more awake than the Member himself. I have been firm since I was elected to this House.

**Mr. Kapten:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This particular Minister has messed up the co-operative movement in this country and Kenya Co-operative Creameries (KCC) is a glaring example. People wanted to elect Mr. Geoffrey Muguongo as the chairman, and the Minister claims that the people were dispersed because there was incitement. Was this gentleman charged with incitement in a court of law?

**Mr. Munyi:** Mr. Temporary Deputy Speaker, Sir, it is people from that area who opted for him. We do direct very well on what should be done and that is a fact.

KCC was mismanaged by some other people, but not the Minister for Co-operative Development.

**Mr. Kapten:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is evading answering my question. It was very simple: Was this gentleman charged with the offence of incitement or not?

**Mr. Munyi:** Mr. Temporary Deputy Speaker, Sir, he was charged with the offence of inciting the public.

## QUESTIONS BY PRIVATE NOTICE

### SALE OF GREEN MAIZE

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

(a) Is the Minister aware that a body calling itself Naari Farmers Association is restricting sale of green maize in Kiirua Location in Meru District by:-

(i) Insisting that both the sellers and buyers must obtain the approval of the Association through payment of a fee to the Association; and,

(ii) Fixing the price of maize per bag contrary to the prevailing general deregulation of sale and movement of maize in the country?

(b) If the answer to "a" above is in the affirmative, what immediate steps is the Minister taking to stop this illegal practice?

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

I am aware that out of the need to streamline marketing of potatoes and green maize in Kiirua Location in Meru District, farmers proposed the formation of a farmers group association at the chief's baraza to cater for this particular need.

I am further aware that the association has already started dealing with marketing of maize.

In an effort to raise operational capital, the association has fixed a fee of Kshs 10 per bag of maize. It should be noted that this fee is well below the one that is being levied by the County Council in that ledger.

(b) The formation of farmers' association is a step in the right direction and such associations are assisting farmers in marketing their produce. The Ministry of Agriculture, Livestock Development and Marketing is facilitating the formation of such groups by giving technical advice, guidance and training on marketing operations in a liberalized market. Already in Meru there are three such farmers groups which have been formed and others are in the process of being formed.

**Mr. Mwiraria:** I thank my hon. friend for an incomplete and very unsatisfactory answer. My Question under part "a" had two parts; part (i) and (ii). No attempt has been made in the reply by the Assistant Minister to reply to part (ii). Be that as it may, could he, as a trained lawyer, tell this House whether a voluntary association formed by 54 farmers in Naari Sub-Location has any right whatsoever to coerce non-members to operate through it, and in doing that, could he also tell us what kind of association would take prices so low that members object to selling through the association?

**Mr. Maundu:** As the hon. Member must have said, I have answered adequately parts (i) and (ii) of his Question. This is a voluntary association and there is no insistence on the part of the management team that people should be part of it, but those who have agreed to be members have by-laws which say that they will charge 10 shillings per bag. That Question has been answered. This association is not coercing farmers. It is formed out of the initiative of the farmers themselves. The Ministry of Agriculture, Livestock Development and Marketing is facilitating it to make sure that the farmers cushion themselves against the adverse effects of a liberalized market.

**Dr. Kituyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Some of us have been expressing reservations here about the understanding of certain Ministers of the meaning of "liberalization". If this Assistant Minister can talk about liberalization of cereal marketing and he stands here and is gloating about the establishment of prices by some illegal organization, is he aware that he is contradicting public policy and how can he justify the setting of prices in a market where you do not control the price of inputs?

**Mr. Maundu:** Mr. Temporary Deputy Speaker, Sir, I am sorry my hon. friend is displaying strict and serious ignorance about the agricultural sector *per se*. If he understands liberalization, it means to let the economy grow, but farmers can group themselves in a manner to safeguard their interests against any adverse effects about the overall policy of liberalization. If he does not understand that, that is his own problem.

#### USE OF BANNED PESTICIDE

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

(a) Is the Minister aware that a banned pesticide chemical in the United States of America, which is not registered in Kenya, namely; Heptachlor, has been used at the Del Monte pineapple plantation at Thika?

(b) Would the Minister make a statement about the use of this chemical at the Del Monte pineapple plantation at Thika?

(c) What measures will the Minister take to protect Kenyans from the use of this and similar dangerous chemicals without adequate protective devices?

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Maundu): Mr. Temporary Deputy Speaker, Sir, I must sincerely apologise because I do not have the answer to this particular

Question, and I will seek the indulgence of the House to be given at least two weeks to prepare an adequate answer for this particular Question.

**The Temporary Deputy Speaker** (Mr. Wetangula): Hon. Anyona, what do you have to say to that?

**Mr. Anyona:** Mr. Temporary Deputy Speaker, Sir, I do not know whether I heard the Assistant Minister correctly. He says that he does not have an answer. I do not know whether he meant that the answer is not ready or that he did not bother at all to get it. This is an important matter and we would like a comprehensive answer because Kenyans are in danger. Can he indicate very clearly when we can expect an answer because there are other places like Sulmac which have the same problem? When can we get the answer?

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Maundu): Mr. Temporary Deputy Speaker, Sir, I did not underestimate the gravity of this particular question. To prepare an adequate answer, taking into account many other factors about this Question, I think two weeks will be a reasonable period of time.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Order! Minister, Questions by Private Notice by their very nature are very urgent and I will not give you two weeks. You will have to answer that Question this week. When do you want to answer it?

*(Applause)*

**The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Maundu): I think by Thursday, afternoon, we will make a serious attempt to have an answer.

#### PAYMENT OF TERMINAL BENEFITS

**Dr. Lwali-Oyondi:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Is the Minister aware that the Milling Corporation of Kenya, Nakuru, was completely taken over by a private company on 10th April, 1996?

(b) If the answer to "a" above is in the affirmative, what urgent steps has he taken to ensure that the former workers of the said Corporation are paid their terminal benefits as per their terms of employment?

**The Assistant Minister for Finance** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the Milling Corporation of Kenya has been privatized under the on-going privatization programme and the new owners have, in fact, taken over the business as stated by the hon. Member.

(b) According to the sale agreement dated 11th April, 1994, all workers were to be paid by the 17th April, 1996. I wish to report that, in fact, the 263 workers were paid all their terminal dues yesterday, the 15th April, 1996.

*(Applause)*

**Dr. Lwali-Oyondi:** I would like to thank the Assistant Minister for taking steps promptly after I had asked this Question. Arising from the answer he gave on part (a), is he aware that Premier Flour Mills bade for Kshs150 million while Kitale Industries bade for Kshs195 million and yet they did not take over the industry bearing in mind that this was a public corporation? Could the Assistant Minister explain why they favoured Premier Flour Mills and not Kitale Industries?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! I am advised that, that bit of the question is a matter before the Public Investments Committee (PIC). If it is true, you are not obliged to answer it because the matter will come here and it will be debated by the House.

**Mr. Muite:** Could the Assistant Minister deny or confirm that the favoured purchaser is an associate of hon. Biwott?

*(Applause)*

**Mr. Keah:** Mr. Temporary Deputy Speaker, Sir, I will not answer that question because it needs to come as a separate Question.

**Mr. Anyona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have just been told that this matter is before the PIC. I know that there was a special audit report on this Corporation which said the sale

should be cancelled. When I was the Chairman of PIC, this matter came up---

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Order, hon. Anyona! Is that audit report part of the evidence before the PIC?

**Mr. Anyona:** I am giving the background of the point of order that I want to raise. When the matter came up before the Committee, it was quite clear that this transaction was irregular. Now, that we have been told by the Assistant Minister that apparently, a transaction has taken place and yet the matter is still before the PIC although there is a special audit report which requires this sale to be cancelled. Is this in order? How comes the Government has authorised the sale of this Corporation and yet the matter is pending before a Committee of Parliament? Is that in order?

**The Temporary Deputy Speaker** (Mr. Wetangula): That is a matter before the PIC. We shall deal with it when PIC tables their Report here.

**Mr. Kamuyu:** Mr. Temporary Deputy Speaker, Sir, I just wanted the Assistant Minister to tell us something about the professional valuation by the Government valuer of this particular Corporation, the sale price and the person who owns it now.

**Mr. Keah:** Mr. Temporary Deputy Speaker, Sir, I do not want to contravene your ruling that this matter is before the PIC and that it will be tabled here. My answer is quite categorical. There is a new owner and the new owner is Messrs. Premier Flour Mills Limited.

**Mr. Mulusya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The way questions are being asked and answered by the Assistant Minister leaves a lot to be desired. The whole issue has been before the PIC and there is a special audit report which was tabled here concerning this issue. It is only part of the evidence which should be brought before the House by PIC. Is the Assistant Minister in order to say that the matter has been concluded while it is still pending to be tabled here? Is it also in order for this House to discuss that issue before it is properly brought before the House?

**The Temporary Deputy Speaker** (Mr. Wetangula): Thank you very much, hon. Mulusya. You are very right. That is the end of Question Time.

### POINT OF ORDER

#### MINISTERIAL STATEMENT: EDUCATION POLICY

**Mr. Anyona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. On Tuesday 9th, April 1996, I rose on a point of order to demand a Ministerial Statement from the Minister for Education in respect of two important matters. The first one concerned the guidelines on school fees. The second one concerned the payment of fees situation in the universities. Since then, we have not had a Ministerial Statement. The issues that we wanted the Minister to clarify were: Whether his guidelines on fees for 1996 are still in place and valid; what were the names of the schools where the headmasters, Board of Governors and Parent Teachers Associations (PTA) have ignored or defied the directive of the Ministry; and what were the disciplinary measures taken against those headmasters, Board of Governors and PTAs who flouted these guidelines? This is very important because Kenyan children cannot go to school while the headmasters and members of the Board of Governors are getting fatter and fatter and they are just about to burst.

The second issue concerned the national universities. Again, we wanted three issues to be clarified. These are: How many university students have not been given loans in the four national universities in the current academic year? How many university students in the four national universities have not reported or have been sent away on account of fees? What steps is he taking to ensure that these and other students get loans?

Today, we read in the Press that more than 1000 students from Moi University and 1200 from Egerton have been sent away, even when they were prepared to pay fees. A gentleman called Mr. S.N. Njuguna who is the Chief Administrator has said that he cannot accept their fees. What is going on? Could the Minister, now that he is here and maybe he did not get this message last week, either make a Statement or give an undertaking that he will make a Statement in respect of those issues?

**The Minister for Education** (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I would like to give an undertaking that I will give a Ministerial Statement on Tuesday next week after Question Time.

### COMMUNICATION FROM THE CHAIR

#### POLITICAL MURDERS: MEMBER SHOULD WITHDRAW

**The Temporary Deputy Speaker** (Mr. Wetangula): Very well. Last week on Wednesday, Mr. Deputy Speaker, ordered that hon. Dr. Otieno-Kopiyo, upon his presence in this House, should withdraw certain remarks that he made and cast criminal imputations against an hon. Member of this House. Hon. Dr. Otieno-Kopiyo, now, that you are here, I exercise the authority of the Chair to order you to withdraw the remarks.

**Dr. Otieno-Kopiyo:** Mr. Temporary Deputy Speaker, Sir, before I take this opportunity to withdraw those remarks, I would just like to inform the House that I have had the opportunity to tell the hon. Member face to face that he is a murderer. I stand by those words.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Dr. Otieno-Kopiyo! The order made by Mr. Deputy Speaker did not require you to repeat your words or to justify them. You were simply ordered to withdraw the remarks that you made against an hon. Member of this House and imputing an improper motive by casting aspersions to the effect that he was a murderer. You are, therefore, ordered to withdraw here and now.

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! If you were here last week, you must have heard Mr. Deputy Speaker's ruling.

**An hon. Member:** But he is a murderer!

*(Applause as hon. Wamalwa and  
hon. Orenge entered the Chamber)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Carry on, hon. Dr. Otieno-Kopiyo.

**Dr. Otieno-Kopiyo:** Mr. Temporary Deputy Speaker, Sir, last week I said here---

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Members! Hon. Otieno-Kopiyo, I am not requiring you to take me through the HANSARD because I have already seen it. The ruling was made and all that I require from you is withdrawal of the words you used.

**Dr. Otieno-Kopiyo:** Mr. Temporary Deputy Speaker, Sir, I withdraw the words: "Hon. Raila Odinga is a murderer", but I maintain that he is a sponsor of murder.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, Mr. Otieno-Kopiyo! You are aggravating the situation now by maligning your colleague even more. Can you withdraw the words unconditionally and we carry on?

**Dr. Otieno-Kopiyo:** I withdraw those words unconditionally.

**The Temporary Deputy Speaker** (Mr. Wetangula): Yes, Mr. Sankori.

**Mr. Sankori:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I beg to request a Ministerial Statement from the Minister for Health in connection with, one, the outbreak of dysentery in Kajiado District, which has claimed many lives in Kajiado Central. Two, an outbreak of malaria in Trans Mara District. At this same time last year, there were many deaths in Trans Mara District due to the same disease. I do not think that the Ministry has taken any major steps to curb both the dysentery in Kajiado District and the malaria outbreak in Trans Mara District. I ask the Minister to issue a Ministerial Statement on what steps he is taking and how many people have died so far in Kajiado Central.

**The Minister for Health** (Mr. Angatia): Mr. Temporary Deputy Speaker, Sir, I will make a Ministerial Statement next week on Wednesday.

**Mr. Nthenge:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Earlier on I raised the issue of security in the House but the Chair kept quiet about it. Can we be told about the security situation in this House? This is because some gates are not even being used to enter these Buildings.

**The Temporary Deputy Speaker** (Mr. Wetangula): Mr. Nthenge, when you rose on a point of order earlier on, you asked why the Public Gallery was empty. Is that not so?

**Mr. Nthenge:** It is so, Sir.

**The Temporary Deputy Speaker** (Wetangula): Now, I can only say this: Members of the public come to the precincts of Parliament at the pleasure of Mr. Speaker. It is entirely up to the Speaker to let them in or not. There is no rule that requires that the gallery must be packed with anybody when proceedings are going on.

**Mr. Nthenge:** Mr. Temporary Deputy Speaker, Sir, my question was on the security of this House. I only gave the fact of people being prevented from entering the precincts and coming to the Public Gallery, as an example. The issue is: What is the position with regard to the security of these hon. Members today?

**The Temporary Deputy Speaker** (Mr. Wetangula): Mr. Nthenge, as far as the Chair is aware, there is no issue of insecurity involving any hon. Member of this House. As far as the Chair is aware, no hon. Member

has been prevented from coming into either the precincts of Parliament or into the actual Chamber. As far as the Chair is aware Members of the public come here at the pleasure of Mr. Speaker. If they are precluded from coming in, that is perfectly all right.

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! I am not opening debate on that.

Mr. Sunkuli, you promised to substantiate some remarks, which you made.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. It will be recalled that on Thursday last week, I made non-specific comments against any bishop collecting rumours and unleashing the same on the faithful of his church. Reading from the HANSARD, this is what I said specifically:-

"When a whole bishop, appointed by his Holiness the Pope, decides to go and collect rumours from a bar, that is not professional".

However, the Chair insisted that I substantiate this statement. I immediately made it clear that I was speaking metaphorically, and I explained what my metaphor meant. And to be specific, from the HANSARD, this is what I said:-

"The bishop went to collect rumours from a bar. What I meant is that the bishop went to say things that are usually said in a bar---"

*(Shouts and jeers of disapproval)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Members! The Chair needs no assistance! Hon. Sunkuli, I do recall that you were required to substantiate on when, in which bar and so on. I was in this House and I think that is what hon. Muite asked you to do.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, quoting from the HANSARD, I said:-

" Mr. Temporary Deputy Speaker, Sir, I will substantiate that the rumours which the bishop spoke were like the rumours that were usually spoken in a bar."

Then hon. Ndwiga rose on a point of order and wanted to know---

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Sunkuli! The matter is so simple: You said that the bishop collected rumours from a bar. It is so simple. Either you have the facts or you do not, in which case you have to withdraw your statement.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the House should be democratic enough to allow me to go ahead and say the following.

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! How can you stand on a point of order when he is on a point of order!

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I want to be very clear here: I never mentioned the name of Bishop Raphael Ndingi Mwana 'a Nzeki. I used the article "the" bar, and undertook to come here today and substantiate, that my metaphor conforms to the meaning I gave to it. Out of respect for the Chair, and for no other reason, I wish to delete the words "collected rumours from the bar" and substitute in their place the words "speaking without sobriety".

**Mr. Muite:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a serious matter, which---

**The Temporary Deputy Speaker** (Mr. Wetangula): Mr. Muite, I am not opening debate; it was your point of order, and I am only giving you a few seconds.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, the Chair has asked the hon. Assistant Minister to substantiate. The practice of this House is that if one cannot substantiate, then he withdraws and apologises. We asked the Assistant Minister to tell us which bar that the Bishop---

**The Temporary Deputy Speaker** (Mr. Wetangula): Mr. Muite, that is in the HANSARD! I know it.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, if he is not able to substantiate in terms of specifics, will he withdraw and apologise? It is not for him to start talking about "deleting". There is nothing to delete!

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the hon. Member should have asked me to substantiate as to which bishop I was referring to in the first place.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Hon. Sunkuli! You will have to withdraw the use of the word "bar". As far as I am concerned, I did not hear you use a specific name of any bishop. Do

that and then we carry on.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I have already withdrawn the words "collected rumours from the bar", and replaced them with "spoke without sobriety".

**The Temporary Deputy Speaker** (Mr. Wetangula): The next independent point of order is from hon. Ndicho. Or, do you have none, hon. Ndicho?

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, I have my point of order, but we have felt very embarrassed by the Assistant Minister's refusal to substantiate.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Hon. Ndicho, you have lost your ground!

**Mr. Ndicho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is---

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Hon. Ndicho, you are out of order now.

**Mr. Ndicho:** Hon. Sunkuli, which Bishop are you talking about?

**The Temporary Deputy Speaker** (Mr. Wetangula): Hon. Ndicho, you have lost your opportunity to raise your point of order.

**Mr. Ndicho:** Did you not give me the opportunity?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Ndicho! You came to me and said you had a burning issue on which you wanted to stand on a point of order. I permitted you to do that. I have given you the opportunity and the first thing you have done is throw away the opportunity by engaging in a matter which I have already closed. You have lost your opportunity.

**Mr. Ndicho:** I am sorry, Mr. Temporary Deputy Speaker, Sir. I apologise.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! You have lost your opportunity.

**Mr. Omino:** Mr. Temporary Deputy Speaker, Sir, you were this morning served with a letter which indicated to you that there have been certain changes in the leadership of FORD(K).

**An. hon. Member:** Ah, wacha wewe!

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Members! Each and every one of you has the right to be heard on the Floor of this House. It is immaterial that you do not like what your colleague is saying.

**Mr. Omino:** On a point of order, Mr. Temporary Speaker, Sir. I merely stand to urge you to take cognisance of those changes because we intend to act according to the contents of that letter. Thank you.

*(The Temporary Deputy Speaker (Mr. Wetangula)  
consulted with the Clerk)*

**Hon. Members:** Shame! Which changes?

**The Temporary Deputy Speaker** (Mr. Wetangula): Sorry, hon. Omino, I did not hear what you said as I was consulting with the Clerk.

**Mr. Omino:** Mr. Temporary Deputy Speaker, Sir, you were this morning served with a letter which indicated that there have been changes over the last weekend in the leadership of the political party, FORD(K). I urge you to take cognisance of those changes because those---

**An. hon. Member:** Which changes?

**Mr. Omino:** Mr. Speaker is aware of those changes because they are contained in the letter which he was served with and we urge you to take cognisance of those changes and act accordingly. Thank you.

*(Hon. Orengo stood up and moved to the Table)*

**The Temporary Deputy Speaker:** Order, hon. Orengo!

**Mr. Orengo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Before I make the point of order, I just wanted to say that, whereas out there, one can carry coups, but to carry a coup in Parliament is rather disastrous because this Parliament goes by rules and by the law.

It is upon the Registrar of Societies to state as to who are the rightful and the legitimate officials of FORD(K). The Registrar of Societies cannot make that decision until after the expiry of 14 days. I have just---

*(Applause)*

I have just been---You know law is not like a welding machine. I have just been at the Office of the Registrar of

Societies, and I am told there is no vacuum in the leadership of FORD(K), and if hon. Omino has any doubts, he should go to the Registrar of Societies, pay Kshs5 only, and they will be told who the leaders of FORD(K) are.

*(Applause)*

I appreciate the position that this House has taken. This is a respectable House, governed by rules of decorum and conduct. If in any way---

**The Temporary Deputy Speaker** (Mr. Wetangula): You are making a speech, you are not on a point of order.

**Mr. Orengo:** It is a point of order.

**The Temporary Deputy Speaker** (Mr. Wetangula): Can you finish what you want to say?

**Mr. Orengo:** Mr. Temporary Deputy Speaker, Sir, if this House was not governed by rules of conduct and practice, then anybody can go and force himself into the office of the Leader of the Government Business and claim that "from today, I am the leader of Government Business". There is---

**An. hon. Member:** Sema kwa Kijaluo!

**Mr. Orengo:** Mr. Temporary Deputy Speaker, Sir, I am saying this because next time that is the thing that may be tried. Even your own seat is in danger if---There were some Maasai Morans who took over a Court of Law and sat on the Judge's Bench. So, I am saying this with all the seriousness, that when the time comes, we will cease to be leaders of FORD(K), we will take a back seat, just like hon. Dalmas Otieno has taken. But not through misconduct, thuggery and violence. There is no room for that.

*(Applause)*

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, is it not appropriate that the House should not be drawn into what clearly appears to be internal wrangling within FORD(K)? I think that matter should be settled outside this House.

**An. hon. Member:** Yes!

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! First, the Office of the Speaker and the Chair is not an umpire in any party disputes.

Secondly, those hon. Members who are disputing on party leadership should be aware of Section 40 of the Constitution of the Republic of Kenya, whose provisions each one of you is presumed to know.

Thirdly, the Office of the Registrar of Societies has not notified the office of the Speaker of anything new on any matter in this House.

*(Applause)*

*(Hon. Ndicho stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Hon. Ndicho, if you are standing on the matter I ruled you out of order, you are getting grossly out of order. Is it the same matter?

**Mr. Ndicho:** Yes!

**The Temporary Deputy Speaker** (Mr. Wetangula): You have lost the opportunity to raise the matter. Therefore, you will seek the indulgence of the Chair tomorrow.

Next Order!

## BILL

### *Second Reading*

#### THE KENYA INSTITUTE OF ADMINISTRATION BILL

*(The Minister of State, Office of the*



*President (Mr. Kones) on 11.4.96)*

*(Resumption of debate interrupted  
on 11.4.96)*

**Mr. Murungi:** Thank you, Mr. Temporary Deputy Speaker, Sir for giving me an opportunity to contribute to this important Bill. The Kenya Institute of Administration Bill---

*(Some hon. Members consulted loudly  
as they walked out of the Chamber)*

**The Temporary Deputy Speaker (Mr. Wetangula):** Order, hon. Members! Hon. Murungi is on the Floor, contributing to the KIA Bill. Those who are evacuating from the Chamber, should do so quietly so that we can hear him.

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, this Bill comes at an appropriate time when we are reviewing other institutions like the Kenya School of Law, the Co-operative College, with the aim of liberalising those institutions and removing them from the clutches of Government control.

The Kenya Institute of Administration Bill is important in that it seeks to restructure the management of the training Institute for the Civil Service in this country. We also note that this is the Institute which trains the bulk of the Provincial Administration in this country. It is important for us to give proper management training to the Civil Service and Provincial Administration because the quality of leadership of any country is very important.

Mr. Temporary Deputy Speaker, Sir, in fact, the future of any country depends on the kind of leadership that country has. All the economic, political and cultural stagnation and backwardness that one notices in Africa today is because of the poor quality of its leadership. In this country and some of the countries that surround us; we are almost going on our knees because of primitive and backward leadership. When Idi Amin was overthrown in 1980s, and a human rights commission was set up in Uganda, one of the first man to appear---

*(Hon. Gitau stood up in his place)*

**The Temporary Deputy Speaker (Mr.**

Wetangula): Order, hon. Kamuiru Gitau! The rules of this House prohibit you from standing between an hon. Member on the Floor and the Chair!

**Mr. Murungi:** Thank you, Mr. Temporary Deputy Speaker, Sir. I was saying that when Idi Amin was overthrown from Uganda and a human rights commission was set up in that country, one of the first persons the commission interviewed was the Vice-President under Idi Amin, Mustafa Idris. They put a question to Mr. Mustafa Idris and asked him: "Under what constitution did you and Idi Amin run this country?" Mr. Mustafa Idris looked surprised and asked them: "What do you mean by a constitution?"

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, it turned out that Mr. Mustafa Idris was a complete illiterate and he did not know what a constitution was. So, you can imagine the kind of country he and Idi Amin led, if the Vice-President did not know what a constitution was, and under what system they were running Uganda for so many years.

We cannot say that there is complete illiteracy in our Government, but there is a lot of political illiteracy even among Ministers in the Kenya Government. There are many Ministers in our Government who do not understand what a constitution is all about. There are many Ministers in this Government who do not understand anything about human rights, democracy and what all they understand are questions of raw-power.

I think when the KIA is restructured, we should look into the contents of the courses that are taught to Civil Service, the Provincial Administration and I would recommend that even the Ministers and hon. Members and other leaders of this country do attend courses at KIA.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, many of our top civil servants today, and even some of the Ministers in this House, think that their only role is to serve KANU as a party. They do not recognise their role is that of serving all Kenyans irrespective of their political parties and even those who do not have political parties.

I was especially shocked to hear that the Minister in charge of internal security in the Office of the President has been organising thugs in Nyambene and asking them to "castrate" the members of the Opposition! How come that the Minister in charge of internal security, Office of the President, is offering protection to thugs by telling them to "castrate" the members of the Opposition? This is something that should not happen in any civilised Government. When these courses are introduced at KIA, at least, we should remember some of these people.

The Provincial Administration also requires a lot of training, especially in human rights and democracy. We have all along argued that the Provincial Administration is an extension of colonialism into independent Kenya and that it should be abolished. Sometimes when I go to the rural areas and find DOs handling cups distributing yellow maize to the people, I wonder whether a graduate of KIA should be assigned a role of fetching maize and distributing it to people. That is wastage of resources.

The DOs and chiefs in this country, because of their ignorance of human rights and democracy, have become "village tyrants." They are the principal agents of dictatorship and oppression in the rural areas. The chiefs and DOs have returned colonialism effectively to our rural areas. One wonders why a farmer cannot cut a tree which he has planted without a letter from a chief; a chief who was not there when the farmer was planting the tree. We also wonder why a mzee in the village cannot make traditional beer and entertain his in-laws without a letter from a chief. We also wonder why a mzee cannot sell his land without the approval from the DO.

We also wonder why an elected hon. Member of Parliament, elected by so many votes, cannot greet his constituents without a letter from the DC who might not know as many people in the district as the hon. Member.

Those who will be managing KIA, because it is a top management Institution for the public affairs of this country, should ask themselves what kind of country Kenya should be. Are they training for dictatorship? Are they training for ruining of this economy or are they training this country for war? In these days, the DCs, the DOs and the chiefs have become mere errand boys of KANU. They are no more than armed youth wingers for disrupting the Opposition activities.

We have cases where Ministers have gone to peaceful constituencies like mine to "sow seeds of hatred." I have at no time gone to speak in hon. Kalweo's constituency. I would like to know why he spends his week-ends coming to incite people against me in South Imenti. At no time have I gone to address rallies in Central Imenti, but hon. M'Mukindia and hon. Kalweo have formed the "two musketeers" for coming to disrupt peace in South Imenti.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Whereas the hon. Member is carrying out local battles in Parliament, is he in order to impute improper motives on other hon. Members?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister---

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! I would want to brief hon. Sunkuli that the two Ministers are in agreement with what the hon. Member is saying because they are here and are just watching!

*(Applause)*

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, I happen to be among the few Kenyans who have lived for a few years abroad and who have also travelled around in some of the countries in Europe, including the United Kingdom. I have never heard of a chief in UK, I have never heard of a DO in UK, I have never heard of a DC---

**An hon. Member:** They work for KANU!

**Mr. Murungi:** The Provincial Administration was created as an instrument of colonialism for oppressing natives. I feel so bitter, I feel so frustrated and annoyed when I see our own people using colonial instruments to oppress their own brothers and sisters.

**The Minister for Commerce and Industry (Mr. M'Mukindia):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Murungi telling this country and this Parliament that since there is a Queen in UK, we should have a Queen in this country by extension of his arguments?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, I know that the hon. Minister is a chemical

engineer by profession, and I would advise him to read some books of history to understand these institutions that they are using for oppressing others in this country.

We have an opportunity right now to correct errors that we have made since Independence. The Provincial Administration should have been the first institution that we should have scrapped at our Independence, but because the black man saw the need to continue and recreate colonialism, we had also to continue with this colonial institution. We cannot run this country with instruments of violence which the colonial system put in place. I am very happy because I can see that some civil servants are taking notes.

Let us look at the KIA as a whole. Let us ask ourselves as to how and why it was put in place and then we can see whether we can have our own ideas. We should be able to see the kind of restructuring, the reforms and the level of ideas that we can introduce at KIA.

In January, I was very lucky to be one of the two people chosen as Commonwealth Election monitors in Sierra Leone together with hon. Falana. Sierra Leone is a rich country with gold, diamonds and other very precious minerals, but the people of Sierra Leone are very poor. Their country is in a state of ruins. We visited the first university to be established on the continent of Africa - The Furah Bay College. That college is now a camp for displaced people. It is a camp for people with amputated legs and arms. It is no longer a centre of excellence. This shows the kind of country we can have through poor leadership.

There are also other things which we learnt about Sierra Leone. Although it was a country under military dictatorship, candidates in that country did not have to seek permits from DCs to organize public rallies. All they needed was to inform the police three days in advance that they would be having a public rally at a particular place. If the rally conflicted with another one, then, the police would advise them not to hold the rally there because it would conflict with another rally. If a military dictatorship, like the one in Sierra Leone, does not require Members of Parliament to get licences for them to address the people, how come that a country that claims to be a democracy---

**The Assistant Minister for Finance** (Mr. Keah): On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect to the hon. Member, who is a lawyer, I have tried to look for the part of this Bill that he is referring to regarding Sierra Leone and the examples he is giving and I cannot find any. Is he in order to deviate from the Bill?

**Mr. Murungi:** I made it very clear at the beginning of my contribution that I am interested in the contents of the courses that are taught at KIA, the targeted groups and what we are going to teach. I think the Assistant Minister was asleep.

In this country, our DCs behave like tin gods. If there is no Landrover, a DC cannot visit---

**The Assistant Minister for Finance** (Mr. Keah): On a point of order, Mr. Temporary Deputy Speaker, Sir. I was wide awake. Is he in order to impute improper motive against me by saying that I was asleep? Can he withdraw that statement because I am wide awake?

**The Temporary Deputy Speaker** (Mr. Wetangula): The Chair has no capacity to tell who is wide awake and who is asleep.

**Mr. Murungi:** What I was saying is that, although in Sierra Leone, there was a military dictatorship, there was, at the ground level much more freedom than there is in a country which claims to be a multiparty democracy like ours. Another thing which I found in that country is that its provincial administration---

**The Minister for Commerce and Industry** (Mr. M'Mukindia): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think hon. Murungi is really treading on dangerous grounds. The argument that he is advancing could lead Kenyans to believe that it is better to have a military dictatorship in this country because that would lead to more freedom. Is he in order to say that a military dictatorship is better than a democratically elected Government?

**Mr. Murungi:** I do not think that was a point of order. If I can explain, what I meant to say---

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

**Mr. Murungi:** I am replying to a point of order. Hon. Sunkuli is totally out of order. What I was saying is that although we are pretending to be a democracy, we are a worse dictatorship than a military dictatorship. That is the essence of my contribution.

**The Minister for Commerce and Industry** (Mr. M'Mukindia): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Members! I hope Imenti Central and South are not emerging here. What is your point of order hon. M'Mukindia?

**The Minister for Commerce and Industry** (Mr. M'Mukindia): My point of order is this: The

Constitution of this country states clearly that every five years we have to have democratic elections. Kenya went through democratic elections in 1992 which were free and fair and KANU won. However, just because hon. Murungi's party did not win and form the Government, does that make this country a dictatorship. What is he trying to allude to? Is he trying to say that it is better to have a military dictatorship in this country than having elections every five years? I do not even know which party hon. Murungi stands for. Could he tell us which manifesto he is quoting from so that we can check?

**Mr. Murungi:** I can assure my colleague that I am not in KANU. Since we are not in the same party, it is not in his interest to know which party I support or which party I stand for. I am here to contribute on the Bill before us. KIA is not a political party.

**The Minister for Commerce and Industry** (Mr. M'Mukindia): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, I seek protection from the Chair against hon. M'Mukindia!

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Order, hon. Members!

**Mr. Gatabaki:** On a point of information, Mr. Temporary Deputy Speaker, Sir. A party which was elected by 35 per cent of Kenyans and proceeds to form a Government and rule Kenyans through terror is worse than a military dictatorship.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member for Githunguri is raising a persistent question that needs clarification. Hon. Murungi is abrogating the same Constitution that he swore to defend in this House. Is he in order to do that? Is the hon. Member for Githunguri in order to say that they are in the Opposition although they are the majority when they are, in fact, the minority and they are continuing to be the minority?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, I beg to continue with my contribution. I was trying to give a comparative experience. When the DCs and the DOs are being trained at KIA, we would like them to be trained at least in the art of humility and also in the art of public relations and how to deal with people.

When I went to Sierra Leone and I met some DCs there, they did not behave like tin gods the way our DCs do here. They appreciated that Sierra Leone is a poor country and so they do not insist on driving Land-Rovers and being accompanied by security personnel. The DCs in Sierra Leone ride on motorbikes which are cheap and they are able to cover the country. They do not have to wait in their stations until Land-Rovers are found and fuelled. Since the DCs are out to find out what is happening within their districts, there is no reason why they should not ride on motorbikes and there is no reason why the DOs should not be given bicycles instead of Land-Rovers.

We find the Bill incomplete since it does not inform the Members on what is going to be taught at KIA. I also had an occasion to visit KIA last year after a period of almost twenty years. Without exaggerating, the place needs a new coat of paint. How can you get the DCs and DOs from the field, where they are always fed on goats, to come and eat ugali and carrots at KIA? We should look at the contents of the meals that you are giving to these top civil servants who are coming to study at KIA.

Mr. Temporary Deputy Speaker, Sir, the District Commissioners who are attending training at KIA, especially on a Friday afternoon, do not attend classes and the teachers there would be able to tell you because they have telephones. All the District Commissioners these days are involved in the allocation of plots in their various districts and they are worried that when they are getting As and Bs at KIA, the fellows they left acting in the district are busy completing the deals and getting the kickbacks on the plot issues. So one of the courses that should be taught at KIA should be about Public Management and Corruption.

Mr. Temporary Deputy Speaker, Sir, we should ensure that the students attending the courses at KIA actually learn. There is a difference between going to school and learning. There are many people who go to school and they do not learn at all and all these civil servants, the DCs and PCs, who are taken to KIA, how do we know that they really learn anything? They continue with corruption, dictatorship and tyranny even after they have been taught at KIA.

Mr. Temporary Deputy Speaker, Sir, strongly I would like to urge my colleagues, especially those in senior Government positions, that they should show the people whom they deal with that they have actually gone to school and they have learnt the course at KIA.

Mr. Temporary Deputy Speaker, Sir, when we get Ministers and top civil servants making ridiculous statements in public, it raises question marks in the minds of the people as to whether they have gone to school, although from their education, we see that some of them have Masters Degrees and all that. But the garbage they

talk out there leaves their people wondering whether these people actually learned anything at school.

Mr. Temporary Deputy Speaker, Sir, I would urge the KIA to teach administrators about the de-linkage between party politics and Government administration. I would like them to visit, if they have not already done so the various training institutes of this kind in the West, especially in the United Kingdom, where the Civil Service is the Civil Service irrespective of whether it is the Labour Party or the Conservative Party that is in power. Our Civil Service lives in fear. We live in the Republic of fear. There is no civil servants who can make a decision without finding out what the politicians feel about that decision. We should seek autonomy of the Civil Service and we should create more confidence in our civil servants so that they do not always live in fear, not knowing what these KANU politicians are going to do to them.

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

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

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

**The Minister of State, Office of the President** (Mr. Kalweo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Bill.

It is the wish of the Government of Kenya to equip civil servants with proper working ethics. Since Independence, we had a functional KIA whereby civil servants were trained and given the know-how to run the Government. I would like to go further and state that it is the Government of Kenya which is in charge of the wellbeing of this nation.

Mr. Temporary Deputy Speaker, Sir, before I make my contribution, I wish to refute what hon. Mwiraria said last week here, in this House, when he alleged that I ordered the youth to castrate him. That allegation is unfounded because that very day I was in Nyahururu, Rift Valley Province, accompanying the Head of State. I read about that allegation in the papers although it has been repeated here by hon. Kiraitu Murungi. He said that we went to his Constituency without his knowledge, but we went there to address KANU members, but not SAFINA or FORD(K) members. When hon. Mwiraria went to Ntonyiri---

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

**The Temporary Deputy Speaker** (Mr. Ndotto): What is your point of order, hon. Kiraitu Murungi?

**Mr. Murungi:** Is it in order for the Minister to pretend that they came to South Imenti to address KANU followers when there are no KANU people in South Imenti?

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I am not talking from just---

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Murungi, that was not on a genuine point of order. Continue, Mr. Kalweo.

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I went there to address KANU members and the field was packed to capacity. I am not arrogant at all. I have been conducting my own election campaigns since 1969 and I am not in any record whereby I have advocated violence. I am not a violent person and I will never be. I think it is people of his calibre who are violent.

Mr. Temporary Deputy Speaker, Sir, the Government of Kenya, through good management, feeds its children and educates the likes of hon. Murungi, and his age-mates, who are messing up this nation because they are not patriotic Kenyans. They speak on issues just for the sake of speaking. We are trying to train civil servants to be properly knowledgeable.

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

*(Hon. Kalweo kept standing)*

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order! When a Member stands up, please sit down. Are you on a point order, Mr. Murungi or you want to challenge hon. Kalweo's opinion?

**Mr. Murungi:** Yes, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to impute improper motives on us by saying that it is me, and my colleagues, who are causing chaos in this country when we know that it is them who, through dictatorship, are causing chaos in this country?

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir,

imputing improper motives on the Government will not shake it. If you go outside the House, you will see Raila and Odinga fighting and they are your agemates. What we are saying is true that, the point of---

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

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Mulusya.

**Mr. Mulusya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the hon. Minister say that, "out there Raila and Odinga are fighting?" Odinga is dead and was buried a long time ago. How can Raila fight his dead father now?

*(Laughter)*

**The Minister of State, Office of the President** (Mr. Kalweo): Hon. Mulusya, you are confused. You are just a confused guy.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, the point I want to put across is that it is the youth who are the architects of any nation and comparing Kenya with any other country like Sierra Leone is wrong because we are not under a military Government like those countries.

#### QUORUM

**Mr. Sumbeiywo:** On a point of order, Mr. Temporary Deputy, Sir. Is there a Quorum in the House?

**The Temporary Deputy Speaker** (Mr. Ndotto): No, we do not have a Quorum. There are only 14 Members. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Ndotto): We have a Quorum now. Order! Order! I have noticed that when the Division Bell is rung, Members have assumed that there is no order in the House and they just move around. The Speaker is still in the Chair and you must obey all the rules as if the proceedings of the House were on. I hope you will remember that in future when the Division Bell is rung you should observe the rules of the House. Mr. Kalweo, you can proceed.

**The Minister of State, Office of the President** (Mr. Kalweo): Thank you, Mr. Temporary Deputy Speaker, Sir. We are re-establishing this Institute because of what we have experienced in the running of this nation. The group of officers which is now active in the offices, agriculture, finances and other jobs have been trained there and they are the most active group. In any nation, people aged between 30 and 50 years are the most active group and because of the commitment of the Government, we have found out that they must be trained. When they graduate from our public universities, and elsewhere, they are employed in the Service but they emulate their seniors or follow their own ethics. Therefore, when that Institute will be re-established it will be for the purpose of training the staff of all Ministries so that they can be able to know when things go wrong and when they go right. That is the main purpose. We normally do not deny some things because they are done by human beings. The other day I came across a case where a newly recruited clerk to issue the new generation Identity Cards was being bribed. The young man was caught on the spot by the Criminal Investigation Department officers and he was sacked. That shows clearly that the young man was corrupt. This is why we do not deny such things and it is evident that the Government has moved swiftly to rid this country of corruption. At the Kenya Ports Authority and other areas, the Government CID officers have moved in to stop this vice. They will move into every Ministry so that we can rid this country of corruption. The training to be offered at this Institution will enable them to know and to distinguish what is right and what is wrong.

Mr. Temporary Deputy Speaker, Sir, working ethics are disappearing in very many areas. The Opposition Members always see Chiefs, District Officers and others as bad people but you can see how they are conducting themselves outside there. There are Members of Parliament whom I doubt whether they even know the meaning the title "Member of Parliament". This is somebody who is honoured. He is somebody who stands by his word or her word. So, imputing improper motives and hurling of abuses at each other cannot be tolerated. What we can accept is a situation where people can sit and discuss important things affecting this nation. That is the most important reason for having an august House like this one. But when you abuse me or when you try to impute

improper motives on me, you think that you have said something while you have said nothing. In European countries when you make any remark and you withdraw it, it is taken that you have withdrawn and today, hon. Kopyo imputed improper motives on an hon. Member for the third time but he withdrew after all.

**Mr. Busolo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister in order to mention the name of an hon. member without a substantive Motion?

**The Temporary Deputy Speaker (Mr. Ndotto):** Hon. Kalweo, that matter has been discussed and ruled on by the Speaker and you cannot revisit it. It is out of order to do so.

**The Minister of State, Office of the President (Mr. Kalweo):** Mr. Temporary Deputy Speaker, Sir, I will withdraw that statement. When we impute improper motives on somebody, we do so only to withdraw it later. In the African context of thinking, that has no meaning at all. People know that you have abused somebody and you are guilty. So, when you withdraw you are still guilty. It is not our culture. That being the case, we must mean business, when we come to this House. In future if somebody imputes improper motives on somebody else, such an issue should be looked at in the African context and if somebody withdraws a remark, such withdrawal should come from the bottom of his or her heart.

Mr. Temporary Deputy Speaker, Sir, our children are not brought up properly. During our days children used to be taught manners by their fathers and mothers until they became adults. So, when we recruit or when Government recruits, we recruit this calibre of people. They have been distorted even by religious leaders. Instead of religious leaders responding the holy calling, they are either responding to a political calling or individual calling and that is why you find somebody talking politics from the pulpit. In some cases you find somebody with a collar participating in active politics. When stones are thrown, that person is there. He runs when we run. So, this is why we found it necessary to introduce this Bill in this House so that Members can deliberate on it and give us more ideas so that when this takes effect, then we shall know we are having properly trained members of the society to run the economy of this nation.

With those few remarks, I beg to support.

**Mr. Ndicho:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also say something concerning this Bill.

When we talk about the Kenya Institute of Administration Bill, of 1996, we are focusing precisely on the Moi Administration, and if we were in America we would focus on the Clinton Administration or the Bush Administration and things like that. So, I have gone through this Bill and all that the Attorney-General wants done, if this Bill is passed by this Parliament, is the establishment of a Board to run this institution. I believe the Attorney-General had good motives to make KIA a better institution where people who would be administering this country will be properly trained so that we have a better administration in this country than what we have today. When we talk about this Bill, and when we think about the administration in this country, we tend to focus only on the Provincial Administration. But you can see that section 4 of this Bill is talking about the training of personnel in the Public Service, State Corporations and Local Government. We appreciate that this Bill is now converting KIA into a commercial institute where qualified Kenyans from schools and other institutions can go to train as good managers and administrators. We hope that once this Bill is enacted by this Parliament, the people who will be trained or the graduates from this institute will give a new lease of life to the administration of this country.

**The Assistant Minister for Information and Broadcasting (Mr. Nassir):** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Jambo langu la nidhamu ni kuhusu hali ya hewa iliyoko ndani ya Bunge na nje ya Bunge. Kwa sababu ikiwa watu wana haja ya kutazama sinema iliyoko huko nje kati ya wafuasi wa FORD (K) wanaopigana, basi yafaa tufunge Bunge na twende zetu. Ikiwa tuna haja ya kuendesha Bunge kwa njia nzuri, yafaa waje ndani ili tuendelee. Mengi yamesemwa katika ulimwengu huu na kama hatujajua maana ya siasa za vyama vingi, leo jambo hilo limedhihirika. Kwa hivyo ingefaa mabalozi wa nchi za kigeni walioko hapa Kenya wafahamu kwamba hatujakuwa tayari kwa mfumo wa vyama vingi.

**The Temporary Deputy Speaker (Mr. Ndotto):** What is your point of order, hon. Nassir?

**The Assistant Minister for Information and Broadcasting (Mr. Nassir):** Jambo langu la nidhamu ni kwamba, hakuna atakaye kusema hapa. Utazungumza na nani? Wote wamekwenda kuwaangalia ndugu zao, wajue ni nani atakayeshinda na---

**The Temporary Deputy Speaker (Mr. Ndotto):** Order! Order, hon. Nassir! Proceed hon. Ndicho.

**Mr. Ndicho:** Bw. Naibu Spika wa Muda, rafiki yangu, Bw. Nassir, anataka kusikika kule Mvita kwamba aliongea katika Bunge leo.

Mr. Temporary Deputy Speaker, Sir, I beg to continue with what I was saying, and I thought that hon. Nassir who is an administrator in the Moi Government was trying to rise on a point of order about the

administration. But what I was saying is, that once this institute is granted autonomy as per this Bill, we are going to get administrators in this country who are going to inject a new lease of life into the administration of this country. Let us start with the people we call Provincial Administration; the PCs, DCs, DOs, Chiefs and their Assistants. I was here last week when hon. Sunkuli was trying to defend these officers of the Kenyan Government. He was trying to argue that these people are there to support the Government of the day. We have got no quarrel with that. What we have a quarrel with is the fact that, these Provincial Administration officials clearly operate as if they are an extension of a political party called KANU. You even find the PCs, DCs and DOs wearing KANU badges on their coat lapels. What does somebody else from another party think?

**The Assistant Minister for Information and Broadcasting** (Mr. Nassir): On a point of order, Mr. Temporary Deputy Speaker, Sir. I was just trying to point out to the hon. Member on the Floor that, they do not wear KANU badges, they wear their President's portraits. He should put it right.

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, I went to school and I can tell the difference between the President's portrait and a KANU badge. All I am trying to say is that, once the DC wears that badge and a person who belongs to another political party goes to his office, that badge tells that person outrightly that the DC belongs to a different political party and, therefore, he is intimidated right from the start. We would like---

**The Assistant Minister for Information and Broadcasting** (Mr. Nassir): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Mr. Ndicho:** Do not waste my time, Mr. Nassir!

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order!

**The Assistant Minister for Information and Broadcasting** (Mr. Nassir): We must put things right. It is a pity that the Member on the Floor who is well educated and knows everything in this world, does not realize that civil servants are bound to work with, and remain loyal to the Government of the day.

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order, hon. Nassir! I think, if you want to rise on a point of order, you should say so and if you want to rise on a point of information, you should also say so. I am not sure I know what you are trying to do now.

**Mr. Ndicho:** Amekunywa mnazi huyu!

Mr. Temporary Deputy Speaker, Sir, all I am trying to say is that the provincial administration should be delinked from a political party called KANU so that these people can serve all Kenyans and ensure that there is going to be good governance and good administration. Kenyans should not feel intimidated when they go to chiefs who are wearing badges belonging to KANU. This is all I am trying to say.

This Bill is also talking about training managers from State Corporations. I am happy that the Attorney-General, at long last, has discovered that the people who have plundered the economy of this country are people who were appointed to run State Corporations.

After these people have stolen millions and millions of shillings, they are just removed for a short time, and then after one or three months they are reinstated or appointed as Members of Parliament, or appointed to head State Corporations. They also plunder State Corporations. We have got a full record of what they have done. Local Authorities are also covered by this Bill. If you look at what is happening today in the Local Authorities, you will find that people called councillors, and the chief officers of the Local Authorities, have the entire land of the local authorities in their own hands. They dish it out to whoever they want. These are very bad governors.

The President of this country, upon his arrival from a recent trip to Israel, at Jomo Kenyatta International Airport, lamented that those creating problems for his KANU Government, are not the Opposition Members or ordinary Kenyans, but civil servants. Who are now being referred to as civil servants?

Mr. Temporary Deputy Speaker, it is a very big shame, that even after the President's efforts to mould this country into a better one, it is people in his own Government who are ruining it. So, we are calling upon the Government to deal firmly with the civil servants. If you look at all the big projects that have ever been established in this country, who have run them down? Civil servants. Now, what is undergoing construction is the Eldoret Airport. I wonder whether this Airport will be viable. It will just be another "white elephant". There are very many of them, from what I read in a paper on Sunday. I commend one of the dailies for publishing that report on the multi-million Nyayo Bus Corporation which was plundered by civil servants. The Kshs153 million Kenya National Assurance Building Project in Eldoret Town, has been abandoned. There is also the multi-million Nyanza Provincial Headquarters Project in Kisumu which has stalled. Who was in charge of these projects? Civil servants. The fly-over project at Nairobi University, Kikuyu Campus, has been abandoned. I do not need to mention the Complexes at Egerton University, at Njoro. Thika road, which was supposed to be tarmacked or re-carpeted at a cost of Kshs340 million, from Muthaiga Round About to Blue Post Hotel at Thika was abandoned. As we speak here today, that road is incomplete and the contractor, S.S Metha and Sons Company Ltd has---



**The Assistant minister for Commerce and Industry** (Mr. Osogo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you satisfied that the hon. Member for Juja, is actually debating the Bill before us?

**Mr. Temporary Deputy Speaker** (Mr. Ndotto): Hon. Ndicho, are you on the Bill, or you are going outside the Bill?

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, I am just within this Bill, and as I said earlier, I support it fully. All I am asking is, who has plundered the economy of this Country? It is the civil servants. Who vetted the road project I have just referred to? Is it not an engineer from the Ministry of Public Works and Housing? That road is wearing out fast. This is why we are saying that it is high time the Moi Administration was completely overhauled. We hope that with the enactment of this Bill, we will bring new officials to this Government.

Mr. Temporary Deputy Speaker, Sir, I am happy to note that this institution is not going to be under direct Government supervision, because it is going to be like any other institution training people on commercial basis. It is the expectation of all Kenyans that the people who will be trained in this institution will bring good governance to this country.

We hope that the person who will be appointed the director of this institution will not practice tribalism as he appoints the workers in this institution. Clause 9 says that after consultation with the Chairman of the Council, the director will engage temporary employees at such daily rates of pay not below minimum rates prescribed by written law. Our fear is that corruption and tribalism which is rampant in this country now, will be injected in this institution and the director will only employ people from his tribe, or people who are well connected, to work here. We would like all Kenyans, from all walks of life, and from all tribes and from all areas, to be employees of this institution.

Also, it is important that when such an institution is located in a certain area, at least, some quota system should be introduced so that about 70 per cent of employees are recruited from the surrounding areas. This is because what we find today is that if an institution is in Mombasa and it is headed by somebody from hon. Keah's place, the majority of workers in that locality are from his tribe. For example, if it is in Juja Constituency, and the Chief Officer is from Mombasa, you will find that 70 per cent of the people who are working there are drawn all the way from Mombasa to come and work there. Since the Kenya Institute of Administration, at Lower Kabete is in hon. Muite's Constituency, at least, about 70 per cent of the workers to be engaged as temporary employees should be from that constituency. So, it is important that this institution changes both the political and economic life in this country. This is because the people to be trained in this institution are the people who will shape the destiny of this country. If for example, we get a very well trained town clerk from this institution, he will be taught not to grab plots within his jurisdiction.

Mr. Temporary Deputy Speaker, Sir, as we speak here today, it is very sad that there was a district physical planner from Thika District, who was there for only a period of eight months, and all he did was not to plan Thika District, but to de-plan it. He got all the maps, drew PDPs and then sold all those plots. When we complained, he was transferred and now he is in the headquarters of the Ministry of Lands and Settlement and my friend, Gen. Mulinge, is the Minister in that Ministry. Now, this officer was transferred on 28th March, 1996, and he carried with him all the PDPs to the Ministry of Lands and Settlement Headquarters. I understand that from there, he is now typing allotment letters and coming back to Thika to sell the same plots. This kind of an officer surely is not a civil servant, but an evil servant who is stealing property that belongs to people in that particular locality.

Mr. Temporary Deputy Speaker, Sir, when this Bill is established, such kind of people and, in fact, all the Provincial Commissioners, District Commissioners and District Officers, should be recalled for retraining for good governance. Another point is that the Town Clerk from Ruiru who was sacked by the Government also went away with blank sheets for writing allotment letters, PDPs and the maps. Today, one and half years after he was sacked, he is still backdating allotment letters to the period when he was the Town Clerk of Ruiru and he is selling these plots. This is very serious. Right now, as we are talking here, I am very happy that the Permanent Secretary in the Ministry of Lands and Settlement has issued a circular cautioning people about such people who offer pieces of land for sale, and that the title deeds which they are issuing are illegal and non-committal. You can see that this Bill has come at an appropriate time. At least all civil servants should be recalled for retraining. It is very sad that the Kenyan Government is being run by officers whose job is not to help this country at all but to help themselves. Every officer is there for his own self, wife and children and everybody else with his own God! I think it is high time that the current administration was completely checked. I understand the President's problem. He wants to leave a legacy, but how can he do that when all the projects which he has initiated since he became the President are incomplete with an exception of maybe one or two? After the year 2003, his time will come to an end.

**Mr. Sankori:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Ndicho to say that none of all the projects that were initiated during the Nyayo era has been completed when---

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Hon. Ndicho, you are out of order and, secondly, you are going out of the Bill. I need to caution you. You better stick to the Bill before the House.

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, I am not going out of the Bill. We are saying that we have appreciated the introduction of this Bill by the Attorney-General. We are trying to go back and reflect on what has happened in the absence of good governance in this country and we cannot focus on good governance if we do not reflect on what has gone wrong. All these projects are explained in the newspapers and we see them wherever we go. Mombasa road is one of them. We would like to see a change. We want trained people from this Institution. I do not know what we are going to do with those people who are already in the field. I do not know what we are going to do with the civil servants who are already plundering this country and who do not care about the good governance of this country. I think Kenyans and leaders must sit down and device a way on what we are going to do. Even as we are speaking here, there are few bad things that are going on and I believe that it is only the leaders of this country who can correct the situation. I would like to urge the Attorney-General to possibly bring another Bill to discuss the discipline and the conduct of the people who are in the field after graduating from this kind of Institution. It is futile for the Government to spend a lot of money or pay a lot of money to officers who are, at the same time, reluctant or unable to carry out the duties that are expected of them by the same Government. Our wish is that the Attorney-General brings up another Bill to discuss the conduct of these people. When this Bill came out, we expected it to discuss those issues. We have a lot of things we would wish to say concerning the Administration, but we are restricted because this Bill is only talking about the establishment of Kenya Institute of Administration (KIA). It will not be very bad if we divert and talk about what is happening in this country. That is why we would like to see a Civil Service that is serving Kenyans impartially and without thinking that when they are serving the Government of the day, they are serving a political party. It is our wish that this Government will produce people who will bring good governance to this country.

There is another clause which tickles me. It is Clause 7 and it reads: "The Chairman shall preside at all meetings of the Council, but in the absence of the Chairman the members shall appoint one of the members appointed under Clause 5(1) (g) to preside at the meeting". I remember there was a time here when we raised a question on how the Chairman of Kenya Co-operative Creameries was appointed. An hon. Member here had asked the Minister for Co-operative Development how this was done and the answer we got was: "The procedure is that, once the directors go there they appoint their own Chairman". So we hope that once these meetings are there, there will be no gross interference from the Ministry where the Chairman is appointed by the Ministry directly. It is my wish and the wish of the hon. Members that this Bill is going to establish a good Institution at KIA where we are going to have good administrators. I remember that during the past era you, Mr. Temporary Deputy Speaker, Sir, were one of the best administrators in the country. We never used to have what we have today. You used to serve members of the public in a very impartial way. Today, we are in a multiparty era and DCs think that by harassing the Members of the Opposition, it is a good measure for promotion. These are the things that we expect to be phased out when this Bill comes into operation. We hope that these people will be educated and trained in this Institution. Today, if you are not on good terms with your DC and most of us are not---

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Ndicho, I wish to interrupt you. The issue of a DC harassing somebody has nothing to do with the Bill that we are debating. I am cautioning you for the second time. Hon. Ndicho, I am telling you that you are going out of the position of this Bill and you are not going to get away with it the third time. If you have finished what you wanted to say about this Bill, please stop and you will get time to talk about the DC later.

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, I am finishing. That is why I am saying that we are happy that this Bill is establishing an institution which will bring up good people to govern this country, such people like you. When you used to be a DC, we used to enjoy. You never used to deny people licences. That is what I am saying.

With those few remarks, I beg to support.

**The Assistant Minister for Finance** (Mr. Keah): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill.

I support this Bill, and in supporting it, I want to make a couple of observations which hon. Ndicho made, and which I disagree with. I want to disagree with his remarks that this Bill will rescue the Moi Administration which is grinding to a halt. I am afraid those are his views, but they are totally incorrect.

**Mr. Ndicho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Never at all did I say that this Bill will rescue the Moi Administration. Those are hon. Keah's words and if he wants to say that this Bill will rescue the Moi Administration from grinding to a halt, we welcome it. The HANSARD is there and it can bear

me witness that I never said that. But I appreciate that he is saying that this Bill will---

**The Temporary Deputy Speaker** (Mr. Ndotto): What is your point of order?

**Mr. Ndicho:** Is he in order to put words which I did not say in my mouth?

**The Assistant Minister for Finance** (Mr. Keah): Those were his words.

**Mr. Ndicho:** Those are your words and you should appreciate them; that this Bill is going to bring---

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order! Hon. Keah, I do not think hon. Ndicho said what you have said. Perhaps those are your views and if they are, then you proceed!

*(Applause)*

**The Assistant Minister for Finance** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, those are my views---

*(Applause)*

Excuse me, I am sorry. Please, give me time to speak. Mr. Temporary Deputy Speaker, Sir, those are not my views. Those were the words of hon. Ndicho and the HANSARD will bear me out tomorrow.

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

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order! Order, hon. Ndicho. It is not accorded. Continue, hon. Keah.

**Mr. Ndicho:** But, Mr. Temporary Deputy Speaker, Sir, I did not say the words!

**The Temporary Deputy Speaker** (Mr. Ndotto): I have given the ruling on that one.

**The Assistant Minister for Finance** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, if the HANSARD bears me wrong, that I have imputed those words onto hon. Ndicho, I will apologise to him. But my understanding is that he clearly stated and repeated it many times that he hopes the passing of this Bill will bring in good administrators who will save the Moi Administration. He started off with that because he referred to the Clinton Administration, the Moi Administration and the like. That is what I made note of and, certainly Mr. Temporary Deputy Speaker, Sir, I disagree with his views, but he is entitled to them.

Mr. Temporary Deputy Speaker, Sir, I am delighted with this Bill because it is going to enhance capacity building within the administration and the governance of this country. I support this Bill because it will help enhance efficiency in the operations of the administrative machinery of this country.

Mr. Temporary Deputy Speaker, Sir, I am, indeed, disturbed by the loss of institutions like the Government Secretarial Colleges and, today, we are suffering on this particular aspect. I would like to urge the Minister to look at this Bill again and at least, ensure that some of the courses that are provided include good public secretaries in our offices because that particular aspect has certainly tended to diminish in its services.

Turning to the Bill, I have no problems with Clause 1. Clause 3 is both facilitative and enabling and I support the fact that KIA will be facilitated and enabled by the fact that it will become a corporate body. This enhances its ability to do its own things and this is very welcomed.

With regard to Clause 4, I want to say that as far as the functions of the institute are concerned, Clause 4 (a) which reads: "To provide training, consultancy and research services on commercial basis", I wonder whether that provides everything. My feelings are that the Minister or the Attorney-General should consider adding: "On professional and commercial basis".

I would like the word "professional" brought in this aspect so that we do not tie unduly the abilities of the institution to expand to professional courses should that ability be there, or should the circumstances and finances arise. So, I am asking that it should be found possible to include the word "professional" before "commercial" so that it reads: "Services on professional and commercial basis".

Secondly, where it says: "Which are designed to promote national development and standards of competence and integrate it in the Public Service, State Corporations and the Local Government", my simple suggestion is that we should simply say: "Both Public and Private Sector". We should simply say that instead of mentioning just a few areas. That will give the leeway for the institute to provide such courses.

I am hoping that the training will include, and this is not for the Bill, but I am merely mentioning it loud and clear that, hopefully, those courses will not only include good governance as hon. Ndicho mentioned, but also courses for good political parties. I am saying 'good political parties' because we have seen the marvels or the wonders of some political parties. I think the kind of things that we have been witnessing of late, could be addressed by KIA, thus, providing for wider courses and political courses inclusive of politicians as well. I think

some of us would do well to go for some of those refresher courses on how to manage a good political party and how to have a responsible Opposition party for that matter. I am sure my friends in FORD (K) did well, by hosting a very rowdy meeting over the weekend. Hon. Ndicho, these things could be avoided if we had an institute of administration that caters for this kind of area or discipline. I hope that I am putting this in good words and spirit.

**Mr. Orenge:** If you have nothing to say, you may simply leave the Floor.

**The Assistant Minister for Finance (Mr. Keah):** Mr. Temporary Deputy Speaker, Sir, hon. Orenge is interfering with my contribution, but I said it loud and clear, that even hon. Orenge needs to go to a refresher course, otherwise, he would not have been responsible for causing the violence experienced in this country.

**Prof. Mzee:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to impute improper motives on hon. Orenge as the person who---

**The Assistant Minister for Finance (Mr. Keah):** Are you asking if I am in order?

**Prof. Mzee:** Yes. Are you in order? Is the Assistant Minister in order, Mr. Temporary Deputy Speaker, Sir?

**The Temporary Deputy Speaker (Mr. Mr. Ndotto):** Certainly, he is not in order. Mr. Keah, withdraw your remark and apologise.

**The Assistant Minister for Finance (Mr. Keah):** Mr. Temporary Deputy Speaker, Sir, I withdraw the words that hon. Orenge caused the violence in Thika and I apologise. My words have been heard by the whole Republic.

Clause 5 (g) provides that not less than six and not more than 10 persons who do not hold office in the public service, or who are not members of the National Assembly shall be members of the Council. I think this is unfortunate. I am of the strong belief that certainly, there should be a Member of Parliament in this Council. That is my view and I am putting it to this august House that, perhaps, one Member of Parliament might be included in the governing Council of this Institute.

I would also like those not less than six and not more than 10 members of the Council to come from commerce and other professions. So, one member could come from among Members of Parliament and the others could come from professional disciplines. I think we ought to have on this Council a lawyer, a banker, an accountant and an engineer. At least, some of these disciplines should be represented in the Council. If we have representatives from the professional disciplines sitting together with Permanent Secretaries, as is provided for by the Bill, we will have a good mix and the Institute will produce good---

**Mr. Mwaura:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I agree with the hon. Assistant Minister that we should have a Member of Parliament on that Council. Would he also consider suggesting that an Opposition Member of Parliament (MP) should be a member of that Council?

**The Temporary Deputy Speaker (Mr. Ndotto):** Hon. Mwaura, that is not a point of order, at all. Try to catch the eye of the Chair and I will give you a chance to speak. Continue, hon. Keah.

**The Assistant Minister for Finance (Mr. Keah):** Thank you, Mr. Temporary Deputy Speaker, Sir. Hon. Mwaura, has not spoken. When he comes to speak, he can add that point of view of his. I will certainly not agree to his suggestion. I merely talked of an MP; let him note that in talking of an MP I am being magnanimous.

I am, therefore, emphasising the fact that there ought to be a provision that some of the six to 10 members of the Council should come from the known professional disciplines like accountancy, engineering and so on.

I will now turn to Clause 6(c), which is another enabling clause and - which makes the following provision: "to approve and submit through the Minister, financial estimates in respect of the Institute for consideration by the Treasury". I would like to see this Institute being as self-sufficient as possible in terms of finances. This is why I accepted, without too much fuss, in my view, the fact that the institute will have powers to borrow, receive grants and solicit funds from anywhere. In this respect, I would like to urge and encourage that this Institute should not be so much dependent on the Treasury. It should be able to find ways and means of earning its own finances. This is the reason why I am even suggesting that some of the members of the Council ought to come from the private sector. This will enhance its ability to raise funds. Its funds should not entirely come from the Treasury. So, I am urging for its self-sufficiency. If a clause would be inserted in the Bill to provide for that self-sufficiency aspect, I would be grateful.

Clause 6(d) makes the following provision: "to receive on behalf of the Institute grants-in-aid, donations, fees, subscriptions or other monies". I do not know whether the fees the Council will receive will be for tuition or whether it will be fees in relation to professional services as provided for in another clause. If this is tuition fees,

the Bill does not give the Council the power to levy it. I would ask that there be entrenched in the Bill, the power of the Council to levy the necessary fees.

**Prof. Mzee:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not think the hon. Assistant Minister has read this Bill carefully. The courses, consultancies and everything else will be run on a commercial basis, and there is a clause which provides for that.

**The Temporary Deputy Speaker** (Mr. Ndotto): First, that is not a point of order! Secondly, if you were here earlier, you should know that hon. Keah dealt with that point at length.

**The Assistant Minister for Finance** (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I would suggest that he waits for his turn, so that he does not disrupt my thinking trend. I am saying that if what I have said is provided for in the Bill I will be happy if the Attorney-General tells me in which clause this has been done. I am saying that there does not seem to be provided in the Bill, specific powers for the Council to levy the fees. Be that as it may, the Attorney-General will respond accordingly.

I have no problem with the rest of the clauses and I have nothing more to add on them. I have made my contribution on specific provisions of this Bill. Let me say that the only other thing that I did not find in the Bill is the power and authority for the Council to, in fact, establish campuses other than the Kabete one. I would like to see some flexibility so that the Kenya Institute of Administration could have branches in Kisumu, Nyeri and Mombasa, should the circumstances so permit. But it may be that this is already contained somewhere in this Bill.

With those remarks which, I believe, have been constructive, I beg to support.

**Mr. Mulusya:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute on this very important Bill. While we talk about an Institute which is supposed to train civil servants and other personnel to serve the public service and the private sector, at the same time, we are talking about an institution which will be purely interested in getting the right calibre of personnel to work in the private sector and Civil Service at certain levels. During the Colonial days when the K.I.A used to be what it is now intended to be, and when President Kenyatta took over, there was what was called discipline in the Civil Service and there was a chain of command in existence to be followed. For example, we are talking about a cleaner in the Civil Service knowing the Head of the Civil Service. We are talking about the Senior Assistant Secretary knowing who the Deputy Secretary in the Ministry is, and also the Deputy Secretary knowing who the Permanent Secretary is and the powers that go by that office. Consequently, the Permanent Secretary knowing who the Minister is, and what powers go with his office. What we are witnessing is something which is a run-down, a lack of or a disregard of this chain of authority. You cannot run a country in total assumption of a vacuum of chain of authority. You cannot afford to think that it is only that authority which comes from the Head of State which should be respected.

The Minister is the President's appointee and whatever he says, does or when he issues instructions within a Ministry, the Permanent Secretary and the staff below him must respect his instructions.

It is very sad for a country which has a Constitution which establishes certain offices to let things go as if those offices do not exist. I am referring to the issue of certain officers disregarding the chain of authority. What I am saying is that if you are a District Officer, you must know that there is a District Officer II, III, District Commissioner, Provincial Commissioner, Permanent Secretary, Minister, Head of Civil Service and, finally, the Head of State. At times instructions---

**The Assistant Minister of State, Office of the President** (Mr. Manga): On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt my colleague, but is the hon. Member in order to say that the Ministers in this Government have no powers to control their Ministries?

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Manga, Mr. Mulusya is only expressing his own opinion, the way he sees things. It may neither be right nor wrong, but just let him express his own opinion which he has a right to do.

**Mr. Mulusya:** Mr. Temporary Speaker, Sir, I did not---

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Mulusya, I have ruled that you continue.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, let hon. Manga--- By the way, I do not know whether hon. Manga is a full Minister or an Assistant Minister. If I knew, I would know what is happening in his Ministry.

**An. hon. Member:** After four years!

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, it is very bad when technical staff in a Ministry give misleading information to their Permanent Secretary to pass on to the Minister. That civil servant who is expected to know that he must always give the correct information gives wrong information to his PS. Consequently, the PS misleads his Minister and that civil servant continues to serve the Government, sitting in

that office with no shame for having misled the Minister. The Minister then comes to this House and gives a misleading answer. The Minister even endeavours to defend that wrong answer on the Floor of this House.

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Mulusya, are you still on the Bill?

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, I am still on the Bill. What I am talking about is what the KIA should instill into these civil servants. Hon. Mulinge will agree with me that an officer in the Kenya Army has to go through Lanet, where he is given drills for six good months and told when to salute and how to behave when he is going to meet his seniors. Here, there is very strict chain of command like who issues instructions, how, when and who is obeyed, to quote hon. Kiluta's words. It is very pitiable when you have set in place a system where there is authority, an established chain of command, then you get into an office where you are appointed by His Excellency the President, and then a very junior officer misleads you. As a result of being misled, you do things which may land you into prison. I am talking of a case where a Minister and his PS may end up being investigated by the Criminal Investigations Department (CID) while the mistake is not theirs. No action is taken against those junior civil servants after they have misled the Minister and made him sign a document which is criminal.

I would like to see a Civil Service where a civil servant knows what he is expected to do and what he is supposed to pass over to his senior to sign. Presently, things are being done as though that Minister or PS does not exist. We have seen cases where a civil servant contests a decision made by a Minister in other quarters and no action is taken against him. If we do not discipline civil servants, then the country will go into chaos. It will just be like what we have witnessed out there today, where horses had to be used to instil discipline in people who should be in Thika Stadium conducting their party elections, instead of bringing their party disputes here.

Mr. Temporary Deputy Speaker, Sir, I know of cases where a Permanent Secretary has to scramble for a motor vehicle with his own Minister. This should not exist, a Minister should be treated as a Minister and a Permanent Secretary should give preference to his Minister. We have seen cases, and it is not a fairy tale, where a Permanent Secretary is known to have slapped a Minister in this country just because the Minister had said that the Permanent Secretary was doing a, b, c, and d to his boss. I am talking about things which are now happening, and this is not a fairy tale.

**Mr. Obure:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has made a very serious allegation that a Minister was slapped. Can he substantiate that?

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, I do not want to get into that because it is very embarrassing.

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Mulusya, you either substantiate or withdraw?

**Mr. Mulusya:** My substantiation is that last year, hon. Kalonzo was slapped, being six metres from the Office of His Excellency the President, after they had seen His Excellency the President with his Permanent Secretary because they disagreed.

Nothing is hidden in this world! The other day, a Minister sent his driver to collect a vehicle at General Motors which had been donated. When the Minister's driver reached at the General Motors premises, the driver for the Permanent Secretary was already there at the to collect the same vehicle.

**The Minister of State, Office of the President** (Mr. Kones): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we had better deal with one issue after the other. Hon. Mulusya has said categorically that a Minister for Foreign Affairs and International Co-operation was slapped by his Permanent Secretary and that to him is a substantiation. Could he substantiate it further by telling us who witnessed, what happened after that and so on, because by just mentioning that so and so was slapped does not mean that he has substantiated? We want proper substantiation or withdrawal.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, a woman's slap on a man leaves marks. Those marks are there for days!

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Mulusya, you have made a very serious statement in this House and you have said categorically that a Minister was slapped by a Permanent Secretary and you have mentioned names. I do not think, hon. Mulusya, you realise the seriousness in that statement. You must substantiate beyond any doubt that it truly happened.

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

**The Temporary Deputy Speaker** (Mr. Ndotto): Order, he is on a point of order!

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, immediately after the slap, the two went back to His Excellency the President to accuse one another further.

**The Minister of State, Office of the President** (Mr. Kones): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think if there is a report to that effect, then the hon. Member should table that report here.

We cannot just go by reports that we cannot read here.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, I am not saying this is a report, but these are my notes. And there is no way one can produce slaps of last year!

*(Laughter)*

**Mr. Mwaura:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a serious matter. Hon. Mulusya, with all due respect, is my friend, but he has referred to the Permanent Secretary as a woman, Dr. Koskei, and the Minister for Foreign Affairs and International Co-operation as a man. I think this is not Parliamentary and it is not in order.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, I am sorry. I was referring to the gracious lady and the hon. Minister.

If I may proceed---

**The Temporary Deputy Speaker** (Mr. Ndotto): You have just made a statement and it is not satisfactory. I think if you have no other evidence to prove that the Permanent Secretary slapped the Minister, what you have said so far is not acceptable to the Chair and you had better withdraw.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, I do not know whether I should have come with new rules when I was coming to this House, but there are some things one cannot do. For example, one cannot bring an hon. Member to prove that he was slapped at that time, because you can only do so by showing a video tape and it was not video taped.

**The Temporary Deputy Speaker** (Mr. Ndotto): That is why I am advising you, because you are unable to do that and it is not satisfactory, what you have said so far to the Chair, withdraw and proceed.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, the only thing that I would have done is to bring in an affidavit from some people who witnessed, but have since been sacked from that Office. And in the absence of that, I withdraw. It is simply---

**Mr. Nthenge:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have rules of this House, and one of the rules is that we have to obey our Standing Orders. The hon. Member is talking about things which are only done in courts like affidavits. Here we are in Parliament, and we do not have to go by that. Why should that be introduced here?

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Nthenge, I have already ruled on that matter and I have asked hon. Mulusya to withdraw and he has withdrawn. I think, we should proceed.

**The Assistant Minister for Foreign Affairs and International Co-operation** (Mr. Muchilwa): On a point of order, Mr. Temporary Deputy Speaker, Sir. Although the hon. Member has withdrawn, he has not apologized for that serious allegation.

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Mulusya, you have withdrawn, but apologize and proceed. I think it is a simple matter.

**Mr. Mulusya:** I did, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ndotto): Yes, you did withdraw, but you missed the word "apologize."

**Mr. Mulusya:** I apologize.

Mr. Temporary Deputy Speaker, Sir, I want this House to know that when a Permanent Secretary was aware that his Minister had sent his driver to collect a vehicle, an Isuzu Trooper from General Motors, the Permanent Secretary also sent her driver. They went to struggle for the same vehicle until the Minister had to call the General Motors to tell his driver: "Do not come here without that vehicle"; and the Permanent Secretary issued the same instructions. This is a very ugly situation. I do not want to name names, but this should not exist. It should only exist where there is no clear establishment of chain of command. It should be brought back and that is why I am supporting this Bill because it will bring in, the chain of command. I will insist here that the civil servant who misled the Minister for Lands and Settlement to allocate the land which belonged to somebody else should be sacked. This was land LR 209/11263, originally LR 209/9664, on Jabavu Road and which had been allocated illegally to Delkin Limited and had a title. It belonged to somebody who was a presidential candidate in this country, Mr. John Harun Mwau. Before the Minister is questioned by CID on why he authorised that allocation, he should ensure that those civil servants who misled him that it was a free-Government plot, are sacked. They must be sacked because it cannot happen. They are embarrassing the Minister and the PS and yet they are simple civil servants. Whoever is protecting them must stop the habit.

**The Minister for Lands and Settlement** (Gen. Mulinge): On a point of order, Mr. Temporary Deputy

Speaker, Sir. I am not aware of what hon. Mulusya is talking about; it has never come to my notice. Can he, therefore, substantiate those remarks?

**Mr. Mulusya:** Gen. Mulinge is my kinsman and if anything happens to him in this world, I should be the one to use stones in his defence like the Raila's faction of FORD(K) is doing in order to defend hon. Raila. What I am saying is this: He should take note because this is a serious matter which is now being handled by the CID. This plot is LR No.209/9664. That number has been fraudulently changed to LR No. 209/11263. It is situated near Jabavu Road, which is next to Kilimani Police Station. This piece of land has been allocated to somebody under the name of Mr. George Masinde, acting on behalf of Delkin Limited of P.O. Box 49207, Nairobi. Mr. George Masinde is the son of a Minister in the Kenya Government.

They got approval in respect of that piece of land, because it has now become a Government policy to give clearance on any land allocated. It was taken to the Ministry of Lands and Settlement which falls under Gen. Mulinge. They were given information to the effect that this was a free Government land. Government officers did that. Hon. Gen. Mulinge and his PS signed the forms to confirm the this land was free. Unfortunately, this land is undeveloped and it is owned by John Harun Mwau, the national Chairman of PIC. Today, as we are talking, some of these officers have already recorded statements with the CID and the police is taking action. The hon. Minister does not want to grab that piece of land. He is just being misused to facilitate the grabbing of that piece land. He is very innocent and I can vouch for that. I can swear by the Bible that hon. General Mulinge is very innocent. I am prepared to spend my time to identify the person who wants hon. Gen. Mulinge to go home before his term is over. I can swear by the Bible that he will remain here.

We have parastatals being managed by people whose background is highly dubious. They have no special training. In the developed world, usually when one wants a big job, one is told that before the vetting system is completed--- I am talking about vetting system because the hon. Minister, who is in charge of that system does not know that it exists, is here. Vetting involves checking the credentials of people who are appointed to manage public institutions. I do not want to doubt anybody in this House, but what I am saying is that KIA is an institution which should offer quality training so that it can produce people who are able to think on many dimensions.

In parastatals, managers are told to audit their accounts within a certain period. However, due to the fact that these people have not been trained at KIA, they do not know what they are supposed to do. You will find that five years will pass without them presenting their audited accounts. They want the accounts to be audited after they have already completed their term or they have been sacked. This is due to massive mismanagement of the resources which were put before them. What we are saying is that the rules which we will established should be part of the curriculum at KIA. If one is a civil servant, then one should be able to follow the rules to the letter. If he flouts the rules, then one should be disciplined.

We are now faced by a situation whereby civil servants who have been appointed to manage parastatals do not know what they are supposed to do. The only thing which they know is the place where the next rally which the Head of State will address is to be held, so that they can use the limousines to go and attend that rally. Unless His Excellency the President is going to Machakos to talk about land matters, the Minister for Lands and Settlement should be managing affairs at the headquarters of the Ministry of Lands and Settlement.

If there is no issue concerning the security of this country which would require hon. Kones to accompany His Excellency the President, he should be in his office working diligently and not stirring violence and civil war in Molo.

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order, hon. Mulusya. You are out of order. Can you withdraw the remarks you have made about hon. Kones?

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, thank you for drawing my attention to the fact that I am out of order. Hon. Kones is a very good friend of mine. I know that next Saturday, he will be in Molo where he spends his weekends eating Molo lambs.

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Hon. Mulusya, it is okay to be in Molo doing what you would like to do with your friend, but what I am asking you to do is to withdraw the remarks you have made against hon. Kones and then you can proceed with your Saturday arrangements with the Minister.

**Mr. Mulusya:** I withdraw. I would like to inform hon. Kones that he should not be drunk about Molo lambs. He should enjoy eating Molo lambs with Kikuyus, Kalenjins and other people in Molo. They are his people. They love him. When I go there they tell me that he is a good man.

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Mulusya, have you withdrawn?

**Mr. Mulusya:** Yes, I have. I am now talking to him as a friend!

**The Minister of State, Office of the President** (Mr. Kones): I think I heard him several times saying



that on Saturdays I go to Molo to incite people to go into violence against each other, thereby causing civil strife. He has not withdrawn that and it is a very serious statement which he must withdraw and apologize.

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order, Hon. Members. I hate to stop or interrupt any hon. Member contributing. Hon. Mulusya, can you withdraw that statement.

**Prof. Mzee:** He has withdrawn.

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Prof. Mzee, I am a Temporary Deputy Speaker, but I am in the Chair. Hon. Mulusya, you have withdrawn the earlier remarks about hon. Kones. The second remark about going to Molo on Saturdays to eat whatever, has not been withdrawn. You have not withdrawn that and it is a very serious statement. Withdraw it and I do not want any qualifications. Withdraw and proceed.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, without qualifying anything I withdraw and apologize, but my invitation stays.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Ndotto): Order!

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, KIA should also include, in its curriculum, an element of training the civil servants and whoever goes into those offices, that corruption is an ailment. Modes of eradicating corruption should be taught at KIA. I believe that if we can have the right professionals to draw up the curriculum for various stages or training at various levels each training session must include, at least, one week to train civil servants about the ills which corruption can bring in the society we are living in. It is very bad and very discouraging. I want to quote the Governor of Central Bank of Kenya. Recently, in a speech he made, he said it is only in Kenya where millionaires are made overnight. Today, you wake up in the morning as a civil servant going to your office driving a ramshackle without even money to refuel your vehicle back home. But in the evening towards 6 p.m. you have already made arrangements to bank millions of money out of the normal banking hours. At 6 p.m. civil servants bank money while in the morning they went to the office without money. In the evening at 6 p.m. you are at the bank with a briefcase full of millions of shillings. That is Kenya today and that is what I am saying.

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

**Nthenge:** Are you defending him?

**The Assistant Minister, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not defending anybody, but if hon. Mulusya wants to help this country, can he be good enough and substantiate those claims?

*(Laughter)*

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, did you ask the Governor of Central Bank, Mr. Cheserem, to substantiate? I do not want to talk about the hon. Member because he knows what he was when he was a magistrate.

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Order! Hon. Mulusya, you know the rules of this House. You are a Member of this House and you know that you cannot make those derogatory remarks against a member of Parliament, unless you have a Substantive Motion to that effect. You have done it three times this afternoon. I am afraid I do not take that lightly and I am asking you to withdraw those statements without any qualification and this is the last time I am going to ask you to withdraw and apologise and you talk without making bad remarks against the other Members of Parliament.

**Hon. Members:** Arrows! Arrows!

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, again, as a good boy and without any qualifications, I withdraw and apologise. Can I seek for protection from you. This time I do not want to expect arrows to be thrown on my chest.

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Mulusya, forget what they are saying.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, what I am saying is that corruption---

**The Assistant Minister, Office of the President (Mr. Sunkuli):**

On a point of order, Mr. Temporary Deputy Speaker, Sir. You cut short this hon. Member because he is being irrelevant and repetitive.

**The Temporary Deputy Speaker (Mr. Ndotto):** Hon. Sunkuli, that is not a point of order.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, we have not forgotten as the Akamba community, the slur we got on Thursday through the Bishop of Nakuru Rev. Raphael Ndingi mwana 'a Nzeki and we are still praying as a community.

**The Assistant Minister for Lands and Settlement (Mr. Kaino):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Mulusya in order to bring the issue of Bishop Nzeki here? I think we are dealing with a sick man and if this man is---

**The Temporary Deputy Speaker (Mr. Ndotto):** Order! Order! I think hon. Mulusya, you seem to have finished what you had to say and I have tried to caution you several times. Can you wind up before I stop you, Mr. Mulusya.

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, what I am saying now is that the Kenya Institute of Administration should be able to train all calibre of people in this country. It should mix civil servants and business executives because that is the only forum where they will be able to meet and be taught the same things and to be able to know that they should run this country as one country for the benefit of those civil servants and the business people. Again the Kenya Institute of Administration should train civil servants on all basic laws which are applicable in this country. Civil servants should be enlightened about commercial laws. They must be able to know how much it hurts the economy of the country to delay decisions because the plague which is afflicting this country, is that of delay in decision-making. Where licences are supposed to be issued for certain businesses to start, such decisions should not be delayed. It is taking too long and where a business decision has not been made, it affects the growth of the economy of this country. The civil servants and the business community alike should be able to know the disadvantages of such delays and be able to work together to know that this country cannot afford to drag its feet any more. In the field of economic growth, you cannot afford to take two to three months when a foreign investor has come and has placed an application for approval of a business enterprise whether it is by the Ministry of Commerce and Industry or any other Government Department. That investor will decide to take his money and invest it in another country where decisions are made easily. We cannot help to eradicate the mass unemployment in this country if we delay in making such decisions. We will be able to eradicate the mass unemployment in the country when civil servants are able to complement the good role which is being played by the business community in this country. Those foreign investors talk very ill of us, especially when one comes here and stays for those three good months and yet he has placed an application for a certificate; everyday he walks into an office, he is told time and again "your file is still with the boss." Even if you came the following week, the same story continues until you opt for Zimbabwe, Zambia or South Africa where your money is required. Civil servants, and also Ministers, should be able to know what it takes to deny this country any form of and level of foreign investment at a time when we are crying over mass unemployment. We cannot afford to let the investments go to our neighbouring countries. They are now benefitting because the problem of bureaucracy seems be less in those countries. We must eradicate bureaucracy. The Kenya Institute of Administration should also tackle the issue of bureaucracy and aim at it. Reducing it to the most minimal level, and particularly this issue of paper work where every at place you go, you have to fill a form. There is too much paper work and this must be curtailed to the minimum.

What we are saying is that we want to grow and if the problem is that we are having people who are incompatible with the aspirations of Kenyans and if there is a question of age, let a Bill be brought to this House to reduce the mandatory retirement age of civil servants from 55 years to 48 years or 50 years when they are a little bit more useful and give the young people, who are able, at least a chance to work up to 6.00 p.m. Some of those civil servants who work up to 6.00 p.m. do not go home immediately after office hours. They do not go home directly; they go to the city centre, to those banks that remain open after 6.00 p.m. They go there and deposit their briefcases in a vault somewhere and retrieve them the following day. Those people should be able to know that we must move and at a pace much faster than we have been moving.

The other issue is, when DCs go to be trained at the Kenya Institute of Administration, they should be told that a licence for a Member of Parliament to hold a public meeting is a right. Once you have been elected by the electorate, they have given you the mandate to talk to them, to expound to them your policies, to tell them your party policies, what the Government is doing for them and what they should expect. There is a misconception to the effect that when you are denied a licence for public meetings, the way I have been denied since I was elected, that it will only require somebody like Gen. Mulinge to walk over to Kangundo and say: "elect somebody else

because this is a non performer." People know who has been denied public licences and who has not. They know whether you have the ability to work for them or not. These days, if you go to a DC, he can only understand a Member of Parliament if he is a Member of Parliament from KANU.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. I really would not have liked to interrupt, but can the hon. Member substantiate those two allegations he has just made now? First, that he has always been denied licences and secondly, that we only grant KANU people licences. I want to say here, that upon that substantiation the hon. Member is not telling the truth. Is he in order to mislead this House?

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, if I choose to fight in this House, least of all will I choose a Maasai. You know the relationship between the Kamba and the Maasai.

On the issue of licences, let him go to Machakos tomorrow and ask the DC, Machakos, how many applications I have submitted to his office since 1993, and how many have ever been approved to date? Let him ask. He only needs to call the DC and come to make a Ministerial Statement here that I was misleading the House, that is all.

**An hon. Member:** But you do not go home everyday!

**Mr. Mulusya:** I do not come from Trans-Mara, I come from Kangundo, a walking distance from here.

**The Assistant Minister, Office of the President** (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member, substantiate that we do not give Opposition Members licences?

**Mr. Mulusya:** Mr. Temporary Deputy Speaker, Sir, in Machakos District, there are many Members of Parliament. All of them except "J.W." from the Opposition, have been given innumerable licences for public meetings. Some of them have had to cancel their licences because they have nothing to tell the people. As for me the Member for Kang'undo, and the Member who represents the majority which voted against KANU in Machakos and Ukambani as a whole, I have never been given one single licence for a public meeting. Let them give me one licence, so that we try. The other day they came to Tala. Did you hear what happened? They were all there; from every part of Ukambani. And, it was---

**Mr. Temporary Deputy Speaker** (Mr. Ndotto): Order! Hon. Mulusya, I think you have finished what you wanted to say about the KIA Bill.

**The Assistant Minister for Commerce and Industry** (Mr. Osogo): Mr. Temporary Deputy Speaker, Sir, having listened to news from Ukambani, I think now, I had better change the frequency and broadcast from elsewhere. This is a very important Bill, but it is falling short of many things, and I would like the Minister concerned to take note of what I am going to say. The Kenya Institution of Administration is an existing institution. This Bill is just replacing it and turning it into some kind of a corporation which is going, as the Memorandum of Objects and Reasons says, to conduct its activities on a commercial basis. But it remains as narrow as it is at the moment. This Bill does not widen it. The Kenya Institute of Administration at Kabete has been training civil servants particularly in administration. I think it has been training a few officers from Statutory Boards. It is narrow in the sense that Clause 4--- I agree with hon. Keah, when he suggested that the word "professional" should be added just before the word "commercial". But it leaves out quite important matters. This Clause deals with the functions of the Institute.

I will read out Clause 4:-

"The functions of the Institute shall be- (a) to provide training, consultancy and research services on commercial basis which are designed to promote national development and standards of competence and integrity in the public service, state corporations and local governments;"

Mr. Temporary Deputy Speaker, Sir, I feel very strongly that, that Clause should be widened so that this Institute can also have some kind of training for Members who are elected to this House and councillors who are elected to the councils. I remember that in 1956 when I was elected as an African District Councillor, we used to have training of some kind for four weeks in an institute now called Maseno University. Those days it used to be called Maseno Training Centre. We were mere councillors. It was during colonial days, but we were being trained on how to handle matters in the Council and we were efficient. In fact, it is because of that training that I found myself into this House at Independence and I stayed in this House for long until I was rigged out in 1981. So, it is important to have an institute like this. At the moment, there is no institute which trains councillors and Members who are elected into this House. We cannot assume that whoever is elected into Parliament knows rules of debate and knows rules of how to behave when it comes to national issues. There is no institute which trains them. We remember, some of us who are old enough to remember that old Parliament consisted mainly of teachers who knew what debates were, because they were used to conducting debates for students in their schools. At this time, most of the people elected in this House are not members of the teaching profession and they have got

very little knowledge of what debating is simply because some of them have not been members of debating societies at the colleges or schools, where they have been and that is why the Chair is finding it difficult in this House with the Members who stand up and debate from both sides of the House. I am urging the Minister to widen this Institute. It is the only one available now. If it becomes a statutory institution for training, it should also include training Members of Parliament. If Members were trained, the type of thing that happened in the precincts of this House today where mobs moved into the precincts of this House to occupy an office of a leader of Opposition could not happen because they would know exactly that would be wrong. That means that the leaders in this House, I am not talking about the mobs that have behaved that way, they are behaving that way because the leader of that mob is not trained in any way to behave like a Parliamentarian, needs to be trained. I am suggesting that Clause 4 (a) also should include the Members.

The Minister in charge of this Bill is not the Attorney-General, but the Minister in the Office of the President. The Minister in charge of this Bill should either open the Institute to public and private service or if it is to be confined to the ones that are there, it should include Members of Parliament and councillors.

You will also notice that the functions of that Institute exclude the syllabus for the Institute. One wonders who is going to make the syllabus for the Institute. It is getting late and he has not included that anywhere. There is no clause which says who is going to make the syllabus for all the courses that are going to be studied in the Institute. I think that should be one of the functions of the Institute; to make its own syllabus for the courses that it is going to offer to the trainees at the Institute.

The hon. Member for Juja, had not read Clause 5. He erred by saying that he hoped the Chairman of the Council is not going to be selected by the people or the directors themselves as it happened in the Kenya Co-operative Creameries (KCC). If he had read Clause 5, he would have found out that the Chairman is definitely defined as an appointee of His Excellency the President. I think he had not read that point.

But again, with regard to Clause 5 (1), which specifically excludes any Member of this House to be a member, I have no quarrel with that. I think Members of this House should be trained there. They cannot be members of that Institute and still be trained there. They require training. That disqualifies them from being members.

I think the Clerk of this House should be a member of the Council if my suggestion on the question of training Members of this House is going to be accepted. I think the Clerk to the National Assembly should be a member of the Council.

Mr. Temporary Deputy Speaker, Sir, you will also realise that although the Institute is going to train Local Government officials, but not councillors, a representative, either the Permanent Secretary or another official from the Ministry of Local Government has been excluded. That is shown in Clause 5. The Minister who is in charge should take the responsibility so that, at least, a Ministry, which is going to train its officials through KIA, should be represented as Ministries are going to be represented as it is defined in this Bill.

Mr. Temporary Deputy Speaker, Sir, it is important that when a Bill comes here for debate, we should not deviate too far and wide from it and leave out very, very important points on the Bill which should be included. We should point out such points to the Minister concerned. I have in mind, points that were made by the hon. Member for Kangundo for example, when he wandered from place to place and gave us the history of Ukambani and the bulls which live there and how they behave. That had nothing specifically to do with the contents of this Bill and how it should be streamlined. We find that Bills that have been passed--- The Seventh Parliament will be a sad state of affairs if a number of Bills that have already been passed and became Acts of Parliament, will be challenged from the Bench of wigged and old wise men. They have already challenged one of the Acts that we passed here in the Seventh Parliament. They challenged the Drugs and Narcotics Act and their remarks were not kind to this House. They were right simply because, we do not read the Bills and understand how they are going to affect the people upon implementation by the lawyers.

I am aware that we have lawyers in this House. I once said that the Parliament of Mauritius in Tannanarive used to debate one Bill for a full year. I do not know what is happening there now, but at that time, three quarters of the House were lawyers. They could not agree on every word and each one of them was interpreting the words differently. This made a Bill to be debated for a whole year.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, April 17th, 1996 at 9.00 a.m.

The House rose at 6.30 p.m.