

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday 11th October, 1995

The House met at 9.00 a.m.

[The Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

DECENTRALIZATION OF NSSF

Mr. Sifuna: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, while noting with great concern the problem affecting members of the National Social Security Fund throughout the country when claiming their terminal benefit after attaining their retirement age, some of these members have to travel from their home districts to Nairobi to follow up their claims from the Fund and also other expenses incurred while travelling, for example, fare, food and accommodation, this House urges the Government to decentralise the payment of NSSF dues to district level.

ORAL ANSWERS AND QUESTIONS

Question No.493

SPONSORSHIP OF PROJECTS

Mr. Speaker: Mr. Salat! He is not in. We will leave it until the end. Next Question, Mr. Sifuna!

Question No.344

PAYMENT OF TERMINAL DUES

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

- (a) When Ex-serviceman, Mr. Henry Wanyonyi, SVC No. 10558, left the Armed Forces;
- (b) how much money he was paid when he went on leave from 13th October, 1994 to 12th December, 1994; and
- (c) whether he would ensure that Mr. Wanyonyi is paid all his outstanding dues without further delay.

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

(a) No.10558, Ex-Cpl. Henry Wanyonyi was discharged from the Armed forces on 31st August, 1987 on disciplinary grounds.

(b) Having been discharged on 31st August, 1987, he could not have proceeded on leave from 13th October, 1994, as claimed by the hon. Member. His actual leave days were from 31st August, 1987 to 29th October, 1987 both days inclusive, totalling to 60 days.

He was entitled to leave and ration allowances amounting to KShs.3,051.00 which were, however, not paid to him because he did not present himself for payment.

(c) The Ex-NCO will be paid all his dues (including gratuity) when he presents himself for clearance and final medical examination which is mandatory for all personnel leaving the Service.

Mr. Sifuna: Mr. Speaker, Sir, arising from that answer, it is not true that Mr. Wanyonyi has not presented himself. Mr. Wanyonyi presented himself and even submitted his medical report and evthing else has been requesting from time to time that he be paid his dues because all medical clearance certificates have already been surrendered to the Ministry. When is the Assistant Minister going to pay this man?

Mr. Manga: Mr. Speaker, Sir, I want to say that the ex-serviceman has been advised several times in writing by the Department of Defence to present himself for final clearance and medical examination. The last letter

was forwarded to him C/O Box 100, Bungoma, on 22nd August, 1994.

Question No.683

HOUSES FOR POLICEMEN

Mr. Speaker: Is Mr. Mbui not here? We will leave his Question until the end. Next Question, Dr. Otieno-Kopiyo!

Question No.642

PAYMENT TO COTTON FARMERS

Dr. Otieno-Kopiyo asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) whether he is aware that on the 5th January, 1995, Nyanza Lint Processors Limited, P.O. Box 18766, Nairobi, collected cotton from farmers of Kilital Village, Kawuor Sub-location of Central Karachuonyo Location, Homa Bay District, worth KShs.1 million and did not pay for it; and,
- (b) what measures he is taking to ensure that these farmers are paid promptly.

Mr. Speaker: Anybody from Ministry of Agriculture, Livestock Development and Marketing? We will leave that Question until the end.

Next Question, Mrs. Ngilu.

Question No. 576

OVERCHARGING OF TRADERS

Mrs. Ngilu asked the Minister for Local Government:-

- (a) whether he is aware that Kitui Municipal Council is overcharging small-scale traders at Kitui Municipal Market, and as a result driving them out of business; and
- (b) what the Ministry's guidelines on such charges are.

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Speaker, Sir, may I apologise to the hon. Gracious Lady, about the answer to this Question. The fax message has just come in from Kitui and is being processed in the office and, therefore, as of now, I am unable to answer the Question.

Mr. Speaker: What is your reaction, Mrs. Ngilu?

Mrs. Ngilu: Mr. Speaker, Sir, you are aware that this is the second time that this Question has come with no answer. How much more time does the Assistant Minister wants to have?

Dr. Wameyo: Mr. Speaker, Sir, I was discussing this matter with the hon. Gracious Lady and as I have said the fax message has just come in this morning from Kitui and the answer is being processed in the office and it will be ready any time this morning, afternoon or tomorrow because the message has come.

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

Mr. Speaker: What is it?

An hon. Member: Can the answer be tomorrow?

Mr. Ndicho: Mr. Speaker, Sir, I think the Assistant Minister is misleading this House and we seek guidance from the Chair, because this is not a Question by Private Notice, it is a Question which was asked about three months ago.

Why should the fax message come this morning when this Question was asked by the hon. Gracious Lady more than three months ago? Is he in order, to deliberately mislead this House?

Mr. Speaker: Question deferred to tomorrow!

(Loud Consultations)

Order! I am not attached to any Ministry. Next Question, Mr. Sankori! Sorry, I beg your pardon. Mr. Kamuiru Gitau!

Question No.675

PAYMENTS TO PEASANT FARMERS

Mr. Speaker: Mr. Kamuiru Gitau! He too is not there. We will leave it until the end. Next Question,

Mr. Sankori.

Question No.461

PAYMENT OF COMPENSATION

Mr. Speaker: Mr. Sankori! He is not there. We will leave this Question until the end. Next Question, Dr. Oburu Odinga!

Question No.588

RE-CLAIMING OF YALA SWAMP

Mr. Speaker: Dr. Oburu Odinga!, He is not there either. Next Question, Mr. Obwocha!

Question No.284

PAYMENT OF NSSF DUES

Mr. Obwocha asked the Minister for Labour and Manpower Development when the beneficiaries of the late Mr. John N. Mabwoga (ID. No.1645327/64, Membership No. 035-238-100) who was working for Magura Estate will be paid their National Social Security Fund benefits.

Mr. Speaker: Is here anyone representing the Ministry of Labour and Manpower Development? Very well, we move to the next Question.

Question No.149

VISIT TO PROVINCIAL HOSPITAL

Mr. Speaker: Is Mr. Shikuku not here? We will leave the Question until the end. For the second round, Mr. Salat's Question.

Question No.493

SPONSORSHIP OF PROJECTS

Mr. Speaker: Is Mr. Salat still not here?

(Question dropped)

Question No. 683

HOUSES FOR POLICEMEN

Mr. Speaker: Is Mr. Mbui still not here?

(Question dropped)

Question No. 642

PAYMENTS OF COTTON FARMERS

Dr. Otieno-Kopiyo asked the Minister for Agriculture, Livestock Development and Marketing:-
(a) whether he is aware that on the 5th January, 1995 Nyanza Lint Processors Limited, P.O. Box 18766, Nairobi, collected cotton from farmers of Kilital Village, Kawuor Sub-location of Central Karachuonyo Location, Homa Bay District, worth KShs.1 million and did not pay for it; and,
(b) what measures he is taking to ensure that these farmers are paid promptly.

Mr. Speaker: Is there anybody from the Ministry of Agriculture, Livestock Development and Marketing?

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir. In view of the fact that on Wednesday mornings, a tendency has developed that Questions are asked and the Ministers are not there or hon. Members are not there, could we not consider scrapping Question Time on Wednesday morning all together anyway?

Mr. Speaker: I have no opinion either way. You have first of all to amend the Standing Orders before we abolish Question Time. My better advice is that hon. Members and Ministers must attend all sessions of the House if they have business to transact, irrespective of the day and time!

(Question deferred)

Question No. 675

PAYMENTS TO PEASANT FARMERS

Mr. Speaker: Is Mr. Gitau still not here?

(Question dropped)

Question No.461

PAYMENT OF COMPENSATION

Mr. Speaker: Is Mr. Sankori still not here?

(Question dropped)

Question No.588

RE-CLAIMING OF YALA SWAMP

Mr. Speaker: Dr. Oburu is still not present?

(Question dropped)

Question No.284

PAYMENT OF NSSF DUES

Mr. Obwocha asked the Minister for Labour and Manpower Development when the beneficiaries of the late Mr. John N. Mabwoga (ID. No.1645327/64, Membership No. 035-238-100) who was working for Magura Estate will be paid his National Social Security Fund benefits.

Mr. Speaker: Is there anybody in from the Ministry of Labour and Manpower Development?

(Question deferred)

Question No.149

VISIT TO PROVINCIAL HOSPITAL

Mr. Speaker: Is Mr. Shikuku still not here?

(Question dropped)

QUESTION BY PRIVATE NOTICE

PRISONERS ON DEATH ROW

Mr. Murungi: Mr. Speaker, Sir, I beg to ask the Minister for Home Affairs and National Heritage the following Question by Private Notice.

(a) Is the Minister aware that the lives of the 55 condemned prisoners, who are awaiting their death at Kamiti Maximum Prison, are in grave danger, as they are being fed with rotten vegetables and other food, which is unfit for human consumption and that some of the condemned prisoners have been awaiting their death everyday for the last 12 years, during which they have suffered psychological torture and mental anguish?

(b) Is the Minister aware that six condemned prisoners have recently been set free?

(c) In view of "a" and "b" above, could the Minister recommend to H.E. the President that all the condemned prisoners at Kamiti Maximum Prison be pardoned?

Mr. Speaker: Is there anybody from the Ministry of Home Affairs and National Heritage?

Mr. Murungi: Mr. Speaker, Sir, since this Question is of an urgent nature could it be deferred to tomorrow?

Mr. Speaker: Yes, indeed. Very well.

(Question deferred)

Let us move on to the next Order.

MOTIONS

ESTABLISHMENT OF IRRIGATION SCHEME

THAT, in view of the current shortage of sugar in the country due to variable climatic conditions, this House urges the immediate establishment of Irrigation Scheme for Nyando Sugar Belt.

(Mr. Ogeka on 4.10.95)

(Resumption of Debate interrupted on 4.10.95)

Mr. Speaker: Mr. Nthenge was on the Floor.

Mr. Nthenge: Thank you very much, Mr. Speaker, Sir. The point I was raising is that the three essential components for irrigation are very much available in Kenya. That is, labour, land and water and we also have a fourth one which is the market. Instead of us importing sugar we can sell our own sugar. To be honest, we also have a market for sugar outside the country and we can export our sugar. So, I would like the Government to take this Motion very seriously. We happen to be lucky because God has made us rich in human resources. Other countries like those in Europe are short of people to do work. Here it is the contrast. We have a lot of men and women looking for jobs. We have land and it is just a question of us organising ourselves and making use of it. We can till that land, grow sugar cane and manufacture sugar and even consume sugar cane locally. It is very necessary for this House to look at the future of this nation. We should realise that the more you leave people to idle around the more they get involved in criminal activities.

This is because there are people by nature who are not creative. They have to wait to be led and they are the majority. Why do those who are in the position of leadership not create jobs for them and make them good people? Why leave them idle as if we are short of anything? We are short of nothing. Land and water are plenty. We have a lot of demand for sugar even in our own country. Everybody now knows that we require sugar to take chai, coffee and porridge. It is very necessary that this Motion is taken very seriously.

The other point I would like to mention is this: When we establish this Irrigation Scheme many people will work in the factories because sugar canes have to be cut and sent to the factories. For the factories to manufacture sugar, human beings will be required to do the work and so our unemployment problem will be solved. The establishment of this Irrigation Scheme will not only create jobs in the shambas but also in the factories because sugar canes have to be cut, transported to the factories and when sugar is produced it has to be taken to Garissa, Mombasa, Nairobi and other parts of the country. Again we are going to reduce unemployment by giving these people employment. I would not want us to take what other countries do. We have to be original and find out what the situation in reality is like in our country. If you walk in the streets of Nairobi - I invite hon. Members to leave their cars and walk in the streets - you will find that streets are full of people who are energetic and ready to work. They only want our leadership. If we establish this Irrigation Scheme we will definitely get all those unemployed people to get jobs. Some will be employed as drivers of tractors, drivers of lorries, working in factories, others will be working as engineers and so on. Actually, the intellectuals we are producing in the universities who are unemployed will get jobs. Mind you, it is very dangerous to have intelligent people unemployed. They can change into criminals. It is actually worrying to find people telling you that they have left the university and after obtaining a degree in economics or engineering and are looking for employment. This idea of intellectuals looking for jobs can cause this country havoc.

So, I am suggesting that we prevent this problem by creating jobs for these people. Do not forget that prevention is better than cure.

They are good people, but when they get fed up they become violent. It is natural that everybody can wait, but there is a time you can wait no more. Some of these people have looked for jobs for more than a year.

With those few remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. Awori): Thank you, Mr. Speaker, Sir, for allowing me to contribute on this motion. The Motion good. The only problem with it is the word "immediate". The Ministry of Agriculture, Livestock Development and Marketing, and this country, are aware of their responsibilities, and that we must help to increase production of food in the country. For sometime this country has been working on a policy on import substitution. We have reached at a stage now where we have to think very much of export. There is no reason why we should not be thinking very seriously of exporting sugar. At present we know that the cost of production of sugar in this country is very high. It is high because all the factories are still using the old technology. Mr. Speaker, Sir, when we start using the new technology, we will reduce the costs of production and we will be able to compete with the other world producers of sugar. We have now entered an era of liberalisation. By that we mean that we would like the Government now to do nothing, but to govern. Since the Government has got to govern, we would like to see private sector come into the production of sugar. I know that there are many people including the locals who would like to get into the production of sugar and I would like to see, for instance, the Muhoroni Sugar Factory taken over by the people, the farmers themselves and the leaders from the area. When they do this and they adopt the new advanced technology, they will reduce the costs.

Irrigation is a system which requires, also, new technology. In Nyanza and Western Kenya, we have been using canal irrigation. It is time now that we utilised Lake Victoria to help us do not only irrigation, but do two things at the same time; and to utilize the water for irrigation and initiate generation of electricity. We know that we can generate electricity by simply getting the water dropping three metres. With the proximity of Muhoroni to the Lake Victoria, there should be no problem at all. My only contention is if we are asking the Government to set up an irrigation scheme, we are going again backwards instead of going forwards, where we would like our people to participate in this. I am aware, for instance, that the residents of the Lake Basin, particularly around Kisumu, have stated that they would like to purchase the molasses plant in Kisumu. Perhaps, it is a question of looking at priorities. When the molasses plant was started, they were again, using the old technology. The machinery that is in Kisumu is so old that it would not be economic to produce molasses there. I, therefore, suggest that those who were ready and willing to float a company that would buy the molasses plant, should utilise the funds to buy Muhoroni and other companies like Chemilil which could be bought and utilise the funds for irrigation. There are different types of irrigation. It does not have to be canal irrigation alone. There is drip-irrigation which has been used very successfully for various agricultural output in various countries. We know that sugar production is labour intensive and I want to concur with my colleague who spoke earlier that if we can invigorate Muhoroni Sugar Company, we will deal with unemployment. Unemployment is the scourge of our country, it is bringing about a lot of crimes because many young people who complete school and cannot get employment, but must eat and get tempted to steal. Irrigation scheme to improve our agriculture is very much in line with our lives. Most of us live in rural areas. If we can improve the production of sugar companies in our country, this is likely to reduce the immigration of young people into towns so that they can remain and work in the sugar factory. Apart from the use of the word "immediate", Mr. Speaker, Sir, I do support the Motion.

Mr. Ndicho: Mr. Speaker, Sir, thank you very much for giving me this opportunity to support very strongly the Motion.

Kenya is one of the very highly potential countries which can produce sugar not only to feed and satisfy the local market, but also to supply the Eastern and Central Regions of Africa, but you will find that this is checked and prohibited by ourselves. It defeats all reason why, surely, all the waters of Lake Victoria and Nyando River which can be used to irrigate the entire region of the Nyando Sugar Belt to produce enough sugar for ourselves and for export which would earn this country foreign exchange. You understand the cry of the Members of Parliament and also Kenyans because of the unscrupulous and illegal importation of sugar by people other than the people who are heading the industry that should be able to encourage farmers. We have had occasion here to complain, even against the Minister responsible for agriculture himself, having been mentioned in connection with the importation of sugar ---

Mr. Speaker: Order! Order, that is beside the point. Last time, the hon. Member who did that, first of all, had a problem with his own substantiating and secondly, and this is the first thing I want this House to understand and to adhere to. If you have to discuss the conduct of any Member, then you have to follow the procedures laid down in the Standing Orders, which means that you have to bring a substantive Motion against that Member. No short-cut will be allowed. Proceed. You should desist from discussing the conduct of any hon. Member whose name you have not brought a Motion against. Proceed!

Mr. Ndicho: Much obliged, Mr. Speaker, Sir. I am sure that is a challenge from the Chair to our side. It is high time one of us from this side brought a Motion to discuss the conduct of the Minister. I am going to take it upon myself to bring that particular Motion and comply with that section of the Standing Orders.

Mr. Speaker: Order! That is hypothetical, Mr. Ndicho, and it is out of order. If you have an intention, do it before you tell us. Proceed!

Mr. Ndicho: Mr. Speaker, Sir, you can understand that many Kenyans this morning did not take porridge or tea with sugar. Why? Because sugar is one of the most expensive commodities we have in this country. One kilogram of sugar costs about Kshs50. Why? Because it is an imported commodity. If we can encourage the farmers, and Ministry of Agriculture, Livestock Development and Marketing can be serious about this issue, the price of one kilogram of sugar can cost as little as fifteen or even thirteen shillings so that our own people can enjoy the sweetness of this commodity.

I remember when we were in school, we used to take porridge or tea with sugar in the morning. These days, we hear there are a lot of strikes in various secondary schools because students are given porridge without sugar. It is not the wish of the management of the schools to give students porridge without sugar, but because of the expense involved in acquiring this commodity, schools can no longer afford to buy bags and bags of sugar as they used to do in the seventies when we were in school. That is why you find that the Ministry of Education is also involved because, unless it also increases the school fees so that every student pays more money to cater for this expensive commodity, then they will continue to do without sugar.

Mr. Speaker, Sir, the other problem which we have is that the people who are manning the sugar industry should be well paid and well versed in the management of the industry and sugar-cane growing, and not political rejects. When somebody fails to capture a civic or parliamentary seat, he is appointed to go and run a sugar company.

He will ruin that company and then we will go back to the same point at which we were. So, it is high time that the Ministry of Agriculture, Livestock Development and Marketing laid much emphasis on the growth of such commodities as sugar-cane. The white men are laughing at us. How can we sell this Africans a commodity which they can grow? We have become a laughing stock to the white men. They are viewing us as monkeys which have not yet completely evolved from the forest.

So, Mr. Speaker, Sir, it defeats every reason why even the Government cannot come out clearly and say enough is enough. It should discourage the importation of sugar and encourage such a scheme as the one the hon. Member for Muhoroni is asking for. The Government should look at this Motion, not as an Opposition Motion, but as something that is aimed at helping this country to be self-sufficient in sugar production as well as producing for the export market within the region. This will definitely earn the country foreign exchange. I am happy that hon. Members of the Opposition are viewing this with the concern that it deserves and that even the Minister for Transport and Communication, my friend, who also comes from a sugar growing region will definitely support this kind of Motion because, apart from helping the entire nation, it will also help his people to earn more money from the sale of sugar-cane to the factories.

Mr. Speaker, Sir, we are challenging the Government to ensure that what we can grow in this country should not be imported. We can grow enough cotton here to make a lot of materials like clothes and, thus, curtail the importation or *mitumba*. It is very bad for our fellow Kenyans to be wearing clothes of dead white men. But they have no option because the cotton industry is not thriving and, as such, the price of the little cotton that is there is not enough to satisfy the local market. Therefore, it is upon the Government to look at this things very seriously and, especially, those commodities like food which we can grow here. Kenya is a country that is really blessed by God. Other than the nation of Israel which is a blessed nation, Kenya is the second in the world because we are living under the law of peace despite the many threats that we have had in the past. Our country is endowed with a lot of potential for the production of many crops, including maize and even milk. Why should we import these things? When you import sugar, then you have to import milk from Copenhagen to make it even more sweeter.

The white men there make sure that once you import sugar, they also bring you the milk so that when you put their sugar in their sweet milk, it tastes sweeter than our milk, and then people think that the milk from the white man's land is better than our milk. This is abhorrent and it should be condemned by any right thinking Kenyan.

With those few remarks, I thank you, Mr. Speaker, for letting me catch your eye.

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

First and foremost, I would like to support this Motion because its essence is to make sure that Kenya has enough sugar and that we should not be facing this persistent shortage of sugar. There is no doubt that agriculture is the back-bone of Kenya's economy. About 80 per cent of Kenyans depend on agriculture for their livelihood. About 80 per cent of Kenyans are employed by this sector. Whereas we know that agriculture is the back-bone of this country, we find that at Independence, we had 30 per cent of Kenya's land being arable. Today, we have about 18 per cent of our land being arable. Because the desertification and land misuse, today we have less arable land. What is

really needed at the moment is to establish irrigation schemes to reclaim this land which was arable and to expand it so that Kenya can feed itself.

Mr. Speaker, Sir, we cannot call ourselves a proud nation if we continue to import sugar. At one time, somebody said that the Kenyan soil is so fertile that if you dip your finger in it, your finger might even grow. The sugar belt has been affected by so many factors. The sugar industry itself cannot really compete with the outside world.

First, Mr. Speaker, Sir, there is a lot of mismanagement in the industry. You will find that the managers of sugar factories like Nzoia, Mumias and Muhoroni have run them down. Partly, this can be attributed to lack of patriotism among these people. There is no need to accept to manage these firms if you know very well that you are going to run them down and make Kenyans suffer. It, for instance, takes a farmer 18 months to grow his sugar cane to maturity and when he delivers it to the factory, it takes him another about one year to be paid. This means that a farmer will not have received money for three years and yet this farmer has to pay school fees for his children, feed himself and pay for medical services and other purposes. If we are really serious about stopping sugar shortages in the country, we must first and foremost stop off-loading in our country of sugar in transit. Goods destined for Uganda, Tanzania and Somalia end up being dumped in this country. This means that locally produced sugar, on which cess and other duty have been paid, cannot compete in the market with the sugar dumped in the country. Furthermore, the imported sugar is of low quality and so Kenyans are being cheated by being told that imported sugar has high level of sucrose. It is high time that the Kenya Bureau of Standards (KBS) examined the standard of imported sugar, which has a low level of sucrose as compared to the locally produced sugar. You will also find that the imported sugar is very cheap and yet Kenyans go to shops and just buy any sugar since they cannot know which sugar is of low quality. If we have to improve the sugar industry there should be a level ground in the market for both imported and locally produced sugar. If tax is paid on the imported sugar then naturally locally produced sugar will compete well in the market with the imported sugar.

The issue of a free port has come in now. Operations in the free port should be organised in such a way that tax is paid on any sugar consignment going to any other country. For instance, Tanzanians who get their goods through the Port of Mombasa can pay their tax direct to the Port of Mombasa. This is how the free port will be useful: it will facilitate free movement of goods and services to other countries. So, it is high time the Mombasa Port became a free port, so as to stop this practice of transit sugar being dumped in the country and also to ensure that Kenya earns enough revenue from the imported sugar.

We have found out that the sugar industry has also been affected by poor infrastructure. Roads are very poor and when it rains farmers are not able to deliver their sugar cane to the factories. This makes farmers lose a lot of their crop. It is high time we came together and ensured that farmers are provided with good infrastructure. Feeder roads going deep into rural areas should be improved. Tractors that are really usable in rural areas should also be found for use by farmers. Now, outside experts are being called into the Nzoia Sugar Factory. I do not know what is happening with us Kenyans! We are only relying on foreign experts. For example, Bookers are coming to advise Kenyans on how to manage our sugar industry. Does this mean that we cannot run our sugar industry? What is wrong with our managers? What is wrong with our people? In south Nyanza, where these sugar factories are based, there are very many professors and other people who have many degrees! In fact, South Nyanza has the highest number of doctorates degree holders per square kilometre in Africa! And yet these people cannot manage our sugar industry! Why do we have to call for experts when these highly educated people cannot run our sugar industry?

Mr. Speaker, Sir, mismanagement is the cause of problems in our sugar industry. I can say that basically, that is what is causing problems in the industry. So, what we require is an improvement of the already established sugar factories. If this is not done I do not see the need for starting more irrigation schemes. This is because such schemes will only become white elephants. What is the use of having more sugar belts when we know that we are unable to manage the ones we already have? We know that the people in charge of our sugar industry are unable to manage it and yet we are calling in experts and paying them colossal sums of money. It is high time that we had good managers, who are competent, patriotic and who are ready to serve Kenya. A country like Eritrea has people who have dedicated themselves to ensuring that they improve their country. But in Kenya, when a person is appointed to manage a sugar factory he becomes the one to "finish" that factory. If we have to improve our sugar industry, the idea of proper management should be taken seriously.

With those few remarks, I beg to support.

Mr. Sifuna: Thank you very much, Mr. Speaker, Sir, for giving me this chance to contribute to this most important Motion. It is hardly a year now since our Government requested sugar cane farmers in this country to plant more sugar cane because we were lacking sugar in this country. At that time the country was importing a lot of sugar for use by this nation. Our sugar cane farmers throughout the country heeded the Government request and started planting a lot of sugar cane. Now, we have a lot of sugar in our stores. As I am talking now we are unable to sell our

sugar. Today Mumias and Nzoia Sugar Factories have stopped crushing sugar cane because there is no market for it. Meetings are being held between sugar companies and the Kenya Sugar Authority regarding what should be done with the much sugar we have in our stores. So, why should we call upon our farmers to grow a certain crop and then once they have done that the Government turns its back against them?

Mumias Sugar Company alone is holding sugar worth Kshs500 million. Nzoia Sugar Company has a sugar stock of about Kshs200 million; they even have nowhere to stock the sugar that they now want to produce. Now, sugar cane farmers are in a dilemma. This is because no sugar factory is willing to accept sugar cane from them! This has happened because the Government has imported a lot of sugar into the country. In fact, we are being told that the sugar we are importing from Brazil is six, and in some cases 10, years old? It is unfit for human consumption and yet the Government is allowing sugar imports! And furthermore, we have plenty of sugar in our stores. While I agree with the Government on liberalisation of the economy, this should not be undertaken to an extent where we are forced to liberalise even our stomachs or families, just because we have been told by the World Bank or the IMF to liberalise the economy!

We know that! And even this country had at one time refused some certain conditions of the World Bank and the IMF. Why can they not refuse to accept the issue of liberalising the agricultural sector? Take an example of rice. You cannot export rice to Japan or China at all! Even you cannot export maize to America. Why are we being forced to accept things which we cannot be able to do? It all beats logic when we hide under the issue of liberalisation when actually our Government or our Ministers are behind the whole exercise of importing cereals into this country. When they tell you to liberalise, can you accept even to liberalise your wife just because you have been told to do that? No! How can we do that?

Farmers are suffering and they have to understand that they are really suffering. Today when they start boycotting growing sugar cane, then this country will again start appealing to the farmers to grow sugar-cane. When they start growing sugar cane or maize, then certain sections of Kenyans start importing that particular cereal that this country was

lacking. We have plenty of sugar cane and maize in our stores and nowhere to sell. Whenever one asks a Question in this House, one does not do so for the sake of it. Any country which is forcing this country to import sugar, should also accept that, we can export our rice regardless of the quantity and then you would see whether it is true or not. Even the sugar companies in this country are polluted with political rejects. In a company like Nzoia Out Growers Sugar Company which is in my constituency, the General Manager of that company is 70 years old and when you tell him to retire, he says no because he is being protected by the Government as a KANU activist. We better have strong people who can lead and support our farmers in this country, but not just because one is being protected or one following the Opposition or the ruling party. Even when the Chairman of that company borrowed sofa sets from the company a year ago when he had the funeral of his father at his home, he has not returned those sofa sets to date. I brought a Question to this House to find out why the Chairman is misusing the company's property and I was assured by the Minister of Agriculture that he was going to look into these issues and make sure that the sofa sets are returned. To date, they have not been returned. Even the amount of money he is spending in fuelling this car and yet he is just an ordinary Chairman is beyond the salary of the Executive Chairman.

What I am asking this House or the Minister concerned is, why we have plenty of sugar in this country that our farmers or companies are no longer accepting buying cane from the farmers? The only answer is either the person behind the importation of sugar is not paying tax and that is why you find that the imported sugar is much cheaper than the local sugar and yet it has been established that the sugar we import from Brazil and other foreign countries is about 4 to 5 years old which is unfit for human consumption and yet you Kenyans allow yourselves to be used like a dumping country. We do not want to be cheated left and right and should we try to

import something into this country, let us put heavy taxes on that so that our locally produced sugar or maize should be much cheaper than the imported sugar or maize. Sugar cane farmers at Nzoia Sugar Company have stayed for more than two years without being paid and whenever we bring Questions into

this House, we are told by the Minister that the Government is looking into ways and means of raising funds to enable the farmers to be paid. Even we are unable to send our children to school and yet the sugar was sold, consumed and the money ended up, maybe in the Treasury. From time to time, we have requested the Government to inject in more capital in Nzoia Sugar Company so that this company can be able to pay the sugar cane farmers, but nothing has been done. Apart from refusing to inject in more capital, the Government has allowed the importation of more sugar into this country so that, these companies can be grounded so that the farmers can continue suffering. Is it because Bungoma District is in the Opposition or what is the problem behind the whole importation of sugar? We would like this question to be addressed once and for all. As I am speaking now, there is a meeting going on between sugar companies and representatives of Kenya Sugar Authority on what to do next and yet whenever you talk from morning till evening, the Minister has a deaf ear. He cannot listen because he is a party to the importation of sugar in this

country.

With these few remarks, I beg to support.

The Assistant Minister of Public Works and Housing (Mr. Mwamzandi): Thank you Mr. Speaker, Sir.

I do not agree that there is a shortage of sugar right now in Kenya. There is plenty of sugar. The only issue that I want to bring to the attention of my colleague the Minister is that the sugar we are having is not Kenya sugar. It is imported from outside when we have a lot of land that where we can actually grow sugar in this country. I do not even agree that there is need for irrigation because we have areas where sugar is grown without the trouble of having to irrigate. When I say this, I want to bring to the attention of the Minister for Agriculture that in the in Ramisi, for instance, we used to grow sugar. We did not at any time use irrigation system. You just plant sugar cane, there is enough rainfall, you harvest the sugar cane which you actually want. There is need to rehabilitate areas like Ramisi where sugar cane has been grown since 1923 without irrigation and this would stop the necessity of having to import sugar right now. As I said earlier that we do not have shortage of sugar because sugar has been imported into this country but is it really necessary to import sugar? Those businessmen who have been importing sugar have actually worked out to find ways and means of killing the local industries which we already have. That is why the Government is not at all encouraged to rehabilitate Ramisi sugar factory and if it is going to be rehabilitated, it means those people who import and get a lot of money by importing this sugar, we will not be able to earn that money. We should stop importing sugar so that we become self reliant in sugar production.

[Mr. Speaker left the Chair]

*[The Temporary Deputy speaker
(Wetangula) took the Chair]*

Today, you will agree with me that we hardly get the local sugar that we grow in our country; we only get imported sugar.

The Ministry should find ways and means of encouraging local factories---

The Temporary Deputy Speaker (Mr. Wetangula): Order, your time is up!

The Assistant Minister Public Works and Housing (Mr. Mwamzandi): Mr. Temporary Deputy Speaker, Sir, with those few remarks I support the Motion.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu): Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity respond to a number of critical issues that hon. Members have raised in the course of the debate on this particular Motion.

Mr. Temporary Deputy Speaker, Sir, the importance of a project of this magnitude within this area cannot be over emphasized. Hon. Members have friendly and openly discussed this matter and on more particularly on the sugar industry in general in this country. I would like to inform the House that the Ministry of Agriculture, Livestock Development and Marketing has put in what we may describe as Phase I of a rice scheme within the west Kano area. This project has consumed part of the water from Nyando River where the hon. Members are seeking the establishment of Nyando Sugar Belt.

We are in the process of looking into the Phase II of this particular project to expand the rice sector in this area. It would appear that taking into account that Phase I and Phase II have taken a lot of water from Nyando River, it is only after phase II has been properly studied and put in place that the Ministry may consider establishing a sugar belt within that area. Now, that the phase II of this particular rice scheme is in the process, we will look into possibilities of establishing a sugar belt in this area, but not until a feasibility study has been thoroughly carried out within the premises of the Lake Basin Authority which is in-charge of this particular and which controls the agricultural activities and water resources in this area.

Mr. Temporary Deputy Speaker, Sir, the water in this particular river is fairly used for domestic and animal use although the river is perennial, we think that the amount of water available in this river cannot at the moment support an irrigation scheme for the purposes of producing sugar.

Hon. Members have raised issues touching on the marketing of sugar especially on pricing and importation of sugar: You will recall sometime in the House, there was such heated debates about importation that have not been properly touched. It would be recalled for the purposes of record that the sugar industry, sugar marketing and sugar importation in this country is in the process of being fully liberalised. Unless, we are reversing the wheels of liberalisation, I do not see how we can over complain about this. We know there are gaps that have might have arisen in the process of liberalisation, but we are putting into a place suitable safety not by way of taxation.

The only issue that hon. Members have raised and which I consider serious is that there has been areas where hon. Members felt that there was tax evasion and that there was cheap sugar imported into this country and thus killing

the local industry. The Government is extraneously imposing or making sure that all taxes that are due are being properly collected and that no sugar comes into this country without being properly taxed. If we could only make imports in this country, particular sugar more expensive, I think it would discourage those who would like to bring in huge quantities into this country. With a liberalised market as some hon. Members have said, we are assured of a reasonable price for this commodity and many people in this country would be able to get sugar without having to pay very exorbitantly prices.

Mr. Temporary Deputy, Speaker, Sir, those who have been employed in the past and even in the present within the sugar industry are very qualified personnel, competent and relevant to that profession. Where they are areas where the employees have not performed to their expectation, the Ministry and Government have taken action to make sure that only qualified, transparent and accountable officers are working within the sugar industry.

We have put into place a restructuring system to make sure that the sugar industry is progressively, as I have said liberalised. We would like farmers either by the way of forming co-operative societies or companies, to team up so that they may participate fully while this industry which is being liberalised and privatised.

We have not seen any serious incentives from farmers who are willing to take over the sugar industry. We would urge the hon. Members who come from this particular and other areas that grow sugarcane to consider mobilising farmers or putting them together so that when full privatisation of sugar industry is being put in place they can also participate. It is not enough for us to say that the sugar industry is not performing well and yet you know that it is being privatised and farmers are not participating in the industry. I think that if all we put more efforts to make sure that our farmers and other organisations are fully involved while we continue with the process of privatisation we would be able to achieve something. The Ministry is aware and conscious of their problems, but the Ministry is fully involved to make sure that their problems are tackled well and whenever they arise.

Mr. Temporary Deputy Speaker, Sir, with regard to other matters touching on the sugar industry like pricing or marketing, we have put almost 50 or 60 per cent into the hands of private operators. Therefore, many Kenyans in general will be able to participate fully within a liberalised industry. I do not seem to agree with one of the hon. Members who said that we should accept to privatise this area when he knows very well and more particular within the Opposition that World Bank and IMF have insisted, and we have accepted as Government to proceed with the process of liberalisation. I think hon. Members, instead, of going backwards, should move now move forward and accept the challenges that we are facing in the sugar industry.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I would like to say that we are unable to support this particular Motion at this stage without having gone to the process of serious conducting feasibility study and letting the matter be discussed fully by the Lake Basins Authority which has jurisdiction within this particular in farming and water resources. With those few remarks, we object to this particular Motion.

Thank you.

Mr. Wamae: Thank you, Mr. Temporary Deputy, Speaker, Sir, for giving me this opportunity to support this Motion. I think this Motion is important to the extent that I think and I do agree the Government does not oppose it. The question of being sufficient on food production is of vital importance to this nation. Sugar cane is one of those important cash-crops which we should have in sufficient quality.

It is very interest, Mr. Temporary Deputy Speaker, Sir, when one drives around Nyanza, to notice that there has not been much development and one of the reason is that the Government has not put enough money in the infrastructure to make the Nyanza basin productive. Crops that are productive in that area are sugarcane, ground nuts, cotton and rice. It is an area which can be very productive if we can put enough infrastructure. The question of irrigation is very important.

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

[Mr. Speaker resumed the Chair]

In the current Development Estimate there is a figure of nearly Kshs700 million which has gone to a project called Kindaraji Dam. The other financial year, Kshs650 million was utilized on this Dam. If this Kshs1.3 billion was used for irrigating the Nyando area and Nyanza, it would have gone a long way in increasing food production. I agree that the question of liberalization must be proceeded with. The Government has become very inefficient in production, but, the private sector is not going to build the infrastructure. The Government must raise resources and build infrastructure, and the private sector will pay for them in the course of time. But, the infrastructure must be the responsibility of the Government. It is, therefore, important that resources be found to enable the Government to put up the infrastructure in place and let the users, including the farmers, pay a certain percentage for utilizing the irrigation

and this will be able to return the money to the Government or the area where they have borrowed it from.

Mr. Speaker, the food production, as we have said, is of great importance. We also support fully this question of liberalization, and it is important, therefore, that, the Government should divest in all the sugar mills in the country. Most of them except Mumias are losing money due of mismanagement and the best way is for the Government to sell their shares immediately, so that they can be privatised and run effectively by private sector. No private sector investor is going to make loss year after year, because, there is nobody to bail them out, but, when you have a Government, you just put more and more money even when you are losing. It is for that reason that we feel the privatization must commence, must be completed and the first priority be given to the farmers, and out-growers in those areas to buy the Government shares, because, by doing so, we will be spreading the wealth to more people in these areas.

With those few words, I wish to support the Motion.

Mr. Speaker: There being nobody desiring to speak, I will call upon the Mover to reply.

Mr. Ogeka: Thank you Mr. Speaker, Sir.

In replying to this very basic Motion which is of a universal advantage to all the Members in this House, given the fact and the very emphasis that we should not oppose nor propose for the sake of it, but look at the magnitude of the advantage of the particular issue to the Kenyans, I wish to register my sincere thanks to all those who have contributed to this Motion.

Indeed, a matter of food is a matter that touches on all of us and I am calling upon the Ministry concerned that this is a matter of food policy and we are trying to provide for the gap in terms of shortage so that we can be self-sufficient. The catchword which calls upon the entire Third World particularly Africa, is to aim at self sufficiency. The Motion, if so passed, first, will serve this country in, one, the increase of sugar production. Since Independence, our continent, the beloved Africa, is going to the negative side of production in agriculture, while we have been known as an area producing in abundance. At least Kenya was not importing sugar even up to the time of Independence. Ramisi Muhoroni and Miwani were running. Chemilil, Mumias and Nzoia came after Independence.

If you look at the utilization of those capacities plus the production of the land available, you find that it is inadequate. To whom do the wananchi fall to, other than the leaders? And I call upon our Government to enable Muhoroni to move from the current 95,000 tonnes per year from three factories, between 95,000 to 120,000 tonnes per year.

It has a capacity of producing 300,000 tonnes plus, per year. This will leave the country with hardly 150,000 tonnes to meet our national requirement. I, therefore, put it to this august House that, why do we not top the gap? Why should we be proud of under production, why should we be contended with producing below the capacity and count that we are happy enough?

The borne of contention here is: Mr. Speaker, Sir, after sitting in this House, in the 7th Parliament, to what extent have we utilized the resources available to us? One of them which we are giving the other countries to maximise its use is the water. As Egypt or united, the Arab world is developing at our expense merely because they are utilizing what comes from us as a virgin advantage for their use. In the real sense, have we maximised the use of natural water that God gave us freely? What about the land? I am calling upon us, at least, to maximise the use of this for the good of Kenyans, irrespective of the religion, the race, even the political belief! At the end of the day we remain answerable to Kenyans. How well have we faired in meeting their needs? One of the basic need is food, and this motion touches on food.

The second thing, the crucial issue to the Members sitting here, the privileged 188 plus the 12 nominated, 200, is the welfare of the wananchi whatever plan we are making, let it be made in terms of employment. Any project that we are looking into, we should look into terms of how many people will this project favour in terms of providing for their welfare? Currently, if we start irrigation in Muhoroni, I believe employment opportunities will be created. The water attendants, obviously, the cleaners of the canal, the attendants of even the water reservoir. We are going to have a fantastic opportunity to curb the flow of wananchi from the rural to the urban. As sugarcane increases in production, the factory utilization increases, hence the shift. Currently, Muhoroni is running one shift, Chemelil one shift, Miwani hardly a shift. If we have full production of cane, we are obviously through the Government law, Mr. Minister for Labour is here, an eight-hour-agreed-work schedule. We are going to have three shifts, for three shifts we are going to triple employment opportunities in these factories. We are going to do a lot of service to the wananchi and actually that is our cardinal responsibility. To provide for the welfare of the wananchi.

When we look at the side effects, not irrigation *per se* that the Member for Muhoroni wants irrigation. What will be the side effects for this country? First we are going to increase the production of the sugar by-products. The first sugar by-products we are going to produce is the bagasse. Currently, Kenya should equally be exporting paper. There is already a research which has been done and I am sure Webuye Paper Mills is running into a stage of producing paper from the paper bagasse. On the increase of that production, Kenya on the other hand is going to be self-sustaining.

On the question of increasing production, Kenya on the other hand is going to be self-sufficient in the production of paper. What a big advantage we are going to enjoy in this country in areas of printing, the packaging and so many other areas. At the same time, Webuye Paper Mill is going to increase its labour force because the raw materials are going to be abundant. At the same time we are going to save the natural resources. The paper industry is depending on trees. For a tree to grow up to the time of maturity, it takes so long. By increasing the sugar production, we are reactivating another industry that is going to trigger other activities. As regards molasses, there is no need to say many things. On the question of petroleum products, there has been a Motion in this House. The Minister did agree to initiate a programme with the aim of reducing the prices of petroleum products. In so reducing, we must get a substitute. The substitute is going to be extracted from the sugar by-products. What a great success? What a fantastic opportunity for the generation yet to come, only if we could be innovative in what we do?

On the question of side effects, we talk of the floods. Now and again the talk of floods since I was a young boy during the colonial days and after post colonial days, I have been trying to control floods. We are going to be known as a country that is afflicted by famine, amidst plenty. It means that we are going to go into record for being incapable of utilising what is available to us. To be first in the sea, demonstrates inability to improve the quality of water for your utilisation.

This generation will be no better if it impoverishes the country while the country has a potential to produce enough to feed our people. This will enable us to control the like the floods. Actually, what we are talking about is not an issue of stopping the water, but controlling it before it causes the floods. Why do we not build a reservoir. Why do we not store it. Why is it that we are not concerned with the two extremes, the plenty or too much and the scarcity? God has given us two alternatives, when there is too much, and when there is not too much. Why is it that we do not control when it is too much to take care of the time when it is scarce. All I am asking for is this: Why is the Ministry for Agriculture not storing the water when it is plenty, and use it when we need it. It is only plenty for three months whereas for nine months it is not plenty. During the three months you hear that the Provincial Commissioner for Nyanza has chartered a plane or a helicopter for taking food famine relief and all other things. We remain in record to blame for failing to utilise what God has given us. I am requesting the Government for two things.

The first one is priority of meeting the dire needs in areas of employment, food production and utilisation of natural resources. In the event of liberalisation we need goodwill.

With those remarks, I wish, seriously to request the Government to respond to the Motion to us and should employ an open approach for the good of our country.

Thank you very much, Mr. Speaker, Sir.

(Question put and negatived)

Mr. Speaker: Next Order.

APPOINTMENT OF SELECT COMMITTEE

Mr. Orengo: Mr. Speaker, Sir, I beg to move the following Motion:-

Being disturbed by the manner in which the late Member for Kisumu Town Constituency and Minister for Foreign Affairs and International Co-operation Dr. Ouko disappeared and was subsequently found murdered; aware that both the investigations and inquiries by the New Scotland Yard team and the Ouko Commission of Inquiry respectively, were terminated prematurely without a definite conclusion; knowing that the investigations by the Kenya Police have not ended up in the trial and conviction of Dr. Ouko's murderers; this House resolves to appoint a Select Committee to conduct investigations on the circumstances of the said disappearance and subsequent murder and to report to the House its findings with a view to securing and preserving evidence relevant to bringing to justice those concerned before such evidence is destroyed.

(Applause)

Mr. Speaker, Sir, probably, an appropriate prologue to the contribution that I am going to make today, would have been a replay of a speech that the late Dr. Ouko made in this House sometimes in 1982 or thereabouts, I remember I was a Member of this House at that time when he pleaded to the political barons of that time, to end the politics of what he termed in Swahili "Siasa ya kumalizana". I am sure that when Dr. Ouko spoke those words in 1982, he was not thinking about physical elimination, assassination or an end to his life, but he was rather thinking about the politics of intrigue, the politics of hypocrisy of the time. However, now that he is dead, those words have a

prophetic ring of a Greek tragedy, that today, we stand here and move a Motion on the basis of establishing a Select Committee to establish where the truth lies.

I am sure that many hon. Members of this House would agree that the late Dr. Ouko served this country with distinction and showed and displayed leadership qualities. He served this country as a member of the civil service. In fact, he was one of the first few Permanent Secretaries who were appointed by the Government on attainment of Independence. Later on, he was an advocate and an ambassador for this Government and went to many countries to do public relations and to defend this country in many places. I would want to say here that some of us may have disagreed with Dr. Ouko's political standpoints or even with his ideological position, but one cannot but respect his honour and his commitment to do justice to his country in the way that he thought best.

Therefore, in moving this Motion, I am hoping that for the first time, that this House is not going to be partisan. We are moving this Motion, and particularly with the support of the entire Opposition. We believe that the Constitution of this country protects and safeguards fundamental rights. The most basic right, as provided in the Constitution, is the right to life and liberty. Now, that we know that Dr Ouko was murdered, as a matter of fact, and now that we know that his murderers have not been revealed to this nation, are we defending the Constitution, therefore? I would want to urge this House to take the example of Parliament in 1975, when a similar Motion was moved to appoint a Select Committee to look into the disappearance and the death of the late J M Kariuki and some Cabinet Ministers also served in that Committee. I am saying here without contradiction that anybody who stands up here actually to oppose this Motion is a murderer. Because, if hon. Prof. Saitoti and hon. Biwott were to die in similar circumstances, and I would be the first person....

(Applause)

The Assistant Minister for Public Works and Housing (Mr Mwamzandi): On a point of order, Mr Speaker, Sir. The hon. Member has said that anybody standing here to oppose this Motion is a murderer. Is this right language to be used by Members?

Mr. Speaker: Order! Order! I agree Members are entitled to express their opinions, but, at the same time, I urge the Members not to curtail the free of others to express a different opinion, if they have.

Mr. Orenge: So, Mr Speaker, Sir, I was saying that if anybody, and most likely, if Dr Ouko was alive today, he would be sitting amongst you rather in the Opposition. I am saying that in these circumstances, I would still stand up and move this Motion because of what is guaranteed in the Constitution, that is the right to life and liberty.

Mr Speaker, Sir, before I go on, there are few things that I am going to say which I hope are not going to unsettle and settle anybody. I hope so because we are trying to discover where the truth lies. The Attorney-General and the Police Force have failed to tell us where the truth is. So, I am going to say certain things here which may sound or may appear to be unpalatable. But I am going to say them because you have not told us who killed Dr Ouko and I am going to attempt to show that, in fact, the killers of Dr Ouko are out there and can be arrested and apprehend, questioned and brought to justice.

Mr Speaker, Sir, I want to repeat words which were said in this House by hon. William ole Ntimama a month after Dr. Ouko died in March 1990. This is what he had to say:-

"I would like to touch a little on the death of hon. Dr. Robert Ouko.

In the Maasai culture when somebody dies, we forget about him and that becomes the end of him."

I hope that is not the position that the people across are going to take. I have appeared in many cases for Maasais, some of them charged with murder and never have they told me in those meetings that this is part of the culture of the Maasai people. I know it is not true that the Maasai forget one, once somebody is death.

Now, the facts, as much, are as follows: Dr Ouko disappeared under mysterious circumstances from his house the nights of 12th and 13th February 1990. From that time, Dr. Ouko was never seen again alive. On 13th February 1990, a little boy known as Paul Shikuku, was 17 years old at that time, found the body of what was believed to be the body of Dr. Ouko burning around Got Alila between Muhoroni and Kericho District. Now, the personal matter, again is that this young boy, Paul Shikuku and was in the trial in the High Court, nobody has known of his whereabouts and his a man who has got very vital evidence because he was the first to see the body of Dr Ouko burning, and nobody knows where this young man is. Like so many other people who worked around Dr Ouko, who were close to the players like the late Hezekiah Oyugi and many potential witnesses, many of them have died or their whereabouts are not known. So, one of the objects of this Motion, is at least, to try and preserve evidence from those who can still make that evidence available. But at the rate at which they are disappearing, if we do not take action quickly, then, I do not know whether we are going to have any witnesses remaining.

I have got a copy here of the J.M Kariuki Report. They expressed similar fears that unless action was taken, there were afraid that the Government was involved in an intensive and determined cover-up campaign and if

Parliament was not moved into secure evidence, many of those concerned or had information about the murder of the late J.M. Kariuki would disappear or die as it turned out. Now, on the night of 14th February 1990, the Special Branch in Kisumu were told of the disappearance of Dr. Ouko. The Special Branch Officer in Kisumu, a Mr Omwenga, instead of reporting this matter to the Provincial Police Officer in Nyanza Province and in the District, rushed to Dr Ouko's Koru home and for nearly 10 hours, he was at his house conducting his own investigation and the Provincial Police Officer in Kisumu and his other subordinates, only came to know about the death of Dr Ouko when information was received from Police Headquarters and the Police Headquarters was trying to make inquiries from Kisumu. Mr Troon has noted in his report that the role of the Special Branch must be fully investigated, because they were the first to this scene and many times, it looked quite clear that they were involved in a process of trying to contaminate sins and evidence. So that is an aspect that needs to be looked into that if a Select Committee is appointed to go into the root of the matter to find out why the Special Branch at that time was not acting in conformity with the other arms of the legal police, the CID and the rest.

Now, what was now moved amess was the last judgement once Dr Ouko's was discovered. Instead of approaching the whole thing with an open mind, a Government statement came out to say that the likely cause of Dr Ouko's death was suicide and this is not the first time. In the Julie Ward trial or investigation, again, it was said that this young lady had committed suicide. This was a theory by the Kenyan Police. When J.M. Kariuki disappeared, again, the theory was that J. M. Kariuki had gone to Zambia and information was given before this House that J.M. Kariuki was in Zambia. Now, again, this was coming from Government sources and one would wonder why a responsible Government before conducting investigation would rush to judgement instead of going into the investigation with an open mind. The other disturbing feature of this murder was that, whereas the police were saying that they discovered Dr Ouko's body on 16th February 1990, the Inquest Diary at Koru Police Station shows that an entry was made about the discovery of his body on 13th February 1990 when this young boy had discovered Dr Ouko's body. So, for three days, the Police were trying to work out the scenario as if they were looking for a body which they already knew where it was and the Inquest Diary in Koru Police Station bears witness to what I am saying. Again, in the J.M. Kariuki saga also an old Maasai farmer, gave the report to Ngong' Police Station that, he had discovered a body of somebody lying out there. He made the report at 10.00 a.m or 10.30 a.m. waited for nearly a day to ensure that the body had sufficiently decomposed beyond recognition.

So, there is a pattern whether you like it or not. There is a pattern in these murders that is disturbing and unless we look at them with diligence we may never get to the root cause of these murders and I am going to demonstrate that on the part of the Government it looks like mafia type is a code of silence. There is an attitude they have taken because while investigators are trying to find out what really happened, they have met with silence. Now the Government invites Mr. Troon to come and conduct investigations. Now before he finishes his investigations, he is ordered to prepare an interim report. Why is he asked to prepare an interim report from his own evidence and testimony at the Commission of Inquiry. It was quite clear there were leads that were taking Mr. Troon somewhere where the Government did not want him to go. There were people in this Government he wanted to interrogate and although he was insisting in interrogating those people. When the Government realised that Mr. Troon was not going to give up, he was ordered to compile an interim report before finishing his investigations. Now the matter goes to the Ouko Commission in Kisumu which was presided over by judges whom I think are all by now judges of the Court of Appeal. They are very senior judges. Now they are appointed to look into the circumstances leading to the disappearance and the death of Dr. Ouko. Before they are able to compile a report and give recommendations, their appointment is revoked and under funny circumstances because the Attorney General did not advise the Government or the President well because the President was expecting the Commission to compile a report but they did not compile, a report because they were already not in existence legally and therefore, they could not sit down and make recommendations. So again the millions that had been spent during the Commission went to waste.

The other disturbing feature was that the judges' offices and rooms were being bugged. Now why on the earth would you want to bug the judge's offices and rooms to interfere with their work? So, the Ouko Commission did not achieve anything in the end. Then the President orders that investigations should now be carried out by the Kenyan police. Now those investigations did not also go very far. They take a Mr. Anguka to court and now we have even evidence that some of the people who gave evidence against Mr. Anguka were paid and given employment as a basis for rendering those services to try and fabricate evidence against an individual and I have here in the letter of appointment of the key witness during the Anguka trial which shows that this man was appointed by the Government, given a job during the trial to make sure that he said what he was required to say. He is called Mr. Philip Rodi Ogutu.

Now my time is running out, but I want to say this: There are people out there with evidence and I have this statement which was given by the Government that no stone will be left unturned on 6th January 1992. "No stone will be left unturned until the culprits are apprehended and brought to justice." And before it said that investigations were going on in Europe, in the United States and a special unit had been created to look into the death and murder of Dr.

Ouko. As far as I know there is nothing going on. There are no investigations going on. So, the Government must rise upto its word to make sure that they continue with these investigations. Now I am saying that there are people out there with information and I have a letter which was written to me by somebody who alleges that he is in the Presidential Escort Unit. He gives his address. The thing is written on a police official paper. He gives the names of the people who were the killers, how much money they were given. They say here that somebody in this House wanted a tape to be recorded on the manner in which Dr. Ouko was being tortured and the information is all here. I will mention their names in a short while. The names are there and this is not the first letter we have got information from these people. There is another one here which repeats the same story. It gives the address and, therefore, people out there are not keeping quiet about this murder however much we try to wish it away or to run away from it, this information will still come in and the only way to resolve this matter is to appoint a Parliamentary Select Committee to investigate into this murder because Troon in his report has indicated that there was a massive cover up involving senior people in the Government and he says that there were two things. The trip to Washington that Dr. Ouko made with some people who are still here; the molasses plant in Kisumu and the question of corruption which again which is mentioned in these letters. A corruption deal involving about Kshs16 billion which Dr. Ouko was against. These three areas had something to do with the murder of Dr. Ouko. That this man died because he was against corruption and if again we do not want to get into the truth and the details of this matter, it shows quite clearly that we are against the truth and I think that will not be the best way of resolving a crisis in this nation.

Mr. Speaker sir, I want to say that these are names of people in the Presidential Unit. Their names have been given. There are people in this house and I am not trying to discuss the names and conduct of these people, but because evidence is coming, they must come out clean in this matter and this name persistently comes out. hon. Biwott's name is mentioned here and Prof. George Saitoti's name is mentioned here and I cannot disbelieve it because he said the people who poisoned him are the people who murdered Dr. Ouko. So he has a story to tell. The Leader of Government Business has a story to tell.

Mr. Speaker Sir, with those remarks I beg to move. Mr. Kiraitu Muringi will second this Motion.

Mr. Murungi: Thank you Mr. Speaker. I rise to second this Motion.

I think this Motion is a very important Motion because it deals with a very serious issue and I would like to appeal to my colleagues on both sides of the House not to be emotional about it. I appeal to my colleagues to be cool and to look in a logical manner at the Motion before the House. This is not a partisan Motion neither is it a Motion to promote Ford (K), DP or KANU. It is a Motion for members of Parliament to consider a very brutal [Mr. Murungi] murder of a former Minister in President Moi's Government. So we would be very surprised if any block of Members stood up at the end of this Motion to say the Motion either because it was moved by hon. Orengo or seconded by hon. Muringi. We would like the members to consider the Motion strictly on intrinsic grounds.

Many people have asked many times why we are concerned about the death of the late Dr. Robert Ouko. Many people say that we should not support Dr. Ouko because he was part and parcel of the one party dictatorship in this country, he was in charge of public relations; he was part and parcel of the cover up of the human rights abuses and the one party rule and, therefore, he should not be supported by the Opposition. But we are concerned about the death of Dr. Ouko purely as a matter of principle. It is the principal duty of every Government to protect the right, the liberty and the property of its citizens.

Mr. Speaker Sir, a philosopher called John Road said that if any Government is unable to fulfil its primary duty of safeguarding the lives of its citizens then that Government loses the mandate to rule; that Government loses the moral authority to rule and it may be replaced even using the force of arms because it will have failed in its fundamental duty to the society, it would have failed in its very reason of its existence. We in the Opposition are shocked at the violence and terrorism which surrounded the death of the late Dr. Ouko. We abhor, we are disgusted by that culture of violence and terrorism. We believe in a transparent and accountable Government, not only in financial matters but also in matters of rule of law. If any Kenyan were to lose his life in suspicious circumstances, it is the duty of the Government to leave no stone unturned until the public is informed about the circumstances of that person's death, about the reasons why the person died. The Government has a duty to reach out for the culprits and to make sure that they are brought to book.

Mr. Speaker Sir, we are supporting this motion because we want to challenge a lie. A lie was told immediately after Dr. Ouko died to the effects that Dr. Ouko killed himself and after he died he poured petrol on himself and set himself on fire. This Motion is here to disapprove that lie.

Mr. Speaker: By the way, I do not want to interrupt you, that word is unparliamentary. Can you get an appropriate word?

Mr. Murungi: Mr. Speaker Sir, we are against that falsehood. We have had a culture in this country where prominent people die then we have a show of some form investigation. That show is in fact a coverer up of the death. Early after our Independence, we had an M.P. called Pinto who was killed and up to today we do not know who killed

him. In Jomo Kenyatta's time, J. M. Kariuki was killed, a Parliamentary Select Committee was set up to investigate his death, but today the police still says the file is open, but they have not arrested anybody in connection with that death. In North Eastern province we have 2,000 Kenyans killed in the so called Wagalla massacre but nobody has been arrested with regard to the death of 2,000 thousand people. It is time for us to say no to this culture of violence, to this culture of terrorism and sometimes it looks like State terrorism. We are aware that there was serious blockage in the inquest of both J. M. Kariuki and also in Dr. Ouko's inquiry. It would be a great shame to us as Members of this parliament if we say we are defeated. At no time should we refuse to rebuke the killers, at no time should we accept this evil deeds on the grounds that the police have been unable to investigate.

Mr. Speaker Sir, it is our duty as a Parliament to continuously rebuke and continuously condemn the killers of politicians in this country. This Parliament should never give encouragement to these evil deeds by giving up and say there is nothing we can do about it. So, it is for this reason that we are asking members from both sides of the House to support this Motion. This Motion is a litmus test as hon. Orengo has said. It will let us know who support the killing of politicians in this country and who rejects the killing of politicians in this country. You stand up here and open your mouth and say you are against this Motion, then we shall know who you are.

Mr. Speaker Sir, the colonial Government should get credit for one thing. The Colonial Government did not kill Harry Thuku, it did not assassinate Jomo Kenyatta, it did not assassinate Paul Ngei, it did not assassinate Bildad Kaggia. It is only after Independence that we have top politicians who are considered opponents dying in mysterious circumstances.

Mr. Speaker, it is a very great shame to us as Africans running independent governments to eliminate our opponents. Today we have an opportunity as a Parliament to say that no Kenyan will mastermind, the killing of his opponent in this country and get away with it. It is also our opportunity to today to say that we shall never rest and we shall never give up as Members of Parliament and no stone shall be left unturned by us, however, heavy it is until the killers of the late Dr. Robert Ouko are known, captured and punished.

It is for these reasons that I urge my colleagues especially in KANU to show their disgust for the death of their colleague. You knew Ouko better than ourselves. These are the people who sat for dinner with him. We did not do so. You are the people who sat in the Cabinet with him, who did not do so? These are the people who travelled abroad with him. You are the one who should fight hard to make sure that the killers of that friend of yours are branded and brought to book.

(Question proposed)

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to respond on behalf of the Government. This is a very important Motion, which should be treated seriously, and which I will appeal along with the appeal that has come from the Mover and the Seconder of this Motion, that we should listen to each other, put our heads together, and really see how best we can move forward.

Mr. Speaker Sir, the fact of the matters are, that I do agree that it is the Government's duty to preserve and protect lives. The Government will not shun from that responsibility. It is the Government's duty and, indeed the duty of every citizen of this country to co-operate in any manner possible to ensure that the culprits are brought to book, and they will only be brought to book, if we can obtain sufficient, credible, sustainable evidence which can stand the charge in a court of law.

Mr. Speaker, we need to be very cool and sober, on this matter. Let us not give each other "labels" when we are discussing this issue, let us look at the reasons being given by each and every person. Let us not call others "murderers", because to call them so, it is really contrary to the Constitution and the laws of this country. Only the court can call and find somebody guilty of murder. So, I would appeal to all of us, let us listen, let us see the way forward, the objective, really being, how can the right to life be protected and how can those who violate this right be brought before the court.

Mr. Speaker, Sir, I would also like to put on record the fact that the late Dr. Robert Ouko made sterling contribution to this country, but not just to this country, but also to the East African region, because he was first a Minister in the East African Community. I can also say that I also knew him. I can also say that during those days I was involved in international human right activities, I think it was Dr. Ouko among the few in the Government who understood what I was doing. So, when I speak, I speak as the Attorney-General, I also speak as a person who also feels very strongly that the killers of Dr. Ouko should be brought to book.

I think the nation received the news of Dr. Ouko's death on 16th February, 1990 with shock, and has been stated thereafter very quickly, the "suicide theory" came out and this brought demonstrations, particularly by the university students going to the streets. The passing of this Motion it has been said is to prove the lie that this was a

suicide theory. But I want to state, that, that has already, in effect, been proved. Because what happened thereafter, if the House will recall, is that His Excellency the President brought in the Scotland Yard. He said "okay, somebody has said this is a "suicide theory" and there is considerable doubt, let us bring in somebody independent to investigate". And so within five days, on the 21st of February, 1990, detective Superintendent Troon accompanied by detective Inspector Graham Dennis and detective Srg. David Vanderson from the International Organisation Crime Branch of New Scotland Yard, arrived in Kenya, and embarked on investigations.

The interim report was submitted on 7th June 1990, but thereafter, the final report was submitted on 28th August 1990. In other words, three months after the interim report that the Hon. Member of Parliament referred to. They were allowed to go and submit the final report which was submitted three months later on 28th August 1990.

I will refer to the recommendations contained in the Troon Report subsequently, but suffice to state at this stage that at paragraph 279, while he could not rule out the suicide theory, he found it highly unlikely and that in all probability Dr. Ouko was murdered. This finding is also repeated in paragraph 295 of the Report. At this stage I will also wish to say this, that in that final Report in paragraph 297, Troon did admit that even if the recommendations he had made were carried out diligently and in total impartiality, they may still not be able to produce evidence of the true cause of Dr. Ouko's death.

After submission of his final Report, on 2nd October 1990, His Excellency the President in his effort to find the culprits who killed Dr. Ouko, appointed a Judicial Commission of Inquiry, to enquire into the circumstances surrounding and leading to the disappearance and subsequent death of Dr. Ouko. The Commission sat from 9th October 1990, to the day it was dissolved on 26th November 1991, a period of over one year. During this period, I think over 160 witnesses gave evidence. What is important, as far as that Commission is concerned to me, and one should always also try to look at the positive side of things, is the fact that the entire contents of the Troon Report, what he did, whom he interviewed, what were his findings, what were his recommendations, the entire contents of that report became known to the people of this country, because it was published through that Commission. So, the people of this country are aware of the contents of the Troon Report, they are aware of the detailed recommendations he made as regards further investigations and further enquiries which were necessary in order to bring to book the culprits who killed Dr. Ouko.

There is one thing that should be known, that the Troon Report is saying that at the moment they do not have enough evidence, but there should be further enquiries along a number of lines some of which the hon. Mover has referred to, that there should be further enquiries on that. His Excellency the President then directed the Commissioner of Police to proceed with due diligence and speed with further investigations along the lines recommended by Troon himself, with a view to finding sufficient evidence to convict any person or persons involved in the said murder.

I think the Mover of the Motion also referred to the interferences, particularly from the Special Branch. It is true that the Troon Report does refer to those interferences. That was not a matter that was lost to His Excellency the President, who further directed the Commissioner of Police to investigate the interferences into the investigation processes, as mentioned in the Troon report.

I can assure this House, that the Commissioner of Police did investigate and it took him about six months and did produce a report which then came to my desk. This is a report on further investigations. You may recall at that stage that on that very day that the Commission was dissolved a number of persons were arrested including Hezekiah Oyugi, Nicholas Biwott, Jonah Anguka, Inspector Ajuoga, James K'oyoo, Selina Were, George Oraro, Paul Gondi, Ouko Relu and so on. In addition to that very many other people were questioned along the lines recommended by the Troon Report. Government officials and security officers, who accompanied the President to the Washington meeting, including those officers who were alleged to have interfered with investigations by Troon including people like Ms. Ogembo, Oyugi's bodyguards, Omino, Wetang'ula, Julius Kobia and so on were investigated. They went further with their investigations. At that time a number of enormous documents were being circulated, asking "who killed Dr. Robert Ouko, and why?" Such a document was being circulated, such as Mbanja's affidavit on this whole issue.

All those matters were investigated by the Police pursuant to further investigation as ordered by His Excellency the President.

After they had carried out all these investigations covering more than 80 pages of typed investigations, going into the lines recommended by Troon and even going further, the only evidence that could come out on which we could sustain a charge in court was evidence against Anguka. This was circumstantial evidence and the case was heard again for many days. In fact, it was almost a double hearing of the case because Justice Abudalla who had almost completed the case, died and another Judge Justice Aganyanya had to takeover.

Now, in the course of the hearing of that particular criminal case, as you all know Justice Aganyanya, came to

a conclusion that Rodi's evidence was not credible and therefore, because of that he found Anguka not guilty of the murder of Dr. Ouko. But, I can say, that even in that trial there were a number of allegations which came out which touched on many people like Nicholas Biwott and other people which came out during the trial. Every statement was made available because it was part of the committal bundle which one must have when dealing with a murder case and so on. The persons were made available even to the defence counsel for cross-examinations to "go in and answer for yourself go in and be cross examined" and so on, but the opportunity was not taken up so much so that Justice Aganyanya at page 55 of his ruling did state that, "there was an attempt by the defence to drive the names of other Kenyans into this case. They included some prominent personalities who had accompanied his Excellence the President in Washington". Then he goes on particularly to the name of Mr. Biwott and other people. Then he laments at page 57 of the ruling "the court waited in the hope that evidence would be called to highlight what part these people played in the murder of the deceased, but up to the end of the case no such evidence was called".

So, here we are: we thought we had circumstantial evidence against Anguka through due process of the laws, he was found not guilty and as far as the Attorney-General is concerned the file is still open.

(Laughter)

Part of this Motion calls upon the preservation of evidence relevant to bringing to justice those concerned so that such evidence is not destroyed.

Mr. Speaker, Sir, I think some mention has been made of the J.M. Kariuki murder. It is my opinion that a distinction shall be drawn between the J.M. Kariuki, Parliamentary Probe Committee and what is being asked for here. You may recall that J.M. Kariuki's body was found on 3rd of March, 1975. Within ten days, the Probe Committee had been appointed in order to preserve evidence. In criminal investigations, if the aim is to preserve evidence for the future, then action must be taken timely, within a very short time, after the commission of the offence. In J.M. Kariuki's case, at least there was justification for having the Probe Committee because of the events that happened thereafter, which have been mentioned. Within a very short time the Probe Committee was constituted. Here, Mr. Speaker, Sir, we are talking about matters which are already in the public domain and, even Mr. Troon Report, it is already in the public domain. It is to be found in very many places. If it is the Anguka Trial, it is in the public domain. The issues that arose in the Gicheru Commission, are matters in the public domain. In fact, possible witness, a number of whom have died have given their statements for two, three or five times over. These statements are kept in various places. If it is a committal bundle for Anguka, it is again available everywhere. So, that type of evidence is, well preserved. What we require, and I would like to repeat to the House, is additional evidence which can form the basis of prosecution. My learned friend has referred in this House, to a letter which I am not aware of, but that evidence should come forward. I am normally disturbed when, particularly leaders from Nyanza, go on saying their people should not co-operate with the police in investigating the Ouko murder.

hon. Members: Where?

The Attorney-General (Mr. Wako): That has been reported. Mr. Speaker, Sir, I can substantiate that. You should have said: "please co-operate with the police". Some people during the funeral said, "do not co-operate with the police". Some people have spoken as--

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

Mr. Speaker: What is it?

Mr. Orengo: Mr. Speaker, Sir, since the hon. Attorney-General has made an allegation, could he be ordered to substantiate that allegation?

Mr. Speaker: Which one?

Mr. Orengo: That, some leaders in Nyanza have told people not to give evidence to the Police. That is a serious allegation.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I will be able to lay on the Table reports of this nature.

An hon. Member: When was it made?

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, it was made in August last year.

An hon. Member: By who?

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, by five of you. I will table the document and I have further referred to this matter quite often in my previous statements. They did say at a funeral, after I had issued a statement that the file is open and appealed to people to co-operate with the police, they did say, "do not co-operate with the police".

Mr. Speaker, Sir, some wanted to privately prosecute as if they had evidence in their possession which I do

not have. So, I would really like to appeal to everybody, and particularly those from Nyanza, and I am saying so because the people who were in the household of Dr. Ouko that night that he disappeared were all people from Nyanza. That is a fact. They were all people from Nyanza, and therefore, the people who are likely to have such evidence are people from there. Please ask them to co-operate with us, so that we can really find the killers of Dr. Ouko.

Thank you.

Therefore, Mr. Speaker, Sir, I oppose the Motion.

Mr. Kibaki: Mr. Speaker, Sir, I rise to support this Motion.

It is a great pity that the Attorney-General of the Republic of Kenya uses very flimsy excuses to try and say that there is no merit in investigating this matter. This matter has to be investigated because of very obvious reasons. First and if it has been spoken let me repeat it; since Dr. Ouko died there was an effort to prove suicide and - he is fond of talking about speed- the Commissioner of Police and the Permanent Secretary in charge of security went at great speed to try and prove that he had committed suicide. This nation has not forgotten that fact. In fact, it is still remembered very vividly. I therefore, ask that if the Government wants to be believed it must clear why they were in a hurry to try and show that Dr. Ouko had killed himself when they knew for sure that what was in front of their eyes was that somebody had been murdered and burnt.

Secondly, as Troon Report does emphasize, during the inquiry by those people he is saying were trusted and were brought from abroad the evidence came to show out that police themselves were obstructing the work of the investigators. Police are on the side of the Government. They should be helping the investigators invited by Government to do investigations, but they were not helping. So, in the mind of the ordinary Kenyans there is something which was being hidden.

Thirdly, during the effort to try Anguka as the one man who could be tried, what the ordinary Kenyans were asking was; if the District Commissioner had any grudge whatsoever or a reason to kill Dr. Ouko and the Government jumped to that particular outlet it was a way to try and finish this case. It was never finished because the man was acquitted and more important, during his evidence which we all did read with a lot of scrutiny it became very clear that the work of killing Dr. Ouko was one, done with a lot of expertise, secondly, very highly organized and thirdly, it was supported by very senior organization within the system of Government of Kenya. I am saying this not because we want to create any problem, but because we want the Government to be as interested as the rest of Kenyans. That the truth shall be reached. Equally important, since the trials begun almost all of those who knew anything to do with Dr. Robert Ouko in his final days have been eliminated. They have died. This is not mythology. It is life, we are living through and people have records of these names and they know the circumstances under which those people have died.

So the suspicion that criminals are still being protected in Kenya is firmly in the mind of Kenyans and the Government cannot change this position unless it is willing openly to clear its conscience since I hear that they want to clear their conscience. If we genuinely have a conscience truly it should be a conscience seeking why a senior Minister of Government died in the hands of Government because he was protected. He had been ordered to stay at his home. He was taken from his home and he was under Government protection. He was taken away and killed and the circumstantial evidence that the Attorney-General is talking about leads to one question: how could Dr. Ouko, under the protection of Government, be taken away without the knowledge of Government and killed and then they try to prove suicide. Those circumstances must be cleared. They can only be cleared by a Select Committee because nobody is going to believe stories. We are clear on the sequence of events that led to that particular issue. What I want to say is that the Attorney-General is quite contradictory in telling us that because time has passed--- Time has not passed. He himself deep in his conscience knows it, but he is afraid to say so. If time had passed why has he not closed the file? Why is the file still open? Is it open waiting for something from Heaven or from where? It must come from us. It must come from our own investigations.

The Attorney-General must stop trying not to be the Attorney-General. He should do something and not hide behind words. If the file is open, it means he is still waiting for information and this Select Committee will give him that information because there are people willing to talk to the Committee. Fundamental in all these matters is why was Dr. Ouko ordered, as it came out in all this evidence, to leave Nairobi to go to Koru and stay there until he was wanted. Why was he ordered to do so? It was for a purpose and the purpose was finally fulfilled. He was killed.

Equally important, a senior Minister of

Government cannot die and be burnt and then the Government keeps quiet that the matter would be solved by time. We are fooling ourselves. This will never be solved by time. The matter can be solved by speaking openly.

I was very tickled the other day to hear the Head of Government of this nation talk a about another country called Rwanda. He said that things must be done in a systematic manner. Very good. Then I asked the question: Why was the Gicheru Commission disbanded? The Gicheru Commission pursued this matter systematically and it was coming to the end. It was coming professionally to a conclusion then somebody decided it was getting too close for his

comfort and that was the moment that Gicheru Commission was disbanded. Now, the responsibility of the Government, having disbanded Gicheru Commission, is to pursue the matter from where Gicheru had reached and come to the conclusion but they are not doing it. We do not want to hear pretence that the file is open and the police are investigating the matter. They are not because from the very beginning of the investigations they were obstructing the investigations. Therefore, the only two routes left for us as the hon. Members is if the Gicheru Commission is restored to complete its work we could listen. If not, the only other alternative is what we have said as hon. Members that we must have a Select Committee.

Mr. Speaker, Sir, Dr. Ouko was a Member of Parliament. He was a colleague and a friend. A great Kenyan. You cannot leave the matter vague in the air when all indications were that those guilty are inside this country. They are known and they were covered from the first day when people pretending to be searching evidence landed in their helicopter exactly on the spot they knew. They knew where to land. There was nothing they were searching in that helicopter. They boarded that helicopter and then landed where they knew they wanted it to land and from the beginning they were being stopped from interfering with the actual evidence of what happened. Therefore, I say in all honesty that this Motion should be passed by all people who have a conscience. If we have sold our conscience well and good. Enjoy the money which you have earned or whatever you have got from the conscience but do not block God's truth from being pursued. The Attorney-General should be the last person to do this. It is a great pity the way he has spoken because that will live with him on the top of his head as a very heavy weight. I will pray for him.

I beg to support this Motion.

(Applause)

Mr. Biwott: Mr. Speaker, Sir, I would like to thank you for giving me this opportunity to add my voice to the remarks made in this House today. Murder is a serious and treacherous act that should not be allowed to fade away until the truth is found. There is nobody in this country who condones death. I would like it to be approached soberly and without malice because it is necessary to find out the truth about that death. I am speaking this way because my conscience is very clear and I will, therefore, be interested to know who actually killed this person. Hon. Orenge, who moved this Motion, started with the events that unfolded in the early part of the trial until the end of it. There is nobody with more knowledge about that case than hon. Orenge himself because he defended one of those who had been arrested with me at the court. I met him on several occasions. We were discussing because I was one of those who offered myself as a witness in the court. I was one of those offered to be a witness in court during the Anguka Trial and I spoke to him several times. In the beginning he told me that his client; Mr. Anguka, wanted me to give evidence in that court and I agreed. Later on, he told me that he has looked at every document and there was no evidence, that requires me to give evidence at that court. Lastly, when we spoke at the Member's Lounge here in Parliament, he told me that there is no evidence but what he needed was money from me to finance ---

Hon. Members: Shame! Shame!

Mr. Biwott: He said that he needed money because his client did not have money and I told him to approach the Attorney General. He said that the money given by the Attorney-General was little money and was not enough. I told him that I could not do it myself because, you see, I was involved in this and---

(Applause)

Learn to accept the truth. That was the end of the matter, he told me that he could not call me. I was available right to the end. You have heard what the Attorney General has said about the remarks made in the judgement made by Justice Anganyanya. I am saying this because I would like the truth to be known, I am one of those people who believe in justice and the fundamental rights of human beings. I am also believe in the right to life because I want my life to be protected and I also believe in the Nyayo philosophy of being mindful of other peoples welfare.

(Applause)

Mr. Speaker, Sir, there was information which was made available to the hon. Member for Ugenya. There was a talk about the Washington trip. That Washington trip went on fine and all the records are there. People who wanted to make those allegations, About a quarrel which took place during that trip, but all of them were denied by the people who were said to have availed themselves, one was Mr. Odinyo and hon. Kiplagat---

Hon. Member: They have all died.

Mr. Biwott: They are still alive. All the follow-up has been done and I would like anybody else to go

through and tell us if anything like that happened. I am prepared myself. I would like anybody to come out with credible truth rather than malign my name.

Mr. Speaker, Sir, there was also the talk about molasses. There is nobody who knows more about that molasses plant than hon. Kibaki. He is the initiator of that molasses project himself. He signed the agreement, he must have been corrupt. We cannot come here and speak as if we are angels when we are not. He was a Minister in the Government at that particular time

(Several Members stood up in their places)

Mr. Speaker: Order! Order, I had very early this morning guided the House - unfortunately, some Members were not present - in relation to the order of debate and I did also make a ruling a few weeks back on the 25th July, 1995. The hon. Member for Othaya is not under trial in this Motion neither is any hon. Member. I have, again, warned this morning that when you rise to debate, you must address yourself to the substance of the topic. I will not allow any Member from either side, to tarnish the name of another Member. It is all in the Standing Orders. If you have anything to say about any hon. Member himself; his conduct, you must file a substantive Motion against that Member. I once again, remind the House that we have a Motion here that urges for the establishment of a Select Committee. As I have done in the past, we cannot find anybody guilty in this Parliament; that is not our mandate. The mandate to find anybody guilty is elsewhere under our Constitution. Therefore, any Member contributing from now hence forth, must go to the terms of the Motion and should not condemn any hon. Member. If you have such evidence, go to court, not here. Proceed.

Mr. Biwott: Mr. Speaker, Sir, I would only want to say that the molasses plant which the hon. Member referred to as one of the causes, was deliberated in the Cabinet and as I was saying, the hon. Member was a party to it. As far as I am concerned, I have never had anything to do with molasses whatsoever. It was in the Ministry of Industry. Therefore, to drag my name into this thing is really malicious, to say the least.

Mr. Speaker, Sir, as far as the letter, which the hon. Member has alluded to in this House, we would like that letter to be a part and parcel of the commission. In fact, what we would like to see, is the hon. Member coming out with concrete evidence rather than malicious propaganda as if they had any grudge against Nicholas Biwott. Mr. Nicholas Biwott has no grudge against anybody and I hate to see people dragging my name into this matter here, because it looks as though this is politically motivated, for Nyatike, for Paris and for the 1997 General Elections.

Mr. Nthenge: Thank you very much, Mr. Speaker, Sir. First of all, I would like to state this: God is the creator of everybody, including those with or without privileges of any nature. It is only God who should control death, but human beings interfere and when they interfere and cause death, it is murder, and murder is a big evil. Murder by a government can make all of us be cursed because we belong to the same government.

Dr. Ouko was serving this Government, and when he was serving this Government, he was serving the nation. Why was he then killed? It was very bad and very unfair for Dr. Ouko to be killed. All we are saying is that: In order to save the present Ministers from the same danger, can we investigate further with the intention of stopping deaths of great people who have worked for this nation?

In any country, the Front Bench must exist, but it does not mean that once you are on the Front Bench and you happen to be very influential or powerful, you must be eliminated.

[Mr. Speaker left the Chair]

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

Therefore, Mr. Temporary Deputy Speaker, Sir, asking for the appointment a select Committee of this House is very genuine because we are trying to prevent what might happen to any hon. Member, particularly ---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! Can we hear hon. Nthenge in silence? Carry on, Mr. Nthenge.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, all I am saying is that I want all of us to be concerned because, tomorrow, it will be me and the day after tomorrow, it will be you. Therefore, it is wrong for us to condone an evil if it is in a particular individual because it may also come to you or to me.

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

[Mr. Speaker resumed the Chair]

Mr. Speaker, Sir, Dr. Ouko, was not a member of a government which we did not recognise. We all recognise the fact that Dr. Ouko was a Minister of our Government and the killing of Dr. Ouko, if taken lightly, can cause many others to be killed because it will seem very easy to kill. It can be done because of jealousy and because one person seems more outstanding than the other one. But you see, the system and the problem ---

(Loud consultations)

Mr. Mak'Onyango: On a point of order, Mr. Speaker, Sir. Can we listen to the hon. Member for Kamukunji? There is too much consultation taking place on the other side.

Mr. Speaker: Order! Order! Proceed, Mr. Nthenge!

Mr. Nthenge: Thank you very much, Mr. Speaker, Sir. I would like hon. Members to hear me. Not that I fear death very much since I bound to meet it. I am very near to death but all the same, I do not want death in the wrong way. I do not fear death and elderly men know that they are about to meet it. However, I would like a useful person to be preserved and to be given a chance. If we leave one because he was Dr. Ouko, tomorrow, it might be somebody else and then we will go on that way.

Mr. Speaker, Sir, the issue is simple. We want Members of this House to investigate what happened to a fellow Member of the same House. What is wrong with that? This a Motion should take only half an hour. Everybody should say "yes; let us find out what happened to our colleague". Some hon. Members in this House had the honour of sitting in the same House with the same Dr. Ouko. Therefore, what are we hiding? I expected even hon. Biwott to say that he is ready to serve in that Select Committee to investigate what happened to Dr. Ouko.

Mr. Biwott: On a point of order, Mr. Speaker, Sir. I have not said that I want to be in any Committee. I have said that I would like investigations to be carried out properly, but not the Kiliku style.

Mr. Speaker: Order! He did not say that you wanted to be in the Committee. He said that he wished that you requested to be in that Committee. Proceed!

Mr. Nthenge: Mr. Speaker, Sir, all I am saying is that we all get concerned with the life of our colleagues. I look at every Member of this House as my colleague because we belong to one House, and nation.

After saying that, I would like to say this: The fact that two organisations dealing with this issue have been terminated prematurely gives us concern because when the Troon investigations were going on, they should have been left alone to carry out their inquiries until they concluded their business. When the other inquiry also started, it should have been left to finalise its work. However, this idea of cutting them short makes the Members of this House say; "Okay, let us do it ourselves". Since we are above board, let a Select Committee of this House then do it because a Select Committee of this House is not likely to be stopped by anybody. It is likely to come to some conclusion. Everybody feels that anything started should be completed properly.

Mr. Speaker, Sir, I know a lot of African leaders have died in accidents and other disasters. This is causing some of us a big concern. I am personally very much concerned because a lot of my colleagues and people who were very intimate to me have died and up to today, I am not even satisfied because the way they died is questionable. It looks as if there is somebody or an organisation within ourselves doing it. Argwings Kodhek died and we were told it was due to a motor accident. Ngala, the man who was going to lead this country very ably died and we were told it was also due to an accident. Mboya died the same way. Kitili Mwendwa also died the same way. We must go deeper because it is not just Dr. Ouko. All these others were also human beings who were Members of the same House. Why did J.M. Kariuki die? Why should Ouko die? Why should Kitili Mwendwa die? Why should Ngala die? There is something somewhere and we say this: If a Select Committee can stop it, the better because we are all not old and about to die. There are very many young hon. Members here who have another 20 or 30 years to live. Should they be killed prematurely? No. That is why we require a Committee of this House to go deeper into this and find out what is happening to our colleagues because we are Members of the National Assembly. If it can happen to Dr. Ouko, J.M. Kariuki and the others, it can also happen to George Nthenge and also to you because we are birds of the same feather.

Now, Mr. Speaker, Sir, I am asking the Government side not to take this as a death of one individual. Let it be understood that it is affecting all of us as Members of this House, because today, although hon. Kamotho is a Minister, tomorrow George Nthenge can be a Minister. The other day, Dr. Ouko was a Minister. So, let us not look at

this Motion with naive and narrow minds. Let us widen our minds. I am so disappointed to see some people looking at the death of Dr. Ouko, a great leader of this country, as if it is just a very ordinary death, and yet it was not. If he had died in bed, the normal way, nobody would object. However, a planned death should be investigated by his colleagues and his colleagues are we; hon. Members of this House.

Mr. Speaker, Sir, with these few remarks and because I want many hon. Members to express their opinions, I am saying that we require a Select Committee of this House to investigate what happened and what killed one of the hon. Members of this House.

I beg to support.

The Minister for Research, Technical Training and Technology (Dr. Onyonka): Thank you, Mr. Speaker, Sir, for giving me an opportunity to say a few words.

I want to start off by pointing out that the fact that the late Minister died was very unfortunate. There are many leaders here who worked with the late Minister for many years and we knew him. He was a Kenyan who was committed to the development of this country.

Mine is to a very large extent words of caution, that the nature of the problem we are trying to address is an immensely complicated one. It was very unfortunate for my brother, hon. Orenge, to start off by saying that any one who does not support the Motion is a murderer. That is rather strange coming from a distinguished lawyer like himself.

To me it is strange reasoning, that expressing a different opinion is evidence, or proof that, that is the case. I am sure that hon. Orenge would agree with me that is taking an extreme position, even if it was intended to convince some hon. Members.

There is one important thing that I want to touch on briefly. A lot has been said about the molasses project. I want to tell this House that I spent more time handling that molasses project than anybody else in this country, although people have always got a rather strange impression that the thing was being handled in certain mysterious ways. While by the time the late Minister died, I was not immediately concerned with the project, for many years my Ministry and officers produced documents that could virtually fill the whole of this Table. They were trying to analyse the technical feasibility of that project. So, I believe that I can tell this House frankly that I have an idea as to when what went wrong with the molasses project.

It was not so much a question of bribes and so on. If you were to read the documents which we compiled over a three or four-year period you would see that agreements were entered into and we were, of course, supposed to implement them. But, subsequently, we were faced with a serious problems and delays over non-implementation of certain aspects of the agreement.

Now, what thereafter transpired is that the parties to the contracts started passing the buck: One side says "You have not fulfilled your part of the deal...."

Mr. Obwocha: Stick to the Motion!

The Minister for Research, Technical Training and Technology (Dr. Onyonka): I am coming to the Motion.

What I want to point out this morning is that I have read from Press reports a lot of stories about intrigues that were going on because there was money to be made in the implementation of that project. I want to express a sceptical view of that. Given the size of the original investment in this project, when you look at the facts on the table at the particular time when the late Minister passed away, you will see that there was immediately no money that was going to justify killing him at all. That is my honest impression and I am speaking on the basis of the facts.

During my whole stay in the Ministry that was concerned and when I was handling the molasses project I would say frankly that at that particular juncture hon. Biwott had nothing to do with that project.

(Jeers from hon. Members)

Mr. Speaker, Sir, I am telling you the truth out of my conscience, but I do not know what happened thereafter. However, at the particular time when I was handling the project we never made even one coin for my office from the molasses project. I am not here to defend anybody, but I simply want to state the facts. The truth of the matter is---

(Loud consultations)

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

Mr. Speaker: Order! Order! Hon. Members, I can hardly follow what other hon. Members are saying. Meanwhile, what is it, Mr. Ndicho?

Mr. Ndicho: Mr. Speaker, Sir, you can see that it this exchange between the Minister and hon. Members,

which is generating all these loud consultations! He should address the Chair and stick to the Motion!

Mr. Speaker: Yes, hon. Minister, please stick to the Motion. And you hon. Members on my left, will you please stop carrying on debate with the hon. Member on Floor. Only one person has the Floor at a time. Proceed, Dr. Onyonka.

The Minister for Research, Technical Training and Technology (Dr. Onyonka): Mr. Speaker, Sir, at this particular time, I have the Floor, and when I state the facts they are as I put them. If you want to distort them to serve whatever purpose, go ahead and do so, but in the final analysis I do not believe that at that particular time there was any money forthcoming from any source--- Let me tell you because I think I knew it. There was no money that would have justified the sort of stories that we have read about.

With those remarks, I do not think that I would support the Motion.

(Booes from the Floor)

Prof. Ouma: Mr. Speaker, Sir, I will try to stick to the Motion as far as possible. Through you, I would appeal to my colleagues that this is one of the most important Motions that ever came here. So, we should listen to contributions attentively and then give an appropriate response. I am speaking of Kenya as a polluted environment. We have a history of recurrent political murders, some of which have not been solved. As a result of this we are coming out among other nations as a nation of mysteries; a nation of unresolved political murder mysteries. This is not good for us and I would appeal to hon. members, especially those on Government Benches, to note that it is their duty, as a Government, to ensure that this country has a history worth leaving behind. We are not leaving behind a good history: We are leaving behind a history of political murders; murders of some of the best sons and daughters of this country.

If we do not have these mysteries solved then it will look as if we have a recurrent disease, and that disease could tomorrow come upon hon. Kones, hon. Nthenge, hon. Prof. Saitoti or anybody else. Nobody is safe from this type of disease. I am speaking as soberly as I could.

Mr. Speaker, Sir, nobody is safe from this type of "disease." I am speaking as soberly as I could. Nobody is safe from this recurrent political "rabies" and whoever is bitten by this dog dies. It is one of the most serious things which we can discuss in this place. We have no freedom to speak. I will tell you what happened three weeks ago. We were in a rally just because hon. Orengo, hon. Prof. Ouma and hon. Karan mentioned the name Dr. Ouko, we had to escape being arrested because we were not supposed to mention him. One's life is so important not only to the Samburu, but to all of us. If anyone was to kill you all of us should rise up in arms because we need mutual protection in this country. If anybody was to kill, and I repeat, hon. Kones, we would all rise up in arms because he is one of us - a Kenyan. We would all use arrows and spears that day! When we go back and what the nations of the world hear of us; a great man like Pio Gama Pinto died. Tom Mboya had died and the mystery remains because Njenga said "why do you go after me? Why not the big man?" Upto today, the big man mystery is not solved. Then we have got the J.M. Kariuki mystery. Now we have got the Got Alila mystery! I am talking as I do because tomorrow it could be me, it could be you. We need to clean up this political pollution.

The Assistant Minister for Finance (Mr. Keah): On a point of order Mr. Speaker Sir. I am on a point of order with your indulgence. Is it in order that papers should be distributed in this House while they have not been laid on the Table of the House for our consumption?

Mr. Speaker: Order! Order! I believe hon. Gatabaki knows the rules of the House. If you are not sitting, you must be exiting out. I do not believe that any Member should be carrying out courier services. Proceed.

Prof. Ouma: Mr. Speaker, Sir, If I may continue, we need to develop a culture that we are proud of. Whether it is a social, economic or political culture. But political murders are becoming part of our political culture and it is a type of culture which makes everybody afraid. I was saying that when we went to Muhoroni, we were surrounded because we mentioned the unmentionable name of Dr. Ouko. Whoever does that, whoever mentions the name Ouko should be arrested will himself come to the same conclusion one day. If we cover up the murder of a big man, such as Ouko was, what will happen to small lives like ours? The highest institution in the land is Parliament. This is the only institution which is left with the right alternative. What alternative do we have solving these mysteries? What alternatives do we have left for solving the Ouko Mystery? The Gicheru Commission and the Troon Investigations ended in what I call professional subterfuge. It was all subterfuge. Now that we cannot rely on that type of subterfuge, are we going to shrink back in this Parliament without going ahead and making sure that this mystery is solved? So that tomorrow, every murderer in high or low place may say "Parliament might find me out." I could not appeal with more conscience and more heartfelt remorse for this country. What will history think of us tomorrow? What will the children that we shall leave behind think of us tomorrow?

What will happen if we cannot solve a problem involving the murder of one of greatest Ministers this

country has ever produced? If that cannot be solved, what chance has the bare-bottomed person or the bare-footed person got? This is not the question that involves KANU or the Opposition, but is a question that involves all of us. Unless, my mind is out of me, this is the question where there should no Opposition or Government bench. It is a question of joint effort to solve a dirty history that pollutes the environment of this country, and dirties the name of this country among the countries of the world.

This recurrent culture of murder must come to an end and the only way to make it come to an end is to forget the subterfuge and for this Parliament to put up a Select Committee. Let us remember this that we can cover a thing like this for ten years or 20 years, but history is rampant with examples. There was somebody called Adolf Hitler. Adolf Hitler and his gangsters and the Gestapo did many bad things.

(Applause)

But even those who went and changed their faces by skin-grafting like Adolf Eitchman were found in Argentina 25 years later. Let us solve this problem now rather than leaving them as mysteries to haunt us. I would appeal to the Government side that we do not just talk for the sake of talking. We talk because these are things which spoil the name of this nation, and makes everybody afraid. We do not have freedom today because tomorrow you will be murdered in the same way as Dr. Ouko, and who will talk for you? Let this House come out with one thing in history that this Seventh Parliament has done its best to resolve the negative mysteries of this country; the murders of politicians.

Finally, Mr. Speaker, Sir, let us do what is called "cleaning of the dirty environment." If we set up this Select Committee and this mystery is solved the world will respect us. Otherwise, why should the world respect murderers?

The Vice-President and the Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, let me say that we are discussing a Motion of very great importance here. I say so because this Motion touches on somebody many of us admired. Dr. Ouko was not only a great son of this country, but he was a person who was respected throughout the world. He was a man who really had no enemies. As a matter of fact, many of us were very much surprised and horrified when he died because each one of us would ask: Who really would dare kill such a great man, such a good man and a man of was a friend to everybody, and a man who was loved?

Mr. Speaker, Sir, we will always remember the late Dr. Robert Ouko, as perhaps, the finest Foreign Minister that we had in this country. A man who was very devoted to this nation, a great patriot. It for that reason that when we talk about anything that touches on Dr. Robert Ouko, we must argue and debate the issue with a balanced mind. There must be a great deal of sobriety in the whole approach. I do not think that when we do speak on the issue of Dr. Robert Ouko, it should be a partisan issue. It should be a matter that should be approached purely from the point view of gaining political mileage. I would say that he purely argues from the point of view of trying to make political capital out of this very sad case, I hope that his conscience will continue to haunt him continuously.

Mr. Speaker, Sir, I was myself surprised when the Mover of this Motion, sometime right at the middle of presenting his position, took the trouble to refer to some papers. Initially, I thought the Mover of this Motion was going to present the case in a very balanced manner, but you see he took the trouble and that is really where the tragedy lies.

To read a small piece of paper, I have not seen it myself although I hear that it is being circulated here that, even Prof. Saitoti may say: "Well, I have been in it". I asked a question. I am not panicking. I am not in any way going to refer to something physically that belongs ---

(Loud consultations)

Mr. Speaker: Order! Order! Hon. Members are able to follow the debate. Proceed!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): To refer to something that belongs to dustbin. Mr. Speaker, it demeans the dignity of this House. If any Member is seriously hoping that he is going to persuade this House that the whole intention of this Motion is to unearth the killers, this a piece of paper which belongs to the dustbin. I want to make the position very clear. All of us, and it does not belong to the opposition, it belongs to us. Because, I can see right here that at the time when the late Dr. Ouko died, some of the Members were in Government, all of us were horrified when we heard about the death. Up to now, many of us still wish to see who were involved and implicated in this heinous crime, that is absolutely important.

Mr. Speaker, Sir, the political maturity of anybody is not in a case such as this one, to impute improper motive, to duck into propaganda, to duck into things which do not make sense. We are not out to make political capital here! Somebody said here, let us try to destroy the "culture of murders" that may have taken place in this country. I want to say this thing, and I tell it to the hon. Members: I think this House must resolve tantamountly, that, we must reject

totally, totally, the politics of hate, the politics of deceit. This is important not for today, but, for tomorrow and for the others. The example whatever we set in this House, let us not forget it, because it is the example to be emulated by children, and other people. We must, therefore, when we argue on issues, let us argue in a constructive manner, let us argue knowing that we do have a country.

Mr. Speaker, Sir, this issue of the Ouko murder is a horrible case because, the crime was terrible. But, we all know a committee or a commission, for that matter, was set up. It collected some evidence, we also know, the term of the story that we are being told there were totally untrue. The Kisumu molasses and I am very grateful, indeed, to what hon. Dr. Ouko had said. I was in the Treasury and I know, indeed there was not a single cent that was ever promised by the Government of Italy. If there is anybody with evidence, let him come and table to show clearly that, there was money that was promised for molasses factory. If anything all the other financiers who may have been approached at one time or the other, had rejected the revival of the project. There was indeed no money, and therefore, the molasses factory itself has never taken off.

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir, I do not wish to have any more time. While I agree entirely with the Vice-President and Minister for Planning and National Development about casting aspersions, but, if my memory serves me right, it was said that, sometime back, the Vice-President and Minister for Planning and National Development was poisoned, and the same people who did that are the ones who killed the late Robert Ouko. Would the Vice-President be good enough, perhaps, in that vein to tell us who these people were?

(Applause)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I do not wish to remember that very painful experience I went through. However, I leave it to the imagination of the hon. Members and those who wish to deny themselves that fact. Let me go back to this Motion. I think that is what is before us.

Mr. Speaker, Sir, the Troon Report, as we have been told by the Attorney-General is all in public knowledge. On the basis of that Troon Report, and we have been told and it is well known that investigations were carried out. The Commissioner of Police did prepare a report, upon which suspects were apprehended. And, indeed, finally the main suspect was taken to court. Through the dual process of the law and in accordance with the judicial system of this country, Mr. Anguka was found innocent. That is neither for us to say whether he was innocent or not. It is the court that decides who is guilty and who is innocent. I do not think we can put ourselves together and constitute ourselves into a court of law. That would contradict our Constitution.

Mr. Speaker, Sir, I want to say this very clearly that Government continues to be very much concerned as to who killed Dr. Ouko. We want to appeal to those who have the information, that since the files remain open, to bring the evidence to the Attorney-General. Not only, that but also, the Attorney-General has assured this august House that he is eager to prosecute given all the information. Secondly, why do we have to wait for five years to start talking in terms of a Select Committee? Why? We should have done that immediately. I have said that many of us were there. Hon. Orenge himself was in so many of these places including in the Commission. I wonder why he did not propose it.

Mr. Speaker, Sir, the only reason for the proposal, given the manner in which the whole thing has actually been approached, there appears to be nothing, but political motives. I think it is wrong to treat the matter concerning such a great son of this country from a purely political point of view and to indulge in matters that has been dealt with. For that, I want to urge this House to allow the Attorney-General to continue receiving evidence and to prosecute. I am saying that because after all even if the Select Committee is set up, the same will be said. Mr. Speaker, Sir, I bet to oppose.

Mr. Orenge: Mr. Speaker, Sir, I am grateful for the contributions that have already been made. However, I want to remind the hon. Attorney-General, that in Criminal Law there is no limitation. Whether or not he is prepared to engage in effective investigation of this matter or not, when the Opposition comes to power, the first duty I am sure it will do, whether I am in that Government or not, is to apprehend or to bring to justice those who murdered Dr. Robert Ouko.

(Applause)

Some aspersions have been made about my character here, but I want to say this: With a clear conscience, and I can assure those who committed this heinous murder that some of us will never rest, and will never give you peace, until you are apprehended and brought to justice.

I have made a police statement, I was arrested somewhere between Homa bay and Sondu, because I had

mentioned the unmentionable name in this country with regard to the murder of Dr. Ouko. I went to Kisumu Police Headquarters simply because hon. Biwott had cast aspersions. I am not discussing him.

Mr. Speaker: Mr. Orenge, I have ordered. Order means you take your seat. I have already responded to complaints earlier on, that hon. Members must concentrate on the terms of the Motion. If you want to discuss the conduct of any person, bring a substantive Motion, and if you do not what to do that, then you should abstain.

Mr Orenge Mr Speaker, Sir, what I am saying is that if the Attorney-General is interested in this matter, he should go and pick the statement I made to the police in Kisumu and gave up a basis upon which some principal suspects are still free in this country. I told the police that arms had been taken from Koru Police Station prior to the murder of Dr Robert Ouko, and the movement of arms and the visit of that individual to Muhoroni to open the factory there.

All these were circumstances which showed clearly those who were responsible for this heinous murder, and now want to seek protection by bringing matters which have nothing to do with the heinous killing of Dr Robert Ouko.

Now, I am saying that if you have a conscience, or if you want your conscience to be clear about the murder of Habyarimana, why does not charity begin at home and you establish who murdered Dr. Robert Ouko?

(Applause)

Now, hon. Kibaki did say that Dr Ouko was told to go and rest in Koru. He did not know what was coming out of that rest. Troon in his report says that:-

"The circumstances of this death maybe known to senior officials in the Kenya Government and its Administration. These individuals have yet to come forward."

He stated very clearly and I am not mentioning hon. Members names because those names are contained in this Report and I wish to lay this report in this House because it is not available in the library here.

(Mr Orenge laid the Troon Report on the Table)

Now, Mr Speaker, Sir, "when might overrides mind and principle" and power, the greed for power overrides justice, human society transforms itself into a base vicious animal kingdom. I am calling upon the Attorney-General to wake up, because if he is interested in justice and the rule of law, the evidence about the murder of Dr Robert Ouko is there. The Attorney-General should explain why he took a peripheral suspect to court and somebody who was mentioned as a principal suspect was never taken to court.

(Applause)

Mr Speaker, Sir, I have read hon. Biwott's statement to the police, and I have established that it is a sham. If he came to court, my duty was not to prove who killed Dr Ouko, but my duty was to show to the court that Mr John Anguka was innocent. But if he dared come to that court, he would probably would have gone inside.

(Applause)

Mr. Speaker: Order! Order! What is it?

Mr. Biwott: On a point of order, Mr Speaker, Sir, I am not afraid of going to court and I am prepared to face Troon. You had all the opportunity to look at those evidence and there was nothing creditable and the Attorney-General has confirmed that. Do not malign my name.

Mr. Speaker: Order! Order! I have said before maybe the fourth or fifth time this morning that, " we are not trying any hon. Member." In fact, the hon. Orenge had the opportunity to call any person to the court when he was defending the accused, he had a dual purpose. For now, this is just a Motion only. Can we now, leave individuals alone?

Mr. Orenge: Yes I agree. It was said that I did not call somebody into court. So, I am summarizing Mr Speaker, Sir.

Mr. Speaker: Order! Order! Please hon. Orenge shall be heard in silence.

Mr. Orenge: Mr Speaker, Sir, I am summarizing by saying that the need of a Select Committee is vital. I have got this report, I am laying this letter here which is on a police paper.

(Mr Orenge laid the letter on the Table)

I am laying this letter on the Table here which is on a police paper. This man gives his box number as Presidential Escort Unit, P.O. Box, 48081 Nairobi. The letter is written to us. It shows who were the sponsors of the killers. The sponsors of the killers he says were as, follows. hon. Prof. George Saitoti, Hon. Nicholas Biwott, Mr. Hezekiah Oyugi, Mr.---

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker is it in order for an hon. Member to get a piece of paper whose authenticity we do not know and bring it here? This is important because he knows that at the time of the death of Dr. Robert Ouko I was unconscious. This is a serious offence. In his own mind this hon. Member knows he is misguiding the House.

The Speaker: Order! Order! I have the following observations to make. First of all it does appear to me very clearly that some hon. Members have no intention of ever following the ruling of the Chair. Secondly, I also find that the hon. Member for Ugenya earlier in spite of what I had said earlier on when he was contributing, referred to certain documents the source of which was undisclosed, but he refused at that time to table them so that any person who is aggrieved may refer to it and either agree or refute. I find that is wrong according to natural justice. Thirdly, I honestly cannot understand why hon. Members after I have ruled that Parliament is not a court in spite of the ruling I made on the 12th of July this year that some members unfortunately take the privileges of this House to besmirch the names of others knowing quite well that no action shall be taken against them. I am also mindful of the recent utterances made by the Mover of this Motion to the effect that he will name the killers in the House. Well if that is true and he did not fear following anything legally, why not outside? So the thing is this, my ruling of the 12th was that Members have no right to misuse the privilege of this House to besmirch either the names of the sitting Members or Kenyans who are outside and who have no recourse if they are aggrieved to any legal remedy. So please can we please address the Motion.

Mr. Orengo: Mr. Speaker Sir, I want to say that anything that I have said in this House I have repeated outside and that is why I had to make a police statement. We are laying these documents here as evidence. The hon. Attorney-General knows forensic experts can look at the handwriting if he wishes. There are also documents here from solicitors in London which talked about who killed Dr. Ouko and when some people wanted to challenge them in court, they withdrew the case knowing very well that *Sunday Times* was going to justify what they said in the papers.

So I now beg to move the Motion and the evidence is also here.

The Speaker: Order! Order! Are you interested in information Mr. Orengo?

Mr. Orengo: I will need some more information because my time was taken up but if Mr. Speaker you give me another five minutes to react to that information---

The Speaker: I will proceed to put the question.

Hon. Members: Division! Division!

Mr. Speaker: Order! Order! I have never seen anything like this. Order, Dr. Kituyi. How can Members ask for a division for a non-decision? I expect hon. Members to--- I repeat the question. I will now put the question once more.

(Question put and negated)

DIVISION

(Question put and the House divided)

(Question negated by 74 votes to 55)

AYES: Messrs. Achola, Akumu, Aluoch, Asiyo(Mrs.), Messrs. Busolo, Gatabaki, Gitau, Gitonga, Icharia, Kamuyu, Kapten, Karengi, Kibaki, Kiliku, Kinyua, Dr. Kituyi, Dr. Otieno-Kopiyo, Dr. Lwali-Oyondi; Messrs Mak'Onyango, Maoka, Mathenge, Mbeo, Michuki, Farah, Mulusya, Mungai R.K, Mungai, Munyasia, Murungi, Mutahi, Mutere, Mwangi S.F, Githiomi, Mwaura, Mwavumo, and Prof. Ouma, Ndeti (Mrs), Messrs. Ndicho, and Ndwiga P.N., Ngilu (Mrs), Messrs. Nthenge, Sifuna, Nyanja, Obure, Obwocha, and Raila, Dr. Odinga, Messrs. Ogeka, Ojode, Ombaka, Orengo, Wamae, Wamalwa, Ruhui and Wanyoike.

Tellers of the Ayes: Messrs. Dr. Otieno-Kopiyo and Sankori.

NOES: Messrs. Abdi, Ahmed, Ali, Angatia, Arte, Awori, Barmasai, Biwott, Boy, Chebelyon, Cheserek, Ekidor, Falana, Kagwima, Kaino, Kalweo, Kamuren, Kavisi, Keah, Khaniri, and Col. Messrs. Kiluta, Kirior, Kochale, Koech, Komen, Kones, Kosgey, Leshore, Magwaga, Makau, Manga, Marita, Masinde, Maundu, Mbela, and Dr. Misoi, Messrs. Mohamed, Hussein, Mokku, Dr. Momanyi, Morogo, Muchilwa, and Gen. Mulinge, Messrs. Mumba,

Muoki, Musyoki, Mwamzandi, Rai, Mcharo, Nassir, Ngala and Prof. Ng'eno, Nooru, Ntimama, Shamalla, and Rev. Ommani, Dr. Onyoka, Prof. Saitoti, Messrs. Sambu, Sankori, Ayah, Kamotho, Kamwithi, Kariuki, and Bishop Tanui, Messrs. Moiben, Ndotto, Otieno, and Dr. Wameyo, Messrs. Wawire, Prof. Mzee, Shidiye and Wetangula.

ABSTENTION: Galgalo, M.M.

Tellers of Noes: Messrs. Nyanja and Leshore.

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for us to interrupt our business and the House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 1.10 p.m