

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 30th July, 1998

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of the National Museums of Kenya for the year ended 30th June, 1996 and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya National Library Services Board for the year ended 30th June, 1996 and the certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Rural Development on behalf of the
Minister for Home Affairs, National Heritage,
Culture and Social Services)*

Annual Report and Accounts of Kenya Posts and Telecommunications Corporation for the year ended 30th June, 1995 and the certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Rural Development on behalf of
the Minister for Transport and Communications)*

Annual Report and Accounts of Kenya Industrial Estates for the year ended 30th June, 1996 and the certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Rural Development on behalf
of the Minister for Industrial Development)*

Annual Report and Accounts of Coast Development Authority for the year ended 30th June, 1996 and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Ewaso Ngiro North Development Authority for the year ended 30th June, 1996 and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Lake Basin Development Authority for the year ended 30th June, 1994 and the certificate thereon by the Auditor-General (Corporations).

(By the Minister for Rural Development)

Annual Report and Accounts of Kenya Utalii College for the year ended 30th June, 1996 and the certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Wildlife Service for the year ended 30th June, 1996 and the certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Rural Development on
behalf of the Minister for Tourism)*

Annual Report and Accounts of the Commission of Higher Education for the year ended 30th June, 1995

and the certificate thereon by the Auditor-General (Corporations).

*(By the Minister for Rural Development
on behalf of the Minister for Education
and Human Resource Development)*

Sessional Paper No.2 of 1998 on the Government of the Republic of Kenya/Banque Nationale De Paris Rescheduling Agreement.

*(By the Assistant Minister for Finance
(Mr. Arap-Kirui on behalf of the
Minister for Finance)*

NOTICES OF MOTIONS

TARMACKING OF ROADS IN NORTHERN KENYA

Mr. Shidie: Mr. Speaker, Sir, I beg to give Notice of the following Motion:-
THAT, being conscious of the historic underdevelopment of Northern Kenya and being aware of the fact the little infrastructure available has been damaged by *El Nino*; and noting that the province is cut off from the rest of the country for half a year due to the rains, this House urges the Government to tarmac the road between Garissa and Mandera and between Isiolo to Moyale to ease communication and enhance trade and commerce.

VOTE OF NO CONFIDENCE IN GOVERNMENT

Mr. Orengo: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
THAT, pursuant to Section 59(3) of the Constitution of Kenya, this House resolves and declares that it has no confidence in the Government of Kenya.

Mr. Speaker: Order, hon. Members! Just before I call upon hon. Members to ask their Questions, I wish to bring to the attention of the House that today, we have 13 Questions by Private Notice and two ordinary Questions. Under a resolution passed by this House on 7th April, 1998, the debate on the Motion of Adjournment must start at 3.30 p.m.. I will, therefore, try as much as possible to ensure that we go through all the Questions within one hour. So, hon. Members will understand if I do not give the usual latitude which I occasionally do.
First Question, Mr. Shill!

ORAL ANSWERS TO QUESTIONS

Question No.479

DISTRICT OFFICER FOR JARA JILLA DIVISION

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

- (a) whether he is aware that the District Officer for Jara Jilla Division was transferred a year ago and no replacement has been made to date;
- (b) whether he is further aware that this vacuum has compromised the security situation in the area; and,
- (c) If the answers to "a" and "b" above are in the affirmative, when he will post a district officer and additional security personnel to the area.

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

- (a) I am aware that the District Officer for Jara Jilla Division deserted his post in June last year and he has not gone back.
- (b) We appreciate that a vacuum was left. But the divisional security officers did look after the place.
- (c) We have now posted a Mr. Shabell as the new district officer.

Mr. Shill: Mr. Speaker, Sir, now that the Minister has posted a district officer to Jara Jilla, will he give him transport, radio communication and more security personnel to beef up security in the area so that he does not get frustrated?

Maj. Madoka: Mr. Speaker, Sir, we will look into that.

Mr. Shidie: Mr. Speaker, Sir, Jara Jilla is an old division. It is a division that was started way back in 1986, but to date, there is no house for the DO and there are no administration policemen. In fact, I am wondering what will happen if the Minister decides to send a DO to that division and yet, there is no security personnel; how is he going to execute his duties as a DO? Recently, there were many cases of killings reported in that division. Could the Minister assure us that there will be enough security personnel instead of sending there only two APs? Could he assure us that with a DO there, there will be enough security personnel and vehicles?

Maj. Madoka: Mr. Speaker, Sir, we are, indeed, looking into the question of putting up buildings for the DO, and have the necessary infrastructure provided. We will certainly consider the question of security personnel once we can accommodate them.

Mr. Shill: Mr. Speaker, Sir, while I appreciate that the Minister says that he is going to look into the matter, is he aware that, at the moment, as we are talking, there are only five administration policemen in the whole division?

Maj. Madoka: Mr. Speaker, Sir, I am not aware of that figure, but I will look into it.

Question No.497

OWNERSHIP OF FURFURAL PLANT

Mr. Sambu asked the Minister for Industrial Development:-

- (a) if he could inform to the House who owns the Furfural Plant in Eldoret Town;
- (b) when the new owner acquired it from the Government, and how much the new owner paid for it; and,
- (c) how many acres of land the plant has, and how much it cost the Government to put up the said plant.

The Minister for Industrial Development (Mr. Masakhalia): Mr. Speaker, Sir, I beg to reply.

(a) (i) The Furfural Plant in Eldoret Town was broken down and sold piecemeal to various buyers. This was done after several attempts by the appointed official receivers, M/s Belhouse Mwangi Earnest and Young, to sell the plant as a going concern had failed. The receivers sold the plant, along with all other assets of the company, through a public auction and a competitive bidding procedure. One of the main buyers who acquired the plot and certain assets of the company was M/s Equip Agencies Limited of P.O. Box 18093, Nairobi.

(ii) The sale of the Furfural plant along with all other assets of the company took place between July, 1994 and November, 1995. The Government initially owned 31 per cent shares of the company, with the remaining shareholding being spread among various local and foreign investors.

The sale of Furfural Plant, together with all the other assets of the company, realised Kshs56,256,100.

(c)(i) The plot on which the Furfural Plant was located has an area of 6.151 hectares or 15.199 acres.

(ii) The estimated cost of the project in 1977, when the construction of the plant had just started, was Kshs201.5 million. This was later revised in the 1979/80 Financial Year to Kshs215 million and again in 1980/81 Financial Year to Kshs258 million. Further escalations were projected to bring the project---

Mr. Speaker: Order, Mr. Masakhalia! What are you answering? I thought you had answered the Question. That one is not part of the Question.

The Minister for Industrial Development (Mr. Masakhalia): Mr. Speaker, Sir, it is part of the Question.

Further escalations were projected to bring the cost to approximately Kshs354 million in 1982, at the time of the collapse of the project.

Mr. Sambu: Mr. Speaker, Sir, the Minister has obviously been misled by his officers. He says that the Furfural Plant was broken down and sold piecemeal. I live in that town and I know that the plant still exists there with all its machines intact, except for a few motors which were plucked off. The Government policy is to industrialise by the year 2020. How can you industrialise when you are breaking down a system plant like the Furfural Plant which had employed over 600 workers? It was using maize cobs, which are a waste, and converting them into useful chemical products. Could the Minister assure this House that the plant will be reactivated because it was not broken down?

Mr. Masakhalia: Mr. Speaker, Sir, if the Furfural Plant is to be reactivated, this would mean designing afresh, a new project altogether. I indicated in my reply that the plant was established in 1979/80, but it is no more.

Mr. Keriri: Mr. Speaker, Sir, can the Minister confirm or deny that the project was initially very viable, and that all the other shareholders had agreed to put in money to cater for the escalation of costs? It was the Government of Kenya, through some individuals who did not want development, that, in fact, refused to put in its share of finance to get the project going, although it was going to guarantee money many times more, than it was being asked to put in?

Mr. Masakhalia: Mr. Speaker, Sir, there was no reluctance on the part of the Government and other parties to put in additional money to make the project viable. Apparently, the technology that had been adopted for the project was wrong from the beginning. In any case, there was an attempt to put in such money. A total of Kshs242.7 million was invested in that project in order to make it viable, but it did not work.

Mr. Sambu: Mr. Speaker, Sir, could the Minister assure the House, and the nation, that the Government has no plans to break down the Furfural Plant and dismiss all its workers? Rivotex company is now under receivership just as the Furfural plant is? Will he assure the House that he will go and ensure that the Furfural Plant is reactivated? I can take him there and show him that plant.

Mr. Masakhalia: Mr. Speaker, Sir, I have no problem with visiting Eldoret Town to see what is left of the project. But, as I said earlier, the Furfural Plant was broken apart and sold through competitive bidding. We do not know where the plant's parts were taken to. I understand that some might still be on the site. If we were to reactivate that project, we would begin afresh.

QUESTIONS BY PRIVATE NOTICE

MISAPPROPRIATION OF SAND CESS MONEY

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

(a) Is the Minister aware that monies collected as cess from sand harvesting in Longonot Location for construction of a health centre in Mai Mahiu have been misappropriated by the Provincial Administration in Naivasha?

(b) Is he also aware that when the matter was raised with the Naivasha District Officer, he stopped the collection of the cess on 10th July, 1998, thereby jeopardizing the opening of the health centre?

(c) If the answers to "a" and "b" above, are in the affirmative, could the Minister inform this House how much money has been collected from this source, and its whereabouts?

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

First, I must express my disappointment with the hon. Member because a month-and-half ago, he personally told me that it was the local committees that were collecting the cess and not the Provincial Administration. Having said that, the Provincial Administration is, therefore, not responsible for any misappropriation; if I may continue---

Mr. Kihara: Mr. Speaker, Sir, I did go to see the Minister, but we did not discuss the modalities of collecting the cess. We discussed about the security situation in the area, and I told him that the sand was being harvested by people without the authority of the owners of the farm. On the question of cess collection, in fact, the concerns that I raised are the same ones raised in this Question.

Mr. Speaker: Mr. Kihara, this is Question Time. You will ask him about that when he has finished answering the Question.

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Speaker Sir. I still maintain that hon. Kihara told me that. It is true that when there was a complaint about the misappropriation of the funds by the local committees, the DO stopped that collection. The hon. Member met with the District Commissioner and other members about week ago, and agreed that they were going to look into the problem. The hon. Member is a member of that committee.

Mr. Kihara: Mr. Speaker, Sir, what the Minister has said, about a committee having been set up by the DDC, is correct. I am a member of that committee and we are meeting on 7th August, 1998, to pursue this matter. My main concern is that, there is a facility there that was built by the EEC in 1994, but it is standing there rotting. It is a beautiful facility and I do not think there is anything like it even in Nairobi. I do not know how the DO got involved because this is a local resource owned by the people. Now, as it was agreed in 1996---

Mr. Speaker: Mr. Kihara, that is a matter between the two of you. If you continue, I will go to Question No.2.

Mr. Kihara: Mr. Speaker, Sir, I am finishing. What I am telling the Minister is that, money has been collected since 1994 under the supervision of the DOs. They are the ones who hand-pick the committee which collects the cess. Where is the money which has been collected within the last four years, yet, they collect Kshs12,000 every day? That money was supposed to build staff houses.

Maj. Madoka: Mr. Speaker, Sir, that was the committee which was established to determine where that money is.

Mr. Anyona: Mr. Speaker, Sir, the Question talks about misappropriation of funds. What has the DDC sub-committee got to do with those funds? Why is the Minister not initiating criminal investigations and then take legal action rather than dilly-dallying with the Provincial Administration?

Maj. Madoka: Mr. Speaker, Sir, these are the local people and I think the DDC, in its own wisdom, decided that they should have the committee to look into the issue and then, from there, any legal action could be determined.

Dr. Ochoudho: On a point of order, Mr. Speaker, Sir. The hon. Minister is insinuating that hon. Kihara is a member of the committee that misappropriated funds. Can he tell us if he has taken any action to recover that money?

Maj. Madoka: Mr. Speaker, Sir, I do not think that is what I said. I said that hon. Kihara has been appointed into that committee which will look into the activities of the other local committees.

ESTABLISHMENT OF ILLEGAL CELL BY APS

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

(a) Is the Minister aware that Administration Police (APs) at Igoji Market in South Imenti have established an illegal cell, where they are unlawfully confining innocent citizens, subjecting them to torture, cruel and degrading treatment, and intimidating and extorting money from them?

(b) Is he further aware that the said APs illegally locked up Mr. Antony Gikabi in the said cell from 3rd to 10th July, 1998, during which time they tortured him and that the said APs assaulted and injured a *Nation* correspondent, a Mr. Imanene Imathiu, when he went to investigate the said illegal cell?

(c) If the answers to "a" and "b" above are in the affirmative, could the Minister close the said illegal cell and have the APs arrested and prosecuted for torture and extortion?

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

(a) I am not aware of an illegal cell established by the Administration Police, nor am I aware of any activities of torture and degrading treatment of any members of that community. I would request the hon. Member to bring specific incidents and then we will look into them.

(b) I am aware that a Mr. Gikabi was arrested by the APs on 6th of July, 1998, for drunkenness. At that time, a certain gentleman, by the name of Mr. Imanene Imathiu, who was passing by started taking photographs and when he was approached by the APs, there was a bit of a scuffle and I believe he has reported the matter to the police, and there is a case in court on that.

(c) The question of closing any cells does not arise because we are not aware of those specific cells.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I am surprised to hear that drunkenness is an offence. Is the Minister in order to create a fictitious offence which has not been passed by this Parliament?

Maj. Madoka: Being drunk and disorderly is an offence.

Mr. Murungi: Thank you, Mr. Speaker, Sir. It is unfortunate that the Minister got this answer from the same APs that we are complaining about. I want to lay on the Table two photographs of the APs in uniforms molesting and torturing the *Daily Nation* correspondent in Meru, Mr. Imanene Imathiu, when he was taking the photograph of this illegal cell.

(Mr. Murungi laid the photographs on the Table)

Mr. Speaker, Sir, as a matter of fact, the four APs that we are complaining about are: The AP Inspector at Igoji, Celestine Juja; AP Peterson Mugo and AP Kinoti. The victims are Peter Kinoti who was imprisoned in this cell and released upon payment of Kshs1,500 to the AP---

Mr. Speaker: Will you ask him those questions, Mr. Murungi?

Mr. Murungi: Mr. Speaker, Sir, he did not have the information and I want to give it to him. Is the Minister aware that in the month of July alone, Peter Kirimi was imprisoned in the illegal cell and released upon payment of Kshs1,500; John Mbaya for three days and released upon payment of Kshs15,000; Charles Gitari for seven days and Antony Gikabi for ten days?

Maj. Madoka: Mr. Speaker, Sir, I am not aware, but in the light of what the Member has said, we will investigate those specific cases.

Mr. Ndicho: Mr. Speaker, Sir, you heard the Minister say that this gentleman, Mr. Imanene Imathiu, was passing by and then started taking photographs. I am a journalist and I know how to take photographs for a news item. There is no way you can just pass by and start taking photographs if there is no news item. This man was arrested illegally. I am asking the Minister whether the Government will, first and foremost, apologise to him for arresting him illegally, for obstructing him from doing his work, and compensate him for being mishandled by the APs? Two--

Maj. Madoka: Mr. Speaker, Sir, since that matter is in court, it is *sub judice* to discuss it any further.

Mr. Murungi: Thank you, Mr. Speaker, Sir. I am talking here as an hon. Member of Parliament for South Imenti. I am giving the Minister the information as it is on the ground. He should not take this matter lightly. These APs are a gang of criminals in uniform and they pose danger to the people of South Imenti. Could the Minister assure this House that he is going to take this matter more seriously, investigate it, arrest and prosecute these dangerous criminals in the name of APs before they pose a great danger to the people of South Imenti?

Maj. Madoka: Mr. Speaker, Sir, I did say that I was going to look into it, having got that information from him. So, rest assured that we will do something.

RESULTS OF BANKING FRAUD INVESTIGATION

(**Mr. Orenge**) to ask the Minister of State, Office of the President the following Question by Private Notice.

What is the result of the investigations into and the position of the intended prosecution regarding complaints of a banking fraud made by a Mr. Prabhulal Tejpar Haria against one Tanuj Raja and Bullion Finance Limited?

Mr. Speaker: Hon. Members, we will defer this Question.

(Question deferred)

PROSECUTION OF FAKE CURRENCY SUSPECTS

Eng. Toro asked the Minister of State, Office of the President, the following Question by Private Notice.

(a) Is the Minister aware that Mr. Mwaniki Kiarie, ID/No.11106442, and Mr. Kuria Thuo were arrested on 30th June, 1998, and taken to Kabati Police Post for being in possession of fake notes of Kshs1,000?

(b) Is he further aware that the two were put under police custody until 9th July, 1998, when they were released without any charges preferred against them?

(c) If the answers to "a" and "b" above are in the affirmative, what steps has the Minister taken to ensure that the two culprits are taken to court and the police officers who released them disciplined?

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

(a) Yes, I am aware that the two gentlemen were arrested for being in possession of fake notes

(b) I am also aware that these people were released on 8th July, 1998, pending further investigations. We are totally dissatisfied with the action taken by the police to release those particular individuals when they had sufficient evidence that they had fake notes. We are still investigating the matter to see what action can be taken against the officer who released those people before taking the matter to court. The matter is now before a court and the two culprits, who were released by the policeman, are now being looked for.

Eng. Toro: I would like to thank the Minister for taking the appropriate action. However, he has said that the two culprits will be taken to court, but he has not said what action has already been taken against the officer who released them. The Minister has also not told us what happened to the fake currency notes that the culprits were arrested with. Did the police officer who released them throw away the fake notes, so that he can go scot-free?

Maj. Madoka: Mr. Speaker, Sir, the fake currency notes are still with the police. I have said that we are

still investigating the circumstances under which the police officer released the two suspects. I have further said that the two culprits, who were released, are being looked for, and will be prosecuted once they are found.

Mr. Ngure: On a point of order, Mr. Speaker, Sir. Is the Minister not misleading this House that the two suspects owned a single note of Kshs1,000? Was the single note cut into two halves? How did two people own a single note?

Maj. Madoka: Mr. Speaker, Sir, I do not think that I said that the two suspects were in possession of a single note. In fact, they had two Kshs1,000 notes which had serial Nos. 1946308 and AA520869.

Mr. Gitonga: On a point of order, Mr. Speaker, Sir. Is the Minister in order to refuse to answer the Question which was asked by the hon. Questioner with regard to the policeman? What action was taken against the policeman who released the two culprits?

Maj. Madoka: Mr. Speaker, Sir, I did not refuse to answer that question. The hon. Member might not have been satisfied with my answer, but we are looking into the circumstances under which the policeman released the two suspects.

Eng. Toro: Mr. Speaker, Sir, the police officers in Kandara have become very notorious and they have established their own Kangaroo court at the police station. The two culprits were released after bribing the police officer with Kshs10,000. The suspects had six fake notes each of Kshs1,000. Could the Minister tell this House what investigations are being carried out? It is obvious that the police officer released the two culprits and yet, the fake notes still exist as exhibits. The policeman should be arrested and taken to court, but not investigated.

An hon. Member: The policeman should be sacked!

Maj. Madoka: Mr. Speaker, Sir, all that I can do now is to assure the hon. Member that I will report back to this House once we have taken the appropriate action.

REFUND OF ILLEGAL DEDUCTIONS

Mr. Wafula asked the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that Nzoia Sugar Company deducted Kshs61,893.70 from Mr. Ernest Napunyi, Field No.45303502570, as cost of seed-cane which was never supplied to him as per the company's letter of 17th September, 1997, Ref.NSC/AGR/AMN/49/VOL.IV/97?

(b) What steps is the Minister taking to ensure that this farmer is refunded the money plus interest which was deducted illegally from his payment for cane delivered to the factory?

The Assistant Minister for Agriculture (Mr. Karauri): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Ernest Napunyi delivered his sugar-cane to Nzoia Sugar Company on the 9th January, 1996 and deductions were made from his earnings. The deductions included field survey cost, local levy, harvesting charges, county council cess, seed-cane cost and Presumptive Income Tax.

(b) My investigations in this matter have revealed that the deductions made by Nzoia Sugar Company from Mr. Napunyi's payment were in line with the company's policy on charges levied on farmers' sugar-cane earnings. Given this information, I have no intention of taking steps to recover the deducted money.

Mr. Wafula: Mr. Speaker, Sir, the answer from the Assistant Minister is not genuine. I have not asked about other levies such as Presumptive Income Tax, transport charges and the cess. My Question is about the cost of seed-cane. I have got a letter here which the farmer wrote to the Nzoia Sugar Company. The Company replied to the letter, saying that it had no choice but to recover the money for the seed-cane, irrespective of its source. I will table the letter for the Assistant Minister to see. Could the Assistant Minister take up the matter with the company and ensure that this farmer is paid the money for the seedcane which was never supplied to him? I have the relevant documents with me here.

(Mr. Wafula laid the documents on the Table)

Mr. Karauri: Mr. Speaker, Sir, the farmer told the hon. Member that he did not collect the seedcane from the company. But, instead, he collected it from another contracted farmer, hoping that he would evade paying for the seedcane. Although he collected the seedcane from another farmer, the deductions were still made by the company. These farmers have "eaten" money after collecting the seedcane.

Dr. Kituyi: Mr. Speaker, Sir, the letter says that the company would deduct seedcane supply cost, regardless of whether it was supplied to the farmer or not. Speculations about whether the farmer collected it from another farmer are irrelevant, since any other farmer who got the seedcane from the company must have paid for them. Why is it that the company would deduct the money whether the seedcane was supplied to the farmers or

not?

Mr. Karauri: Mr. Speaker, Sir, that is not the issue. This farmer planted 2.5 hectares of seedcane from another contracted farmer. When the company discovered this, it deducted the money from Mr. Napunyi and not from the farmer who supplied the seedcane to him.

Mr. Wafula: Mr. Speaker, Sir, I consider this issue as robbery without violence. The Assistant Minister is brave enough to say that, the money was recovered from the farmer although he was not supplied with the seedcane by the company. He has to tell this House which farmer supplied Mr. Napunyi with the seedcane.

The Assistant Minister for Agriculture (Mr. Karauri): Mr. Speaker, Sir, I am sure that the hon. Member will not dispute that. If the farmer could tell him the truth, he would tell him that he collected his cane from another farmer. I do not have to give him the name.

Mr. Speaker: Next Question!

PLIGHT OF NZOIA SUGAR FARMERS

(Mr. Kombo) to ask the Minister for Agriculture:-

(a) Is the Minister aware that many farmers who delivered cane to Nzoia Sugar Company over one year ago have not been paid?

(b) Is he further aware that some farmers have not had their cane cut after three years?

(c) If the answers to "a" and "b" are in the affirmative, what is the Ministry doing to alleviate the problems the farmers are facing?

Mr. Speaker: This Question by Mr. Kombo is deferred.

(Question deferred)

MODERNIZATION OF MUMIAS SUGAR-CANE FACTORY

Mr. Osundwa: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that Mumias Sugar Company Limited is on the verge of collapse?

(b) Could the Minister explain to the House the criteria that was used in awarding the Mumias Sugar Factory modernisation contracts to Fletcher Smith and H. Young companies?

(c) What was the overall project cost?

The Assistant Minister for Agriculture (Mr. Karauri): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Mumias Sugar Company Limited is on the verge of collapse.

(b) Mumias Sugar Company factory modernisation projects contracts were awarded through competitive local and international tendering systems.

(c) The latest estimate of the cost of modernisation project is approximately Kshs4.2 million, and the project's budget was Kshs4.5 billion.

Mr. Osundwa: Mr. Speaker, Sir, I am not satisfied with that reply. This project of modernisation was conjured just to rip off the liquidity of this factory. For example, before the project started, this factory was milling eight tonnes of cane to produce one tonne of sugar. After this modernisation it now mills 12 tonnes of cane to produce one tonne of sugar. Could the Assistant Minister confirm to this House that this modernization was meant to rip off this company?

Mr. Karauri: Mr. Speaker, Sir, the aim of modernization is to improve the output. What the hon. Member may be talking about is the sucrose in sugar. When whole cane has not been harvested, it tends to lose the amount of sugar that could be extracted from it. That could be the problem and not modernization.

Dr. Kituyi: Any person with some elementary knowledge about what is happening at Mumias Sugar Company would not say that factory is not on the verge of collapse. The audited accounts of the organisation in 1996, showed a net profit of Kshs6.3 billion. In the first half year, Mumias Sugar Company has been issuing bouncing cheques. For example, three cheques from Kenya Commercial Bank; cheque No. 103620, No. 103619 and No. 103621, all valued at Kshs12.8 million, to cane cutters, petty cash and casuals have all bounced. Right now Mumias Sugar Company is withholding cheques worth Kshs74 million. If that is not evidence of financially faltering, I do not know what the Assistant Minister understands by that. But, be that as it may, if you are talking about fair tendering, 60 per cent of Fletcher and Smith Company is owned by Booker McOnell and 40 percent by

Tate and Lylee who are the partners that own Booker and Tate in Mumias. Under what condition does the Government allow a company which has been given the management contract for Mumias, which owns 4.45 per cent of Mumias Sugar Company, to be the one which gives its 100 per cent owned subsidiary a contract to carry out this work, particularly, after the same Company, Fletcher Smith---

(There was a temporary power failure)

Mr. Speaker: Proceed.

Dr. Kituyi: The matter of the mismanagement of the Mumias Sugar Company is of very great pain to the people of Western Kenya. As we speak, H. Young, a company which is owned by politically correct individuals in this country, is a local agent of the same Fletcher and Smith. So you gave a contract to Fletcher and Smith which is 100 per cent owned by the owner and their agents---

Mr. Speaker: Ask your Question now.

Dr. Kituyi: I am just asking the Question now.

Mr. Speaker: Yes, please, do.

Dr. Kituyi: Will the Minister explain to this House if a proper tendering procedure was followed? Secondly, aware of the anti-monopolies legislation in the country, why was a wholly owned subsidiary of Booker and Tate awarded a contract with their local agent company which has been involved in the supplies of a boiler that did not work?

Mr. Speaker: Order! Do you still remember the Question?

Mr. Karauri: First, I want to state that I know that Mumias Sugar Company is experiencing problems, but it is not on the verge of collapse, because the sugar sales have gone very low.

Hon. Members: Why?

Mr. Karauri: This company was selected among many other tenderers and I can even give a list of the tenderers because they were adjudicated and suited to meet the project's specifications. There were specifications.

Mr. Osundwa: The Assistant Minister is misleading the House. He knows that it was not an open tender. It was single sourcing directed to Fletcher and Smith only and it was signed by an hon. Minister in this House.

Hon. Members: Shame!

Mr. Karauri: That is not true. I can give the names of companies that participated in the tender.

Mr. Speaker: Very well. Next Question!

Mr. Nyanja: On a point of order, Mr. Speaker, Sir. An hon. Member of this House has been mentioned and it is for the Chair to protect him. I do not know whether you heard the hon. Member mentioning a Minister because the whole story is tantamount to theft, fraud and corruption. A Minister in this House has been mentioned. If this House is to maintain its dignity, could he substantiate? This is very serious! Either the Government gets serious on anti-corruption or we declare the whole Government corrupt. This is very Serious! Who is this Minister? Is he one of the untouchables?

Mr. Osundwa: Thank you, Mr. Speaker, Sir---

Hon. Members: Mention him!

Mr. Speaker: Order! Order! Sugar is a very sweet item, but hon. Members must realise that I have only another 10 minutes and I still have six Questions.

Mr. Osundwa: I want to bring to the attention of this House the fact that problems in Mumias Sugar Company have to do with failure to sell sugar. The problems started when the then Chairman of Mumias Sugar Company, a Prof. George Saitoti, gave an exclusive contract to Fletcher and Smith to supply spare parts to Mumias Sugar Company. That is when theft started in the company. I would like to request the Assistant Minister to consider banning any further importation of sugar into this country until the existing stocks are depleted. Thank you.

I would like to ask the Minister whether he will ban the sugar imports completely.

Mr. Karauri: Mr. Speaker, Sir, the Ministries of Agriculture and Finance will continue to monitor the imports, so that we do not allow sugar to come in when we have enough supplies.

SOURCE OF POLIO VACCINES

Mr. Kathangu: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) From which firms/sources does the Ministry acquire tetanus and polio vaccines, and what specific

viruses are in those vaccines?

(b) Is the Minister aware that paralytic polio/flaccid paralysis is often diagnosed in already vaccinated children?

(c) If the answer to "b" above is in the affirmative, could the Minister give the figures of those already vaccinated and, yet, reported as having polio?

The Assistant Minister for Health (Dr. Wako): Mr. Speaker, Sir, I beg to reply.

(a) All the vaccines used at KEPI are currently procured by DANIDA, through the Old East African Trading Company, who are their procurement agents. The company identified eligible suppliers/manufacturers, who met the WHO and UNICEF requirements for vaccines. The supplies for the 1998 are as follows: DPT, Cheron Barring of Germany, OTV, Smithkline Beecham, OTV Routine, Rhone Poulenc - France, GT Mission Firm from Denmark, Selum - Institute of India.

The Ministry uses DPT, which is Dicteria Phenensis and Tetanus vaccines, oral vaccines and TT (Tetanus Toxoid Vaccine), to immunise pregnant women.

(b) Paraplegic polio and acute paracheture(?) are two different conditions, although the former can mimic the latter. We have not documented any case of paraplegic polio either due to world polio virus, or vaccine related virus or, in the last five years. However, we are constantly conscious of the fact that there is a scientific probability that one vaccine in every 2.5 million doses used, may cause paralysis, either in a vaccinated child on a close contact. In recognition of the above mentioned, the Government has put in place vigilance mechanism to detect that unlikely occurrence.

(c) As I have already indicated, there are zero cases.

Mr. Kathangu: Mr. Speaker, Sir, the Assistant Minister has avoided to answer the second part of part (a) of the Question. I specifically asked which viruses are in tetanus and poliomyelitis vaccines. Instead of answering that, the Assistant Minister has listed several vaccines, their country of origin, and the manufacturing companies. I would like the Assistant Minister to tell the House which viruses are in tetanus and poliomyelitis vaccine.

Dr. Wako: Mr. Speaker, Sir, I have not avoided to answer the hon. Member's Question. Actually, the first part of the Question deals with the supplies, and we have listed them. On the second part of the Question, I have said that DPT is Dicteria Tetanus, OPV is oral vaccine and TT is Tetanus Toxoid vaccine. So, I have answered the Question.

Mr. Kathangu: Mr. Speaker, Sir, I do not want to get into the politics of these two vaccines in this country. What I would like the Assistant Minister to know is that there are fears in this country that, biological wars and campaigns against the African populations have been spread through vaccination. We know that the first HIV management in this country was done in 1984. The management of the same HIV in America was done in 1980. Todate---

Mr. Speaker: Please, put your question!

Mr. Kathangu: I will do that, Mr. Speaker, Sir. It is very serious. This is because the Ministry is starting the eradication of polio in this country on 8th, 9th August and 12th and 13th September. So, what I am trying to know from the Ministry is whether the Assistant Minister can allay the fears of the people, that the people who will bring the vaccines are sincere. That we have 31 million---

Mr. Speaker: Mr. Kathangu, please!

Mr. Kathangu: Mr. Speaker, Sir, can we know what viruses are in vaccine poliomyelitis and vaccine tetanus?

Dr. Wako: Mr. Speaker, Sir, I think the hon. Member should know that tetanus toxoid is a vaccine. It is used in this country and it is quantified and qualified by the WHO standards. Therefore, there is no probability that we---

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

Mr. Speaker: Order, hon. Kathangu! You have taken a lot of time debating rather than asking questions. We have five questions and I have five minutes. Let us go on to the next Question by Private Notice.

UTILIZATION OF SIDA FUNDS IN SAMBURU DISTRICT

Mr. Leshore: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that the Swedish International Development Agency (SIDA) funds for Samburu District have been returned to the Treasury?

(b) If the answer to "a" above is in the affirmative, which projects were designated to benefit from those funds and why were they not implemented?

(c) How much money was returned and when will the projects be undertaken?

The Assistant Minister for Health (Dr. Wako): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the SIDA funds for Samburu District have been returned to the Treasury.

(b) The programme which was being funded was for environmental health programme, which had minor water supply, sanitation, vector control, food hygiene, community mobilisation and training. Most of the planned activities were not accomplished due to the non-payment to the suppliers by the District Treasury, due to liquidity problems. Hence, there was non-supply of construction material for the projects planned.

(c) Kshs1,010,374.60 was returned to the Treasury. The Ministry will request the Ministry of Finance to re-allocate the funds in this fiscal year, so that the activities that were not undertaken will be accomplished.

Mr. Leshore: Mr. Speaker, Sir, I would like to thank the Assistant Minister for mentioning the projects that were to be undertaken in Samburu District. Could the Assistant Minister tell us when he is going to refund the money back to the District Treasury, so that the projects could be undertaken?

Dr. Wako: Mr. Speaker, Sir, as soon as we receive the funds from the Ministry of Finance, we are going to return them to the District Treasury.

Mr. M.A. Galgalo: Mr. Speaker, Sir, the element of returning money back to the Treasury for lack of project implementation is very common in Northern Kenya. It looks like this was a design to deny the people of Samburu, development. Could the Minister assure this House that this situation will not recur again, and that all development projects planned for the area are undertaken in the course of this Financial Year?

Dr. Wako: We are going to ensure that no money is returned to the Treasury from this Fund.

Mr. Speaker: Very well. Order! As I said earlier, I have to go to the Motion of Adjournment. Therefore, most unfortunately, all the Questions that have not been asked will be deferred.

EVICTON OF MR. WANYOIKE

(Mr. Muriuki) to ask the Minister for Lands and Settlement:-

(a) Is the Minister aware that Mr. Anderson Wanyoike Kongo, ID/No.3615415 of Weru Location, Ol Kalou, was allocated Plot No.594 in Ol Joro-Orok Salient Settlement Scheme in 1982 and issued with Receipt No.V996940 after paying Kshs325?

(b) Is he further aware that Mr. Wanyoike was advised by the Government Officer, who was assisting him to obtain a title deed for his land, to surrender the receipt and payment of Kshs3,900 after which, the officer registered the land in her own name and is now evicting him from the land?

(c) If the answers to "a" and "b" above are in the affirmative, what action is the Minister taking, as a matter of urgency, to ensure that the land reverts to Mr. Wanyoike who is its rightful allottee?

(Question deferred)

PAYMENT OF DUES TO CASUAL WORKERS

(Mr. Kimeto) to ask the Minister for Public Works and Housing:-

(a) Is the Minister aware that the following people, Messrs. David Kibet (ID/No.9436431); Paul Bett (ID/No.11528502) among others were engaged by the Ministry, through the District Roads Engineer, Bomet, as casual workers on Road C.15 Ndanai, during the recent *El Nino* rains?

(b) Is he further aware that each worker was to be paid Kshs132 for every 50 metres of a diverging trench dug and that the workers have not been paid since January, 1998, to date?

(c) If the answers to "a" and "b" are in the affirmative, could the Minister order for the payment of the said dues without further delay?

(Question deferred)

PROTECTION OF SOCIETY'S FUNDS

(Ms. Karua) to ask the Minister for Co-operative Development:-

Following the abortive farmers meeting on 23rd June, 1998, at Kabare Co-operative Society offices, during which one farmer was shot dead by police;

(a) Is the Minister aware that former officials of Kabare Co-operative Society whose term of office expired in May, 1998, are now disbursing the farmers money in spite of the fact that the farmers on 8th June, 1998, elected new officials?

(b) If the answer to "a" above is in the affirmative, what is the Minister doing to ensure that farmers' interests are protected, and the Provincial Administration, especially the District Commissioner, Kirinyaga, does not collude with the former officials to fleece the farmers?

(Question deferred)

ARREST OF KRA OFFICERS

(Mr. Muchiri) to ask the Attorney-General:-

(a) Is the Attorney-General aware that his office entered a *nolle prosequi* against Mr. John Msafari and others on 24th July, 1998, who were arrested by The Kenya Anti-Corruption Authority and charged before the Chief Magistrate Court, Nairobi, with various offenses involving corrupt activities?

(b) If the answer to "a" above is in the affirmative, is the Attorney-General's office intending to proceed with the case in the near future and, if so, when?

(c) Could the Government compensate the arrested persons for unlawful arrest and malicious prosecution?

(Question deferred)

Just before I call the Leader of Government Business to move the Motion, I would like to remind hon. Members that we do still have the post-elections seminar at Mbagathi on Monday, the 3rd, of August, 1998. The registration will begin at 8 a.m. in the morning. I do ask hon. Members to participate in this orientation seminar.

Both new and old Members are welcomed. Let us meet and exchange our ideas about our practices now, and how we intend to have them in future. I will consider that as a normality, so that Members will naturally be entitled to claim their travelling costs from home to the seminar and back. Next Order.

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

The Minister for Agriculture (Mr. Mudavadi): Mr. Speaker, Sir, I beg to move:-
THAT, this House do now adjourn until Tuesday, 6th October, 1998.

Mr. Speaker, Sir, while moving this Motion, I would just like to make a few remarks so that other Members can also have some opportunity to talk about a number of topical issues that are currently affecting us. Before I do that, I think it is important that on behalf of the Government, I stand here and say that we would like to express our sincere condolences to the family of the young man from USIU who was shot in the most unfortunate incident, when he was driving his parents' car. This is an incident that has caused a lot anguish and it is an incident that also needs to be taken very seriously by the security forces in this country, to ensure that they know, at any one time, that they are supposed to arrest people; and that they should as much as possible, ensure that they are, first of all, looking for people who are genuine criminals and at the same time they should not be trigger happy in dealing with these circumstances. So, it is important that this House records its utmost regret for what has happened and also to convey condolences to this family over this most unfortunate incident.

Mr. Speaker, Sir, the other thing that I would just like to point out, as Members go for their recess for the next two months, is that this is an opportune time for us to consult further with our electorate on various issues---

(Loud consultations)

Mr. Speaker: Order! Order! Five minutes is an awfully short time. Would you, please, let the Minister

make his five minutes' contribution?

The Minister for Agriculture (Mr. Mudavadi): Thank you very much, Mr. Speaker, Sir. I was saying that it would be important for Members to consult with their constituents, particularly on the issue of the Constitutional Review Process. I think this is important because it seems that since the year started, we have made some reasonable progress but not good enough in ensuring that this process starts in earnest, as it should have started. So, it would be very useful if the hon. Members can consult further with their constituents and get to know what are their real feelings, and what are their really concerns, so that we can make some meaningful contribution to the whole process of review of the Constitution. This is key because we do not want to have a situation where we do not make progress on this particularly important matter which could, in turn, result in a lot of negative aspects.

Mr. Speaker, Sir, the other thing is just to encourage the hon. Members to ensure that apart from looking at some of those issues, we are able, at this particular point in time, to deliberate and bring the tension down in this country in a number of areas. I am saying this because in certain parts, there is still a lot of tension and it is important that as leaders, we are able to deliberate and assist in conflict resolution in our respective areas, so that we can assist in ensuring that the energies of our people can be focused in the right direction. I am saying this because as we know, for instance, there is a Judicial Commission of Inquiry going on and I would like to reiterate that, as Members of this House, we must always ensure that we show utmost respect for democratic principles. I hope that what we saw yesterday, in this very august House, shall not be seen again because what we came here for is to persuade each through logic and facts and not to get entangled in brawls that will not be beneficial to us individually or to our people. I want to say that it is important that this is upheld because soon or later, perhaps, you may find a situation where Justice Akiwumi might be forced to move to investigate clashes in this Parliament. So, we had better be very careful in the way we deal with our matters in this august House.

I would also just want to stress that the Government will, on its part, play its role in ensuring that there is sufficient consultation within the respective Ministries so that we can, come October, be able to deliver or discharge our responsibilities more effectively. If there were any misgivings, I take it that the refresher courses that we will undergo over the next two months should assist us in making sure that we can respond to questions and issues raised by hon. Members more effectively than we may have done. But, at the same time, I would also like to urge the hon. Member to assist in being very factual and analytical as they gather their information, and help us to keep on our toes, to make sure that the Government can be effective.

Mr. Speaker, Sir, with those few remarks, I beg to move.

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

Mr. Speaker: What is it, Mr. Wafula?

Mr. Wafula: It is a very serious matter, Mr. Speaker, Sir. Hon. Gatabaki says that he has discovered that there is a Member who is carrying a gun in the House.

Hon. Members: Shame!

Mr. Wafula: Mr. Speaker, Sir, what happened yesterday---

Mr. Speaker: Order! Order!

Mr. Mwenje: Name him!

Mr. Speaker: Order! Order! I suppose Members are not suffering from hallucination. We cannot keep on talking about this issue of guns every day!

Hon. Members: Let him substantiate! Mr. Gatabaki is here!

Mr. Speaker: Order! Nobody will shoot anybody here! Proceed, Mr. Biwott.

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

Mr. Speaker: Order! Order! Order, hon. Members! Can we continue! You have three hours to talk. Why do you not let the debate flow? Proceed, Mr. Biwott.

Mr. Anyona: Mr. Speaker, Sir, on two accounts, we cannot proceed. On the first account it is unprocedural for any arms to be present in the House. So, if there is an allegation that there are arms in the House, then that allegation must be dealt with before we proceed. Secondly, it will not be possible to debate in a confident atmosphere, if we feel that there are guns in the House. I think someone must discharge their responsibility by being able to substantiate the allegation.

Mr. Speaker: Order! Order! Hon. Wafula was passing a rumour to the House. He said, "I have been informed by the hon. Gatabaki..." Does Mr. Gatabaki not have a mouth? Proceed!

(Mr. Mwenje tried to prompt Mr. Gatabaki to stand up and substantiate)

Mr. Mwenje: Mr. Gatabaki is here!

Mr. Gatabaki: I can substantiate my claims.

Mr. Speaker: Order! Leave him a lone!

The Minister for East African and Regional Co-operation (Mr. Biwott): Mr. Speaker, Sir, obviously, what we have just heard is a rumour.

I stand to second this Motion and in seconding the Motion, I would like also to add to some of the sentiments expressed by the Leader of Government Business about the need for the Members to take Parliamentary business seriously and to take their constituencies seriously, so that we can continue to uphold the dignity of this House.

Mr. Speaker, Sir, we have just approved the Budget. The Budget is now on and our people are waiting to utilise those funds. This is the right time for Members to go home and explain to their constituents that, that money will be for funding projects in their own constituencies so that they can follow it to ensure that, that money is expended correctly.

For the hon. Members, I would urge them to support the Minister for Finance in the implementation of the austerity measures that he has instituted. This Parliament can pride itself in the fact that we passed the Energy Act which liberalises the energy sector, and yesterday we cleared the Kenya Communications and the Postal Corporation Bills. We are also implementing the austerity measures that were put in place. Therefore, we should all go out and speak in one voice, to say that Kenya is now set towards mounting economic growth that will eventually reduce poverty in this country.

Mr. Speaker, Sir, what is plaguing this country at the moment are matters related to security, poverty and the welfare of the ordinary man. When Members of the Opposition raised the issue of demolition of kiosks, nobody talked about the welfare of people as such. They never gave the alternative as to what those people should be provided with, in order to alleviate their problem. They continue laying the blame on the Government, even though the City Council is run by the Democratic Party. They forget that the Nairobi City Council was under FORD(A) until after the elections when the DP took over. We hope the Democratic Party will give some suggestions as to how that problem can be alleviated.

Mr. Speaker, Sir, the Leader of Government Business referred to yesterday's behaviour by hon. Members. I think it is now evident that people who know what democracy is and uphold the principle of democracy and respect freedom of expression, are Members of Parliament from the Government side. But those who have been talking loudly about democracy and upholding democratic principles are, in fact, the dictators and intimidators, who do not allow other individuals to exercise their freedom of conscience as we witnessed yesterday. I think it is shameful to have hon. Members in this House who do not believe in dialogue. When some of them went to address the teachers, they proved that they, indeed, do not believe in dialogue. They believe in incitement and assisting those who would like to disrupt the system for their own selfish ends and to enhance their political expediency, in the hope that, one day, they might sit on the Government side. I would like to state that if that is the kind of behaviour that will be entertained by hon. Members on the Opposition side, that goal is far from being achieved.

With those few remarks, I beg to second.

(Question proposed)

Mr. Kibaki: Mr. Speaker, Sir, in supporting this Motion, I would like to propose that during the recess, the Government and all other Members of this Parliament, particularly those that are involved in the preparation of the amendments we want to make in the Constitutional Review Commission, should work hard. This is because we are already late. By the time we come back, we should have the draft Bill, so that we can take action. There is no point just talking and saying that we want to make progress when, in fact, it is being blocked by new and unreasonable proposals from various sides. We will expect a Draft Bill by the time we come back.

Mr. Speaker, Sir, equally, when we had the Budget and the declarations from Mbagathi and Mombasa on the economy, the Government committed itself that various measures would be taken to try and improve the economy. The people of Kenya, the investors, traders, farmers and Members of Parliament are waiting for that action. So far, we only have promises, but no action is being taken. I would like to call upon the Government to take some action now because, it is very sad to announce what you are going to do and you do not do it. It is better if you had never spoken and then we would be waiting while you are thinking. But when you have announced what you are going to do and you do not do it, it is quite ridiculous. We expect action, at least, some little repair of

the roads, because at the moment farmers cannot get their produce to the market. We know there will be no revival of the economy until we take care of the farmer, by paying him promptly and making sure they have an outlet.

Mr. Speaker, Sir, sugar-cane farmers have no outlet because sugar factories have excess supply. They are not able to take any more cane, yet more sugar is being imported. We were promised that sugar imports would be stopped, but they have not stopped. Worse still, the Government is still negotiating with foreigners to take shares in the sugar factory of this nation. I feel pained because when some of these factories were being built, I was in the Government. I know that the Government spent its own money. Why should we then benefit foreigners by handing over shares of those factories to them? We should give those shares to the farmers the way we are doing in the coffee and tea factories. The same should be done with the cashewnuts factory at Kilifi. It is now closed and farmers are forced to sell raw nuts at throw-away prices. It is a shame that the Government should allow a factory at Kilifi to remain closed while the farmers suffer. It is a big shame.

Mr. Speaker, Sir, we were told that there would be a policy declaration, and it was repeated in the Budget Speech, that a statement would be made to clarify how we are going to move towards greater privatization of the parastatals. But up to now, no statement has been made. We know, and we have heard very clearly, that there are talks about privatizing the Port of Mombasa going on; the only port this nation has and which has a security dimension to it. It is not just a trading port. If you are going to privatise it through secret negotiation, we object. Why should Government be secretive about a national asset like the Port? Soon, we shall hear that you have sold Jomo Kenyatta International Airport to some friends. We are asking for our rights as Members of Parliament and Kenyans, to be told openly, on what basis we are negotiating, and with who, because, no policy has been declared. Where did the Government get clearance that it should privatise Mombasa Port secretly, through negotiations? We object to the way the Government is behaving. If they continue, they should know they have no support from the Members of Parliament and the nation. We expect a public statement very soon.

Mr. Speaker, Sir, we passed a Motion here regarding the brews that are killing people; various categories of alcoholic beverages which are being brewed. People are being sold industrial alcohol which is being mixed with those brews. That industrial alcohol is being bought from the Government's own project in Muhoroni. We passed a Motion here and people are dying. To the shame of everybody, the brews are back and being sold. I am appealing to the Minister who supervises public administration and who is here, that this is criminal. We know this brew is killing people. The DCs, DOs and chiefs know the number of people who have died in various parts of the country. We have been to many funerals until we are tired. Now, the brew is back on the market. On what terms is it back on the market? Who has authorised it? If the Government does not know, what kind of Government can it be; a Government that allows killer-drinks to be sold, so that little money may be made? Must people be sacrificed so that a little money may be made, or has corruption reached such levels that we are incapable of handling a simple thing like that one? Above all, who is licensing those people, or are they selling the brews without a licence? These matters are painful. When we are being told to consult our constituents, this is the first question we are going to be asked; who is authorising? I will have to say, Government. Who else shall I say is authorising?

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Mr. Speaker, Sir, we are going to have peace and talk to our constituents and explain to them the present situation of the economy in this country in the language they understand, because most of them are living in the rural areas where they do not know that the economy of the country is not as healthy as it used to be.

Mr. Speaker, Sir, I would like to associate myself with some hon. Members who have spoken on the Constitutional Review. We would like our Constituents, and Kenyans in general, to know what we would like to review and the amendments required in our Constitution, because some of them think that we intend to overhaul the whole Constitution, while some are of the opinion that some sections of the constitution need some amendments.

Mr. Speaker, Sir, I would like to appeal to the Ministers for Health and Public Works and Housing to visit various constituencies, mainly in the North Eastern Province, parts of the Rift Valley and parts of Central Province, where the roads were completely washed away by the recent *El Nino* rains, so that they can see for themselves the hardships that the wananchi are undergoing. I would also like to ask the Minister for Energy to try and ask the oil companies to reduce the price of diesel, because the farmers in the rural areas use it for tilling their lands. I always hear the Permanent Secretary in that parent Ministry appealing to the oil companies to reduce the price of fuel. But I think his appeal always falls on deaf ears, because nobody has reduced the price of diesel.

Mr. Speaker, Sir, security in this country and in every other country is paramount. The Commission appointed to investigate the tribal clashes needs to be given concrete evidence because what is coming out now is hearsay. We would like people to come out with concrete evidence and say that they have seen so-and-so take up arms and fight other communities, so that we can get into the core of the clashes. So, I would like to appeal to my colleagues that, when they go to their constituencies, they should explain to their people what the Commission

would like to hear, so that they can get concrete evidence and if there is anybody to be arraigned in court, it should be done, so as to face the offences they have committed.

Mr. Speaker, Sir, I would also like to appeal to my colleagues to reflect on what happened yesterday in this House. It was shameful. I do not want to be associated with violence. Some of us are professional fighters and if we are provoked, we can fight professionally. So, I would like to request my hon. colleagues not to start any fight in this august House. We are going to protect this House.

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

Mr. Speaker: What is it, Mr. Munyasia?

Mr. Munyasia: Mr. Speaker, Sir, hon. Sumbeiywo, who is a former Senior Assistant Commissioner of Police, is threatening that he is going to fight professionally. We know that he only knows how to fight using a gun. Is he threatening us with a gun?

An hon. Member: Has he got a gun?

The Assistant Minister for Planning and National Development (Mr. Sumbeiywo): Mr. Speaker, Sir, to correct him, I was a Senior Deputy Commissioner of Police, not Senior Assistant Commissioner of Police, and I am a trained professional fighter. If you start another fight, I will come to the Floor.

(Laughter)

Mr. Speaker: Order! Order, hon. Members. The Chair will not entertain any fight, whether professional or lay.

Mr. Njehu Gatabaki, you have the Floor.

(Laughter)

Mr. Gatabaki: Mr. Speaker, Sir, thank you very much for giving me the opportunity to voice my comments on this very important Motion of Adjournment. I have got a cold, but I will try as much as possible to deliver my sentiments.

Mr. Speaker, Sir, this nation requires this kind of interlude, at least, to enable the President of Kenya, whom I respect very much, to be out of the glare of this House; to sit down and make a major Cabinet reshuffle that will reflect the importance of a Vice-President and, maybe, ten key Ministers and remove the likes of the Cabinet Ministers we know for their criminal intentions and corruption. We all know that the likes of hon. Nyachae, hon. Biwott, hon. Lotodo, hon. Ntimama, hon. Nyenze, hon. Wako---

(Laughter)

Mr. Speaker: Order! Order! I am sure, Mr. Gatabaki, that by now, you know the rules of the House and you are deliberately breaching them in the hope that it will be a page one news item in the newspapers. Now, will you, please follow the rules? I will let you off, but do not repeat that.

Mr. Gatabaki: Thank you, Mr. Speaker, Sir. I only want to help the President to identify, in the Cabinet, those characters known to have committed major crimes against this nation in the hope that they will not be included in the Cabinet. I hope that through the newspapers, tomorrow, the President will know about those criminals who should not be in the Cabinet any more.

Mr. Speaker, Sir, we possibly also require this kind of interlude to ponder on some important issues of our nation. For more than six months, this nation has seen crisis after another. We have now ended up with the strike by the teachers. Police brutality has claimed the life of a very innocent student. We have industrial unrest and everywhere, there are crises. Maybe, we require this time to ponder where we are heading to. The other time we were told by the Minister for Finance that Kenya is kaput. Our economy is in the intensive care unit. We require this time to seek where we are heading to. Are we having a nation or a crisis? We require this time out of the glare of this House for every one of us to ask whether, indeed, the time has not come for you to allow those critical Motions of no confidence against this immoral Government, which has led this country into despair, helplessness and calamity.

The Minister for Environmental Conservation (Mr. Nyenze): On a point of order, Mr. Speaker, Sir. Is the hon. Member on the Floor in order to say that this Government is made up of immoral characters when he has, personally, if we have read correctly, frustrated his own brother by snatching a piece of land from him?

Mr. Gatabaki: Mr. Speaker, I will ignore the sentiments raised by the Minister. There is no single

individual who can grab private land. The only people who grab land are those who grab public land and they are known.

Mr. Speaker, Sir, the time has come for us to be serious about this nation. What happened yesterday in this House is deplorable in the sense that my colleagues on this side do not envisage a time in this House when they will require those kinds of privileges. It is time we started thinking about tomorrow when they will not be in Government and we will be in Government. What kind of country or legacy shall we have left?

Mr. Speaker, Sir, this kind of adjournment is also important. Maybe, going to Mbagathi is important in the sense that we, hon. Members, who are the elected Members for the next four-and-half years, can have time to think about the kind of legacy President Moi will have---

(Several hon. Members stood up in their places)

Mr. Speaker: Dr. Guracha! Is that your name?

Dr. Ali: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Motion of Adjournment. But before I do so, I would like to comment on what happened in this House yesterday.

Mr. Speaker, Sir, something terrible happened here yesterday. It is a pity that such a thing can happen in this House. I think we should not allow such things to happen again in this House. If we do so, there will be a battle here in future. Things should be done according to the rules to avoid such chaotic situations. Everybody came here on his own right. No Member brought another hon. Member into this House. I am sorry to say so, but I think some hon. Members from the Opposition side might have come into this Parliament through the wind of multipartyism. But we, from the northern frontier districts, came into this House on our own rights.

(Applause)

Even some Members who are in the ruling party, KANU, had to work very hard to come into this Parliament. Those two hon. Members in the Opposition side worked even harder than everybody else. It is unfair for anybody to coerce them to support things against their conscience. If we allow such things to continue happening in this House, then there will follow the "mother of all battles" in this House, like Saddam Hussein said one time. Fortunately, or unfortunately, I am not for such chaos.

Mr. Speaker, Sir, the other thing I would like to talk about is the Constitution, which we have been talking about all along. When we say that we want all the districts to be represented in the Constitution of Kenya Review Commission, it is made to look as if what happened here yesterday is what has made us support the district representation formula. What it means is that if we are not represented anywhere, then those ones who are there can be harassed, sat on and mistreated. Therefore, we want all districts to be represented in the Constitution of Kenya Review Commission. I want Wajir District to be represented because nobody else in Kenya understands the problems of that district. There are those problems caused by the *El Nino* rains; there is the banditry problem; there are no roads; there are no hospitals; we have nothing! And we are being told that we cannot be represented on the Constitution of Kenya Review Commission.

Mr. Speaker, Sir, in 1963, somebody was sent to London. This person realised that things were not going his way and decided to walk into town and forget about the Lancaster House Conference. Now, we are not going to allow a similar thing to happen again. This time round, we will be there, whether one wants it or not, through the district representation formula. We will continue to press for district representation at the Constitution of Kenya Review Commission. Even if somebody refuses to listen to us, we will continue to press for the same by whatever means.

Mr. Speaker: Dr. Ali, what else do you want to talk about?

Dr. Ali: Well, I would like to ask something. I am a 'new Member', as people like referring to us. There is something called Question by Private Notice. I wrote one such Question, which I intended to ask in this Parliament some two months ago, but the Question did not appear on the Order Paper for all that time. I do not understand why. The provision of health services in my constituency has ceased. This is because, for the last six months, there has not been any health officer there. Some people have died; the sick are not being treated; many others have continued to suffer. So, I do not know what a Question by Private Notice means if my Question is not a Question by Private Notice.

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

An hon. Member: Let him speak his mind!

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

An hon. Member: Wacha, Bwana!

Mr. Speaker: Could you allow the Member to continue, please. He has only five minutes. Proceed!

Dr. Ali: So, I will request those concerned to try and make sure that we are assisted in issues like this one, so that we can also be able to raise the issues afflicting our constituencies. If we cannot be assisted in this regard, we will always be in a dilemma.

The other issue that I would like to talk about is that in the North Eastern Province, there are no roads. We have made a lot of noise about this issue. Some hon. Members from that area have asked Questions here about this problem. We have been told that we have only 11 kilometres of tarmac roads in the whole province. I do not know even what to say about this.

An hon. Member: That is terrible!

Dr. Ali: So, it is a disaster for this to continue. Therefore, we are pleading with the Minister for Public Works and Housing to do something about the situation so that we can also be able to move about and support the Government as usual.

Thank you very much.

Mr. Wehliye: Thank you, Mr. Speaker, Sir. I would like to contribute to the Motion for Adjournment. But before I do that, I would like to put it on record for the interest of this House that, personally, I am here on my own right as an individual. There is no time whatsoever, I will believe in an ideological band-wagon to which I am not oriented.

Mr. Speaker, Sir, what happened yesterday was an issue of democracy *visa vis* mediocrity. I am ashamed of sharing the same platform and microphone with some of my colleagues here. This [Mr. Wehliye] is because I do not believe in intimidation, manipulation, blackmail or any of the kind of things that happened here yesterday. There is no way, whatsoever, and I would like this to be known: There is no way we are going to be forced to think the way other individuals think. This is because I do not know what is in their minds.

(Applause)

Mr. Speaker, Sir, I am appealing to the Chair to protect the minorities in this House. This is because, on the day I was sworn in here, when Mr. Speaker was also elected, he promised to ensure that the majority will have their way and the minority will have their say. Therefore, whenever I see Mr. Speaker in the Chair while some of us continue to be harassed here, I feel that Mr. Speaker is not keeping his promise.

Having said that, I would like to appeal to a number of Ministers, especially the Minister for Agriculture, the hon. Mudavadi. We have had the devastating *El Nino* rains but, I am sure, the Minister has never visited the North Eastern Province since then. Since he is now doubling as the Leader of Government Business, I would like to challenge him to visit the province. We have lost our livestock and, as you know, that is our source our livelihood. We have lost all our livestock and the area is still a disaster zone. Therefore, I am appealing to the Minister to visit the area. Of course, other Ministers have visited the area and, I would like to congratulate hon. Ndambuki for his thorough efforts. The Minister for Health was also there, although his visit was like a "technical" appearance. I would also like to appeal to him to pay the province another visit, especially Wajir District, whose people are still suffering from the effects of the *El Nino* rains.

Mr. Speaker, Sir, we have a problem in North Eastern as a result of nurture and nature. I am sorry to say so because, although I am on the Opposition, our colleagues should be sympathetic; they should sometimes even contribute and discuss thoroughly some of the issues we raise here. The only thing we get from them, which is not actually different--- Because, when we sometimes talk of marginalisation, there is no difference regardless of the source of the problem. If we talk of marginalisation by KANU, and before we even get out of this House, you marginalise us here, then you are no better than KANU. You are worse. I am ashamed to be associated with such colleagues. I am here by my own right and that is why I am saying that I am here to stay.

Mr. Speaker, Sir, the issue of education in North Eastern Province has not been tackled properly. The other day there was a contentious issue here raised by my colleagues from that province which touched on the issue of the Teachers Service Commission (TSC) transferring teachers from North Eastern Province instead of facilitating their transport to the province. Today, as we talk, the only five secondary schools in Wajir District are under-staffed in almost all subjects. Of course, in other parts of Kenya, schools are overstaffed. We are talking of retrenchment while schools in North Eastern Province are understaffed. I am appealing to the Minister for Education and Human Resource Development to ensure that he deploys more teachers there, otherwise, very soon we will have another crisis. Today, we already have one crisis because the results of over 500 students were cancelled. I want to assure the House that those students will be educated bandits not the illiterate bandits we have

had before, if remedial measures are not put in place at all in the near future.

Mr. Speaker, Sir, the essence of actually having bursaries is to assist needy students, but the unfortunate thing here in Kenya is that we always give bursaries to those who have instead of giving them to the poor. For instance, Wajir District is allocated Kshs120,000 for bursaries while other districts, like Murang'a, are given Kshs7 million and yet, that is a very rich district. So, sometimes, I wonder whether the issue of bursaries is necessary because if the poor are not considered, and the well-to-do people are given more, then the programme should be done away with.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! I have, indeed, heard the sentiments expressed by hon. Wehliye referring to what happened here yesterday; that is the assault of two Members because of the way they voted. I promise you, I have not forgotten that. I am doing investigations and when this House resumes, I will make a communication from the Chair to this House, and this House will take such action as it will deem fit. So, I am still living to my promise of ensuring that the rights of all hon. Members, irrespective of their political inclinations, are respected. I do not for one share the apparent attitude of our Press to downplay the fact that Members were assaulted because of the way they voted. I think the Press owes this country a duty to faithfully and honestly comment fairly. I do not think the Press was in this case up to the standard. However, that is their business, not mine.

(Applause)

The Minister for Home Affairs, National Heritage, Culture and Social Services (Mr. Nassir): Bw. Spika, ijapokuwa waheshimiwa. Wabunge wengine wameondoka kwa sababu hawapendi yale mambo nitakayoyasema, lakini watayasikia katika redio na kuyasoma katika magazeti. Ninawaomba wahe. Wabunge wadumishe amani wakati wa kipindi hiki cha mapumziko. Tunataka amani kwa sababu miezi mitatu iliyopita, Kenya ilikuwa imekumbwa na hatari kubwa ya kumwaga damu iliyotokana na uchochezi wa wanasiasa. Wanasiasa hawa waliona vizuri kuwachochea watu ili wasababisha fujo badala ya kudumisha amani. Ninawaomba waheshimiwa. Wabunge wenzangu wajaribu kuunganisha Wakenya wakati wa kipindi hiki cha mapumziko badala ya kuwatenganisha.

Bw. Spika, kulikuwa na mgawanyiko mkubwa na mpaka sasa upo. Watu wanazungumza kikabila, hata wakiingia katika Bunge wanafikiria kikabila. Hayo ni mambo mabaya na mwisho tumeishia kulimana ngumi ndani ya Bunge. Ningependa watu waelewane kwa maana umoja na amani yetu katika Kenya ndio uongozi mkubwa kushinda uongozi mwingine. Kwa hivyo, ningependa kuwaomba waheshimiwa. Wabunge wenzangu wahimiza jambo la wananchi kupendana na tuache ukabila. Tumekuwa na hatari kiasi kwamba ukabila umeingilia mambo ya dini na viongozi wa Nairobi na kwingineko hawaketi pamoja ili kuunganisha watu. Tunatazama tu na mambo yale yakizidi kuwa mabaya zaidi na kuzua hatari kubwa kwetu. Ulimwengu mzima watu wanauana kwa sababu ya dini na leo sisi viongozi tunaketi bila kutatua shida hizo. Ni wajibu wetu kama viongozi wa Kenya kushirikiana pamoja na wananchi kama tunataka kutatua shida ya ukabila badala ya kutisha kuchoma misikiti. Hizo ni fikira mbaya.

Bw. Spika, ninataka watu wetu wafahamishwe juu ya Katiba. Kama hawajasikia au kuona, basi, kwa miezi miwili ijayo watasikia sauti ya watu Pwani. Watajua watu wa Pwani wanataka nini na mapenzi ya Kenya kwa watu wa Pwani ni yapi. Sidhani kama mambo ambayo yametokea hapo nyuma yanaweza kutokea tena. Wahenga wanasema ukila na mtu chongo usimshike mkono, atachukua chakula chote na wewe utakosa. Pia habari ya Bandari ya Kilindini, hatutampa hata inchi ya ardhi mtu yeyote kutoka nje. Hata kama tutakuwa katika Serikali au nje ya Serikali, tutazuia ardhi yetu kunyakuliwa na mtu yeyote. Ikiwa ni kununuliwa, tutauza mpaka mashati yetu, lakini tutainunua sisi wenyewe. Watu wengine walikuwa wakifirikia kuwa watu wa Pwani ni wajinga; watu wa Pwani wanalala chini ya miembe au watu wa Pwani wako hivi. Ninataka kuwaambia kwamba mjinga akierevuka, mwerevu huwa mashakani. Ninataka zile fikira za zamani katika Kenya ziondoke, kwa sababu sote tunajua kile kinachoendela. Tumeona jinsi mambo yalivyo. Kama mimi na rafiki yangu, mhe. Karume, tunataka amani kulinda na kufurahia mali yetu ambayo tumechuma. Watu hawa wavivu na ambao hawana kazi hawataki kuchuma; wanataka kutuharibia nchi yetu. Kwa hivyo, ninaomba tuungane pamoja na kupendana kama Wakenya.

Kwa hayo machache, ninaunga.

Mr. Anyona: Mr. Speaker, Sir, I rise to support this Motion rather reluctantly because this House does have a lot of business. We have the Budget which really should require the attention of Parliament. We have other businesses, but I do realise that sometime in the past, the procedure was changed, so that between August and October, Parliament goes on recess. In the past, it was never the case. We just had a recess of about one month and Parliament did come back. But I think that is one of the matters that we have to sort out in the review of our

Standing Orders for the future.

Mr. Speaker, Sir, for now, and in view of what you have just said about what happened yesterday, I would like to make the following comments: We must all realise that this Republic is the property of the people of Kenya in totality and not for groups or individuals. We should also say that the supremacy and the sovereignty of the people of Kenya and the Republic of Kenya is symbolised by this Parliament. The dignity and the supremacy of this Parliament that we talked of is not the supremacy and dignity of us, as individual Members, or as a collective group of Kenyans. It is something that we hold in trust. We are custodians of that sovereignty or the supremacy of the dignity of our people. Therefore, when we abuse, either individually, collectively or as groups, that dignity and supremacy of Parliament, we do not deserve to be regarded as leaders of our people and our nation.

Mr. Speaker, Sir, I would like to suggest that although in normal circumstances it is the business of the Speaker to manage and to safeguard that dignity of this Parliament, I think it is the duty of every one of us to do so. It is certainly the duty of the Leader of Government Business and his team. It is certainly the duty of the Leader of the Official Opposition and his team. It is the duty of all leaders of all political parties to ensure that there is a measure of discipline so that we do not violate the sanctity of the Parliament of the people of Kenya.

Mr. Speaker, Sir, I would like, therefore, to recommend that in the future, there should be regular consultations between the Leader of Government Business, the Leader of the Official Opposition and the leaders on this side, so that we can help the Speaker in maintaining the dignity of this Parliament. I say this because when we talk about the evils of the present times, we must recognise that these things happen because once upon a time, this Parliament was emasculated and these evils were able to spring up. If we do not restore the dignity of this Parliament, then we cannot solve these problems.

So, I would like to say that we, as national leaders, must lead the way so that our people can follow. If we start clashes in the Chamber or at the gates of Parliament when teachers have come to petition Parliament, then we have no business complaining about ethnic clashes and all the rest.

Mr. Speaker, Sir, this Parliament has two major duties, as I see it. We have the economy and the constitutional reforms. As far as the economy is concerned, I would like to feel that the Government is putting together a package which this Parliament can sanction so that we can get this country back on track. When I hear about the sale of Mombasa Port, I get frightened. The only thing is that a statement was made, like was made this afternoon by the hon. Kibaki, and he does not support it with any concrete evidence. He says that 'he hears' and he is a senior leader of this nation and of this Parliament. I wish he could bring evidence before this Parliament so that this Government can then be held to account. I do hope that, that will not happen.

Mr. Speaker, Sir, the second thing is the question of constitutional reform and I would like to dispel the fears that the drafting committee has been interfered with. We have worked very well. The committee has completed its exercise. We completed it yesterday. We are meeting next Wednesday to finalise the draft Bill. We are going to Safari Park Hotel on the 10th of August and we hope that on that day, this Parliament will agree on amendments to the Bill so that we can bring it here and have the reform in progress. We may require, under the provision of Standing Order No.7, to recall Parliament to come and pass that Bill, so that the reforms can start.

Thank you, Sir.

The Minister for Foreign Affairs (Dr. Godana): Mr. Speaker, Sir, naturally I stand to support the Motion not just because it is a Government Motion, but because I think taking into account what happened yesterday, it is high time that the House took a rest. It looks like Members have been so charged that beyond this, what the hon. Anyona was talking about, namely the risk of clashes, actually starting here, could well be real.

Mr. Speaker, Sir, on a more serious note, I want to say that I believe all Members of this House welcomed your assurance that you are committed from the Chair to the defence of the dignity of the House and the defence of each and every Member. I know that quite a number of Members have already commented on this subject, but I think what happened yesterday is so serious that if every Member were to comment on it, it deserves each and every word of that comment. I think this is not the first time that Members of this House have voted across the lines. It happened in the last Parliament many times. It has happened in this Parliament already in its six months, for instance. Never did we see Members vent their anger to the point of provoking a physical fight against Members who defied their party. Did it happen because the two hon. Members were from North Eastern Province, I am sorry to ask?

Hon. Members: No!

The Minister for Foreign Affairs (Dr. Godana): That may not have been the case, but that may well be the signal which is being sent out, and I think on that account, Members surely need to regret it.

Mr. Speaker, Sir, more importantly, I think this matter was more serious than we expected. I clearly still feel disappointed that of those leading Members of the Opposite side, including the Leader of the Official Opposition, who spoke so eloquently about other things today, have not thought it fitting to distance themselves

from that behaviour or to condemn it. It suggests, perhaps, there is some tacit approval. We hope that is not the case, and I think it is proper that we expect from Members who sit on the Opposite side, a denunciation of that behaviour.

Mr. Speaker, Sir, I want to refer to your own comment regarding the responsibility of the Press particularly, in dealing with that matter, and I know on this occasion too, on a different matter, we feel the Press has tended to behave in a very irresponsible manner. I am referring in particular to an editorial in *The Daily Nation* regarding the diplomats' conference which is going on in Mombasa. It is alleged that the country cannot afford it, and that we brought in ambassadors and their spouses on expensive first class air tickets and so on. I want to assure the House and the nation that no ambassadors' spouses' tickets were paid by us, nor were they attending the seminar, or when I was there, were they even at the hotel. Most countries, indeed, have annual ambassadors' conferences or consultations. This conference would have taken place last year. It was taken care of in the Budget. It was budgeted for because it had been budgeted for already, last year. It had to be postponed because of the elections, and it could not take place in August last year.

Mr. Speaker, Sir, now, turning to the constitutional debate, which is going on, it is unfortunate that it seems again we seem to be backtracking from what appeared to be a clear understanding. I would want to appeal to Members of this House that this is the House of the representatives of all the people of Kenya. Kenyans freely exercise their choice in voting for political parties and for individual Members of Parliament. This House is the sole institution which has the mandate to deal with constitutional issues. Unfortunately, we have passed that responsibility to be taken over primarily by groups which have no elected mandate, and it is interesting that in similar circumstances, in South Africa, the same arguments were raised by none other than the National Party. In that case, ironically, the NGOs and so-called civil society groups, self-made groups of individuals, created sometimes by the wealthy sought to be given a role equal to that of elected representatives. Thank God, South Africans, thanks to the leadership of the ANC, said: "No, this is a role which is for Parliament and Parliament alone". We people here had better borrow a leaf from that experience. I hope when it comes to the same, Members will stand firm to reassert the supremacy of Parliament in all constitutional issues. That is why we are ending up with debates as to whether we are going to have representation of political parties, communities or districts. The point is that people fear, when you bring in so many groups which are too narrowly elitist, and too narrowly urbanised, you are going to overwhelm the genuine representative groups within the country, and that is the case that is happening in Kenya.

I beg to support.

Mr. Kanyauchi: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity. I wish to support the Motion of Adjournment.

Mr. Speaker, Sir, it is my contention that we need some time which, perhaps, one can say is a cooling off period. As we go to recess, I can see that there are several burning issues, many of them are political in nature which, hopefully, the one week seminar of next week can deal with. One of these issues which we cannot ignore is the simmering dispute between the teachers and the Government. We all know that there is a threat of a strike which is right under the noses of our children. I would like to urge the Ministry of Education and Human Resource Development and my colleagues on the Government side to seriously take into account this threat because when it becomes effective, we may find it very costly to avert it. In mind, I have a situation where the Government side should talk and tell us how we can generate the money which is due to the teachers. That is one way of looking at it. I would like to leave that there.

We also have another simmering dispute between the Bankers and the Government and it is unfortunate that this is not being taken seriously. I would like to urge my colleagues on the other side to also take this into account and look at ways and means of averting this strike.

Mr. Speaker, Sir, one of the issues which I wish to touch on very briefly is the Mwau saga, which we are all aware of. I think my colleagues on the other side should come clean. Governments all over the world are trying to clean up their act. They are trying to eradicate corruption. If we are not seen in this same light; if we are seen to be condoning corruption by any stretch of imagination, however slight, it will not augur well for the country. We all know why aid has been discontinued to this country, and we all know why the Anti-Corruption Authority was set up. If we are now seen to be acting against what we thought would clean up our act, then where are we going to? When will aid be resumed? When will investor confidence be restored? When will the confidence of wananchi be restored in the Government? So, we really need to think and act on our feet.

Regarding the hawkers' issue, which is also fairly contentious, I wish to say that the issue of party politics does not arise in what happened on Saturday night. We all know that there are several county councils which are managed by different parties. But at the end of the day, the chain of command reaches the Local Government and then it proceeds to the Central Government. It is, therefore, naive for anybody to argue that since Kisumu is

being run by the National Development Party (NDP), therefore, NDP would be responsible for any act of omission or commission which takes place. In any event, it has emerged that the person who gave the order for the demolition of the curio stalls at Kigali Market is one, Zippora Wandera. I believe that she is neither a DP councillor nor a DP activist. These are the kind of things which we must guard against. As politicians, we are dealing with the people because they are the ones who elected us. They are the ones who have made it possible for us to be in this august House and, therefore, we must take care of their interests. Furthermore, it has emerged that there was a court order. If you flout a court order, what are you calling for? Probably, you are calling for what we saw here yesterday. So, we must be more serious in some of these issues. Thirdly on that issue, I wish to take issue with the way---

With those remarks, I beg to support.

The Assistant Minister for Natural Resources (Mr. Lengees): Thank you very much for giving me this opportunity. Being an old Member of this House, I did not get the chance to contribute on the Presidential Speech and also during the Budget Speech. I thank you so much because I caught your eye today.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I also take this opportunity to join my colleagues to support the Motion of Adjournment. I have never had time to thank my constituents who elected me to this Parliament. It has taken me about seven months to do so. So, I take this opportunity to thank the people of Samburu West Constituency for electing me again to this august House.

Mr. Temporary Deputy Speaker, Sir, what transpired in this House yesterday depicted hon. Members as people who are immature. We were elected by people who are mature enough to know that those who were elected to Parliament are elders of this country. What happened yesterday was a childish act. It is not good for us to engage in matters that can plunge us into trouble. The Division which we went through yesterday is the normal practice in many countries. It was very clear and sober but I did not know that hon. Members could be insulted for voting against a Motion sponsored by the Opposition though they belong to the Opposition side. They were not voting against the Government but against the Motion. We are people of one country. When we say we are Kenyans, it means that we belong to one Kenya. It is very important for us to set a very good example amongst Kenyans because those who entrusted us with the duty of coming to Parliament are waiting for us to deliver the goods. If we start fighting like we did here yesterday, or abusing each other, that is something which does not benefit people of our calibre. I kindly ask my colleagues to forget what transpired here yesterday because it does not augur well for this country. Let us respect each other.

Mr. Temporary Deputy Speaker, Sir, let me now turn to my constituency. The last *El Nino* rains had bad effects on our economy. But for the pastoralists, for example, the Samburu, it was a blessing because we have a lot of pastures for our animals. However, there are areas where *El Nino* rains wreaked havoc. Our road infrastructure throughout the country is in bad shape. For example, in my constituency, the Maralal-Marsabit Road is really in very bad shape. Some other minor roads connecting schools and dispensaries like Baragoi-Lateken and Baragoi-Suguta Valley roads are in a very bad shape. I would like to take this opportunity to ask the Government to upgrade those roads.

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

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I wish to make a few brief remarks on a number of things. The first thing I want to make a remark about is that I also totally condemn and abhor, under any guise or excuse, a breach of the dignity of the House by physical or by any other unbecoming conduct by hon. Members. The despicable incident of yesterday is regrettable. However, I hasten to add that we should not *a posteriori* manufacture racial or other such conspiratorial reasons for what happened. That is just using an ugly incident, which is regrettable, for purposes that do not serve the interests of this House. That is the first thing I want to say.

The second thing I want to say is about the sugar industry in this country. In the recent past, the Kenya Government has set a precedent. When there was an importation of wheat at a time when there was surplus stock in the country, the Government froze the marketing of imported wheat to protect the market for domestically produced wheat. It is very difficult for those of us who come from sugar-cane growing areas to understand why the Government finds it so difficult to apply the same procedure to the current imported sugar that is now in the country.

Mr. Temporary Deputy Speaker, Sir, as we speak, Mumias Sugar Company, which used to sell 7,000 tonnes of sugar every week, can only sell an average of 1,000 tonnes of sugar a day. It is drowning in domestically produced sugar at a time when it has problems servicing its internal obligations. A matter was raised here earlier about the role of M/s Booker Tate in the destruction of Mumias Sugar Company. This is important because M/s Booker Tate are running down Mumias Sugar Company, so that they can buy a shell company. M/s Booker Tate is jointly owned by Tate and Lylee. The same company owned 5 per cent of Zambia Sugar Company, just slightly more than what it owns in Mumias Sugar Company right now, but after they ran down Zambia Sugar Company and bought it at a throwaway price, they started controlling 70 per cent of it. The ways of imperialism are predictable. M/s Booker Tate have an interest in destroying Mumias Sugar Company so that they buy it at a throwaway price.

At the same time it is difficult to understand why, at a time when a Chinese consortium of investors have offered to build a sugar factory in Busia at a cost of US\$67 million, the Government is dragging its feet and listening to non-sensical arguments about private placement to allow--- There is no justification for the Kenya Government to consider a counter offer worth US\$135 million by Booker Tate for the construction of a factory which the Chinese are ready to build at US\$67 million.

Mr. Temporary Deputy Speaker, Sir, as we speak right now, Mr. George Scot, the former factory manager of Mumias Sugar Company, and who is an employee of M/s Booker Tate, and Mr. Andrew Mariot, both of whom do not have work permits, are staying in very expensive apartments at the Panafric Hotel. The former Financial Director of M/s Booker Tate and Mr. David Covell, a regional director of this company, are staying in the Intercontinental Hotel. All of them are staying there at the expense of Mumias Sugar Company. Their bills are being paid by the farmers of Mumias Sugar company and yet none of them is working for the Company.

How can the Government continue being a slave to an illegal authorization, which was given by the former Vice-President, Prof. George Saitoti, for pleasure cost? A subsidiary company wholly-owned by Booker MacOnell and Tate Lion has been given an open contract to make supplies to Mumias Sugar Company to the tune of Kshs750 million every year. How can we continue being victims to that? We are bleeding the farmers, bankrupting them, denying the Kenyan Exchequer money and giving wealth directly to a wholly-owned external subsidiary of the company that has been given a management contract of Mumias Sugar Company. We cannot sit back and let Mumias Sugar Company be destroyed.

Finally, Mr. Temporary Deputy Speaker, Sir, this Government should play by the rules. We agreed on the conditions of negotiations on the constitutional review process. You cannot set out your terms after negotiations have been completed. You are looking for excuses to scuttle down a process. This time you will not run out of it. The Government or KANU will get out of the process, but not the other parties.

The Minister for Transport and Communications (Mr. Ntimama): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to support this Motion. I have on many occasions on the Floor of this House, and outside this House, raised the plight of certain communities and groups in this country who have been left behind in development for no fault of their own. This has been happening from the colonial days to date. I want to speak on behalf of these vulnerable groups, who are the Dorobos, the majority of the pastoralists and other fruit gatherers.

It is important to know that these people have been left behind for no fault of their own by all the successive governments from the colonial days to this day. I am going to say very clearly that when the Constitution of this country is written, we want certain laws written into it in bold letters. We are going to adopt the principles of affirmative action and preferential treatment. There are no roads, health centres or any other forms of infrastructure in these areas. We want this Government, or the one which will follow it, to make sure that funds deliberately go to these areas to develop the health system, education and other areas. These areas should not just be the "dark" and empty lands thought of by the Western nations, which were supposed to be conquered, grabbed and settled in.

Mr. Temporary Deputy Speaker, Sir, this is why I think that the pastoralist communities; the Dorobos, other fruit gatherers and all the other vulnerable groups in this country, should demand for equal treatment and get an equal share of the funds of this country. If that is not done, these people will continue to lag behind; they will be uneducated and afflicted by diseases and other things. We cannot tolerate this kind of thing any more.

I want to appeal to the Minister for Education and Human Resource Development to send teachers to the areas that have few teachers. Right now, I know that our economy is not good. I hear rumours that teachers are not going to be employed or trained. Teachers are overstaffed in certain areas. We are even told by the education experts that the nursery school is very important to a child. If a child misses a good foundation in a nursery school, he will not make it in primary and secondary school, or further on. We demand that those people who teach

nursery schools, standard one, two and three be trained in the local languages so that they can bring up the children in some of these areas that have been left behind. If we do that we will get teachers to teach these children in areas like Lokitaung, Ol Kurto and so on. Sometimes, you really do not know why things are done at the expense of other Kenyans in other districts and provinces.

Mr. Temporary Deputy Speaker, Sir, if we are treated like everybody else, we will suffer because some of these areas - and I am not a tribalist - are privileged to have more teachers than others. I am saying that from now on, the pastoralists must be treated like everybody else. In fact, we should allocate more funds to those areas so as to raise the standard of living of our people. We are not the Wild West to be conquered, grabbed or settled on. Thank you.

Mr. Maitha: Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support this Motion of Adjournment. First of all, being the Minister for Local Authorities in the Democratic Party of Kenya's Shadow Cabinet, I would like to congratulate all the Opposition political parties which are manning local authorities in this country. I am urging them during this time of recess, to hold seminars with councillors so that they can teach them how to run councils. We have had a lot of problems with new councillors who do not know their roles as councillors. Having been a councillor for 15 years, I would like to say that councillors must be coached on how to run councils. Whatever happened in Nairobi yesterday, should not be blamed on the Opposition parties. Maybe, the councillors have not been told what they should do by their parties. I am calling on the leaders of political parties to hold seminars with their councillors and teach them how they should carry themselves. We have Opposition councils all over the country and Members should make use of this recess, to show their councillors how to work with chief officers. I would also like to urge the Nairobi City Council not to---

Dr. Ali: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member on the Floor in order to suggest that Opposition Members of Parliament did not incite hawkers, when we know that Members of the Democratic Party of Kenya went there to incite the hawkers?

Mr. Maitha: Mr. Temporary Deputy Speaker, Sir, I am speaking as the Shadow Cabinet Minister for Local Authorities, and he does not qualify to be one. I am calling upon the Nairobi City Council not to incite the Muslims to fight the Christians. These things will be so bad. We have Muslims all over the country, and when you incite Muslims against their brothers, the Christians, this will not augur well for the peace of this country.

(Mr. Shidie stood in his place)

Mr. Temporary Deputy Speaker, Sir, I think I am fighting for him also, being a Muslim.

As we go on recess, I would also like to thank the World Bank who gave the Kenyan Government US\$40 million which is going to be shared amongst 11 districts of this country. This money will be shared out equally, and the Office of the President will be in charge. I am urging the Government that, when sharing the money to the 11 districts, each district should get over Kshs200 million. Mombasa, being one of the districts that were affected by the *El Nino* rains, should get its equal share of Kshs200 million. We do not want to see one district getting more money than the others because the *El Nino* rains affected all parts of the country. The Office of the President should make sure that this money is shared out equally.

Lastly, I would like to comment on the appointment of civil servants. The Government should appoint civil servants from all over the country and from all tribes. It was very bad for Mr. Mwau to arrest Mr. John Msafari, a civil servant, because he was innocent. Since the Government has entered a *Nolle Prosequi*, they should pay him all his dues and the respect he lost during the arrest.

With those few remarks, I beg to support.

The Member for Rongai (Mr. E.T. Morogo): Asante sana, Bw. Spika wa Muda, kwa kunipa nafasi hii ili niseme machache kuhusu Hoja hii. Kwanza, ninashukuru sana kwa vile umeniona. Nilikuwa karibu kusema ya kwamba Bw. Naibu Spika wa Muda anapendelea upande mwingine. Tangu Kikao hiki kianze, nimekuwa hapa lakini sijapewa nafasi ya kuongea. Kwanza, ningependa Wizara ya Elimu iangalie mambo ya walimu katika shule zote katika Jamhuri hii ya Kenya. Nimeona shule zingine zina walimu wengi kupita zingine, hasa, upande wa Rongai katika Wilaya ya Nakuru. Pia, nigeponda kusema kwamba mara kwa mara, tunaona Ofisi ya Rais ikichukua hatua ambazo hazistahili. Nimeona Wabunge wenzangu wakiuliza Maswali kuhusu tabia mbaya ya polisi. Katika sehemu yangu, nimeona polisi, hasa Anti-Stock Theft Unit, wakidhulumu wananchi. Ninaonelea kwamba, Ofisi ya Rais ichukue hatua Nyingine. Ninaonelea ya kwamba inafaa Ofisi ya Rais ihakikishe kwamba kuna nidhamu zaidi katika jeshi letu na kikosi cha polisi kuliko katika siku zilizopita. Ninaona kwamba maafisa wa jeshi na polisi wamejitwika jukumu la hakimu na viongozi wa humu nchini. Ningependa jambo hili lisahihishwe haraka.

Bw. Naibu Spika wa Muda, ninaishukuru Wizara ya Elimu kwa kuwalipa walimu wa sehemu fulani za

Rongai hardship allowance. Pia ningependa Serikali iwalipe wafanyakazi wake wengine wanaofanya kazi huko Rongai hardship allowance kwa sababu wao pia wanaathiriwa na shida za sehemu hiyo.

Pia ningependa Waziri wa Afya azitembelee zahanati zilizoko sehemu ya Rongai. Zahanati hizo zilijengwa wakati wa ukoloni, na kwa wakati huu, zote ziko katika hali mbaya. Wakati mmoja kulikuwa na matibabu ya dharura ili kupambana na ugonjwa wa malaria ulipozuka katika sehemu hiyo, lakini baadaye matibabu hayo yalisimamishwa. Wakati huu, ugonjwa huo umeongezeka sana katika sehemu hiyo kwa sababu matibabu hayo ya dharura yalisimamishwa.

Bw. Naibu Spika wa Muda, pia ninaiomba Wizara ya Wafanyakazi iwatumae maafisa wake wakuu katika sehemu ya Makongeni. Tunajua ya kwamba wafanya kazi wa sehemu hiyo hawajalipwa mishahara yao kwa zaidi ya mwaka mmoja. Tumeongea na waajiri wao lakini hawajachukua hatua yoyote ya kuwalipa wafanya kazi hao mishahara yao kila mwezi.

Pia ninaishukuru Serikali yetu kwa kuwahudumia wale ambao hawana mashamba.

Kwa hayo machache, ningependa kuunga mkono Hoja hii.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, as the House proceeds on a recess, it is perhaps a good time for us to reflect on where the "shape" of this country is heading to. I am afraid to say that there appears to be false confidence on the part of the Government, that because of the absence of mass action, demonstrations and civil disobedience, then everything is in order. The political temperatures in this country have gone down because the Opposition suspended mass action. That suspension and the cooling down of political temperatures has misled this Government into thinking that it is in control and as usual, everything is back to business. This is a lull. This is the lull that comes before a storm. Let us take advantage of it now and act and think like Kenyans.

Mr. Temporary Deputy Speaker, Sir, there are two major crises that are facing this nation. One is the constitutional crisis and the other is the economic crisis. Unless these issues are resolved now, then this country will be cruising without any direction. We are cruising towards some storms and the "ship" of this country is going to crash at the end of this year. Unless we resolve the current economic crisis, unemployment crisis and the poverty afflicting our people, then strikes are going to be the order of the day. It will not be just the teachers and bankers who will go on strike alone, but everybody will go to the streets. We want to resolve the economic crisis which is now facing the country and return the economy onto the rails. The poverty level in this country is unbearable. But the Government has to agree that at this period of economic crisis, we have to leave our tribes and political parties behind and come together as Kenyans. We ought to build confidence among our people.

We want to go to Bomas of Kenya and Safari Park and, first and foremost, develop a consensus on the constitutional review process. The Commissioners will be appointed by the Parliamentary Political Parties because every area of this country is represented by an hon. Member of Parliament. There is no single area in this country which does not have an hon. Member of Parliament. Therefore, if a certain percentage of the Commissioners is appointed by Parliamentary Political Parties, then every area in this country will be represented. We need some Commissioners to be appointed by the religious group, the NGOs and the disadvantaged groups, like women, youth and the disabled. We discussed on these issues and agreed that, that is the manner in which the Commissioners will be appointed. Why is a clique of hardliners out to mislead the President to start blowing up a consensus that has already been developed? If they insist on this, the religious groups, the civil society and the Opposition parties will withdraw from the talks, and leave the ruling party, KANU, to go ahead and draw up its own Constitution.

Mr. Temporary Deputy Speaker, Sir, we have a crisis in this country, and unless this Government appreciates it--- It needs the goodwill and input of everybody in order to resolve the crisis. If the Government will not appreciate this, then we will fold up our hands and watch it sink. The Government is going to collapse before the end of this year unless it engages Kenyans in genuine and sincere efforts in resolving this crisis. We need a multi-sectoral approach to the resolution of these issues.

We do not want to be told that the Constitution should only be discussed by the elected leaders. We will be there ourselves, but we must engage the religious sector and the civil society. We must seek affirmative action with regard to engaging women, the youth and the disabled in the constitutional process. That will be the correct way of going about it. We equally need a multi-sectoral approach on resolving the economic crisis.

The Assistant Minister for Finance (Mr. Lomada): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili niweze kuunga mkono Hoja hii ya Kuahirisha kwa Bunge. Ninataka kuwashukuru waheshimiwa. Wabunge wote kwa namna ambavyo waliendesha kazi hii ya kuwaakilisha wananchi katika Jumba hili. Pia, ningependa kulaani tendo la siku ya jana kwa sababu si jambo ambalo linaweza kukubaliwa na wale waliotuchagua na kutuleta hapa. Ni jambo la aibu na la kukera. Kwa hivyo, ningependa kuwasihi waheshimiwa. Wabunge wajaribu tena kuwa watu wastaarabu, jinsi ambavyo ni wazi na ni bayana ya kwamba sisi sote ni wastaarabu. Ningependa kuwashukuru wananchi wa makabila ya Pokot, Marakwet, Samburu na hata Turkana

kwa sababu ya vile wamekubali kuishi kwa amani. Mambo ambayo yalikuwapo mbeleni yalimalizwa. Ile shida ya wizi wa mifugo na kuuana ilikwisha wakati viongozi wao waliochaguliwa, pamoja na Utawala wa Mikoa walipozunguka na kuhutubia mikutano kadha wa kadha ili kuwashauri wananchi kuishi pamoja na kusameheana. Ningependa kuwapongeza kwa moyo ule. Kitu ambacho ningependa kusema ni kuiuliza Serikali yetu tukufu kuwaletea hawa watu mambo ya kuangalia maendeleo na kuwapatia fedha ili waweze kuangalia mambo ya kilimo. Wataweza kusahau mambo ya wizi wa mifugo na wawe sawa na watu wengine katika wilaya zingine.

Ningependa kuiuliza wizara ya---

Mr. Munyasia: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mhe. Lomada analipotosha Bunge hii kwa kusema kwamba Wapokot wanaishi kwa usalama. Sisi tunajua wanaendelea kuiba ng'ombe wa Waluhya huko Trans Nzoia. Ni haki kwa mhe. Lomada kuendelea kulipotosha Bunge hii?

(Laughter)

The Assistant Minister for Finance (Mr. Lomada): Bw. Naibu Spika wa Muda, ninafikiri mhe. Mbunge mwenzangu hajasema ukweli. Sijasikia malalamishi yoyote kutoka upande ule ambao mhe. Mbunge ametaja. Ningependa kuiuliza Ofisi ya Rais kuangalia---

Mr. Orengo: Jambo la nidhamu, Bw. Naibu Spika wa Muda.

The Assistant Minister for Finance (Mr. Lomada): Bw. Naibu Spika wa Muda, nina dakika mbili tu.

Mr. Orengo: Mhe. Munyasia amesema kuwa Wapokot wanaiba mali ya Waluhya, na mhe. Mbunge huyu anasema kwamba hajasikia mambo haya. Huenda ikawa ukweli ni kwamba kwa Wapokot, mambo ya kuiba ng'ombe ni mambo ya amani kwao!

(Laughter)

The Assistant Minister for Finance (Mr. Lomada): Bw. Naibu Spika wa Muda, nafikiri mhe. Orengo amesema kuwa wizi wa ng'ombe ni amani kulingana na Wapokot. Sijui, lakini jambo la wizi si amani. Kwa hivyo, ninafikiri tumewachana na mambo hayo. Ningependa kumfahamisha mhe. Orengo kuwa hayo yamekuwa mambo ya kitambo, si ya siku ya leo. Sisi ni watu wapya na tumeshika mambo ya maendeleo. Kwa hivyo, ningependa kumuuliza Waziri katika Ofisi ya Rais kupeleka chifu katika Lokesheni ya Lomut ambayo imekaa kwa miaka mitatu bila chifu. Hii ni kwa sababu chifu wa lokesheni hii aliondoka kazini. Watu hawawezi kuishi bila uongozi wa chifu. Kwa hivyo, ningependa kuiuliza Ofisi ya Rais ipeleke chifu haraka iwezekanavyo ili watu waweze kuendelea na shughuli zao.

Kwa hayo machache, naunga mkono mswada huu.

Mrs. Seii: Thank you, Mr. Temporary Deputy Speaker, Sir, for finally giving me a chance to contribute to this Motion. I would like to make two points. One point is that, if there is any time that Kenyans should be worried about the state of affairs in their country, it is this time. If you know anything about early warning signs of chaos, we have them right here. We have processions, strikes, a bad economy, killings and all kinds of things which happen in any country before chaos erupts.

This is no time to politick or accuse one another. I think this is a time of serious contemplation regarding what we can do to save this country from sinking into chaos. Today, we are in a state of total insecurity. There is insecurity in the sense that when you send your child out there to get something, you are not sure whether that child will get back home. He is likely to be shot by the police. If it is your daughter, she is raped. If it is a young boy driving, he is shot like the one who was shot the other day. These are signs. We cannot sit any more and accuse one another. We cannot sit any more, look at small things and accuse one another on issues which are not going to give us peace in this country.

We are moving towards constitutional reform and we know the reason why this country has gone this far. It is because of bad governance which emanates from the Constitution, which has been changed so many times. We had hoped that this was going to be reformed but now our hopes have gone down the drain. How is it that after every Parliamentary Group meeting, a new announcement comes up which negates a consensus that had been reached by both sides of the House in a meeting where the Attorney-General was the chairman? How is it that every time we go one step ahead and are looking forward to something that will give this country a legacy of peace, we have negating statements emanating mainly from KANU? I want to tell my brothers on the other side that this country is for all of us. When something happens, it is not going to select and say that this person is from KANU and this one from Opposition. It is time we agreed to work together.

I want to say this; that there is some hidden mischief regarding NGOs. The constitutions of other

countries start with: "We, the people". It is not: "We, the elected Members". Let us give a chance to a Constitution that is people-driven. Let us get rid of the fear that we have; fear of NGOs. NGOs have not had a chance to operate in some areas, particularly in KANU- dominated areas. I come from one of those areas. They are always perceived to be Opposition supporters. And if you have not had that chance, do not blame anybody. Give the civil society a chance to take part in their own Constitution. I hope that with regard to the reforms, there will be consensus once more and not the question of antagonism because this country is running short of time.

Before I finish, I want to say one thing. I have been to a few conferences and many times people are amused to think that in Kenya women make up 52 per cent of the population. Our representation in all areas is so minimal, negligible and silent. I want to express my disappointment about the derogatory remarks that are made about women. If we hope to be considered as a civilised society and people who consider their women as people, then we may never achieve that. I do not mind anybody regarding their wives as property. But this was very painful. Even if your wife is a property, say it to her in your house, but do not say it in the House. It gives a wrong picture of how Kenyans regard women in this country.

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

Mrs. Seii: Mr. Temporary Deputy Speaker, Sir, I do not need a point of order. If hon. Ndicho's wife is his property, then all women are not properties. They are honourable people and they are people in our country.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Ndicho: My wife is my property.

The Minister for Co-operative Development (Dr. Anangwe): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion of Adjournment. I think this is an opportune moment for us to go to our constituencies and sensitise our people on a number of issues.

The first issue is in relation to the economy. We have put in place economic reforms, and we are confident in the efficacy of the reforms. We are confident in the capacity of the Government to implement those reforms. So, we should go and sensitise our people on the need for austerity and support of the reforms. There is no other option but to support the reforms, to ensure that they work. Reforms are normally painful. When one comes up with austerity measures, they are painful. But that is the price that we have to pay if we have to put the economy back on track.

Mr. Temporary Deputy Speaker, Sir, some of the requirements of the reforms may entail teachers' salaries re-negotiation. I urge the teachers countrywide to agree to the re-negotiation. We are not saying that they are not doing a good job. Indeed, they are doing a good job. We are not saying that they do not deserve salaries. All that we are saying is that Kenyans cannot afford to pay the salaries that the teachers require. If and when the economy improves, it may become desirable for them to get what is due to them. But for the time being, the Government has already put in place austerity measures. The President and the Ministers have cut down their salaries. Everybody else should do the same, so that we can cut down on expenditure.

Mr. Temporary Deputy Speaker, Sir, solutions to our problems lie with us here. Let us not look for outsiders to come and fix our economy. There are moments when we see some Kenyans behaving as if it is outsiders who will run our affairs. Sometimes, they look upon the donors. The donors have a role to play. But the fact that one is appointed a diplomat does not mean that he or she has suddenly become an expert on the economics and politics of that particular country.

Mr. Temporary Deputy Speaker, Sir, with respect to the constitutional reforms, I also urge my fellow Members of Parliament to go home and sensitise the people they represent in this House. A trend has emerged where the constitutional review process is becoming the preserve of the selected few. A large part of Kenya seems not to know what is going on. Yet, it is a very critical process because it puts in place a constitutional order, which will distribute power and bestow responsibility on various institutions, and also provide legislative and legal mechanisms under which Kenyans will be governed. The danger of other sections of Kenya leaving the job to the selected few will mean that a constitutional order will emerge, that will be very inimical to the rest of Kenyans. Therefore, I urge my fellow Members of Parliament to go home and talk to other Kenyans and bring them into the mainstream of the constitutional reform process. When it is monopolised by a few, they may hijack the constitutional order and political power.

Mr. Temporary Deputy Speaker, Sir, we are not saying that NGOs, women and other stakeholders should not be represented. All we are saying is that 80 per cent of Kenyans are in the rural areas. The bottom line is that if they are going to get the stakeholders' representation adequately, they should go to the districts. There are NGOs, women and other stakeholders in the districts. The district representation is the only way to ensure that every Kenyan has an opportunity to come and articulate on how he or she wishes Kenya to be governed. The danger of following the NGOs that are very vocal is that we are going to put in place representatives who are largely urban-based. We all know how NGOs are formed in this country. Many of them are formed by people

who are urban-based. Some of those people, unable to get employment, in spite of being very educated, come together and form NGOs, approach donors and get some money.

With those few remarks, I beg to support.

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to speak on the Motion of Adjournment. I agree with the hon. Members who have stated that it will be a busy time for the Members; indeed, it will be a busy time for Members who will go back to their constituencies which have no roads, medicine and ambulances. For the time being, we will act as ambulances, and some of us will use handcarts and not cars.

Mr. Temporary Deputy Speaker, Sir, sentiments have been raised about what happened in the House yesterday. It was a regrettable incident. But whereas it was a regrettable incident, and we hope it will never be repeated, it should not be tribalised. We have met Members of Parliament who think that the fighting that went on yesterday was on a tribal line. The fighting that went on here was just another phase of the pace that the Government had set before, by sacking the likes of Muliro and John Keen, when they voted for the Opposition. That reaction was set by the Government, but we just did not have the machinery to sack Members of the Opposition who voted for the Government.

Whereas we know of the insecurity and carjackings in this country, it is regrettable that some people from the Flying Squad, by the mere fact that they were given the registration number of a car, moved into action and killed an innocent person. When I ring the same fellows when I am being attacked, they answer back, "do they have guns?" When I say, "I cannot know", they say, "we do not have a vehicle. Can you collect us since we do not have petrol?" How can I come out and I am besieged? Where do these fellows get cars to chase an innocent boy for three days, and shoot him in the middle of the town when he stops at traffic lights? This is regrettable and it is a matter that we will follow up, and make sure that adequate compensation is paid to the bereaved family.

Mr. Temporary Deputy Speaker, Sir, right now, we are going back to our constituencies. We hope that when the House is not in session, nothing will happen to the people, like the demolitions of kiosks as is happening in Nairobi. The dispute over land exists, but it is not upon the Nairobi City Council to destroy property, nor, should the police supervise when other civilians, who have not yet owned the land, participate in the demolition. This was a deliberate attempt to pit the citizens of this country against each other on religious lines. Even Muslims can own curio shops. I cannot see why somebody should set up the Muslims to fight the curio shop owners. Right now, in the border areas where we come from, there are illegal squatters. We have them at Chemelil, Sondu and at Thessalia. We urge the Government to look into this matter and stop the illegal squatters. We think that this must be the beginning of a bigger problem.

Mr. Temporary Deputy Speaker, Sir, sugar importation is a serious thing. It is ruining the economy and our people are suffering. They do not have jobs and we want to expand the sugar industry so that we can create jobs.

With those few remarks, I beg to support.

Mr. Haji: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. On the Constitutional review process, I think there is no disagreement as all Kenyans do agree that there is need for us to reform or redraft the Constitution; whether in parts or wholly, whichever the case may be. But I think the difference arises out of the modality of doing the review.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you satisfied that hon. Haji is properly dressed with a scarf around his neck?

Mr. Mwenje: No, he is not!

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, I said that the only difference is the modality of achieving the review of the Constitution. For example, if somebody wants to move this Table, from where it is to another destination, there are two ways of doing that; one way is to carry the Table and take it where you want to take it, and the other way is to pull it. In the process of pulling it, you are likely to damage the Table. All we are saying is that, when we are considering to review the Constitution, all Kenyans must participate, irrespective of whether they are women or men.

The Temporary Deputy Speaker (Mr. Pogishio): Order! I just wanted to say that the dress could be proper except that the scarf needs be removed, and I think I will ask hon. Haji to remove it.

(Mr. Haji removed the scarf)

Mr. Haji: Thank you, Mr. Temporary Deputy Speaker, Sir. I oblige, but next time I will come with a turban.

So, what I would say is that the process should encompass all Kenyans irrespective of sex, ability or disability. We want representatives to come from the districts because in the districts, we have the women, men, the disabled and the able people. Sometimes it is amazing to hear that women are disadvantaged whereas we know that women have great powers. All the time, it is the men who are begging the women and not the women begging the men. So, in that case, women should not agree to be treated as if they are not equal with men. I am saying that they are equal with men.

Mr. Temporary Deputy Speaker, Sir, leaving the constitutional issue aside, I would like to touch on the problem that we are having at the Jamia Mosque, which was exhaustively discussed here yesterday. I would like to appeal to my brothers, whether from the Opposition or from the ruling party, to stop putting a political dimension into that problem. I am saying this because there are hon. Members from this House who have gone to that disputed land and addressed the people there, inciting the hawkers. I think the problem is not between the hawkers and the Muslims. The problem really is between the hawkers and the City Council which allocated or sold the land. The only role a Member can play in this case is to try and mediate between the people. As leaders, our job should be to bring our people together; to sit and discuss, and try to solve their problems amicably instead of inciting one against the other, because in the struggle yesterday, somebody lost his life. While the hon. Members from the Opposition are blaming the Government all the time, the question is this: When a Member goes to such a place and tells the people: "You have the right to be here, you fight for your right," and in the process people fight and some die; surely, those hon. Members who are doing that should be brought to book so that Kenyans do not lose their lives in a manner like what we saw yesterday.

Mr. Temporary Deputy Speaker, Sir, I will come to the problem of *the El Nino*. We feel aggrieved as people---

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

The Temporary Deputy Speaker (Mr. Pogishio): It is time for the Gracious Lady.

Mrs. Mugo: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support the Motion before the House. First, I would like to correct the allegation from the hon. Member who is deceiving this House that people have gone to Kigali Market to incite---

(Mr. Haji stood up in his place)

Hon. Members: Sit down!

Mr. Haji: You bring the papers and read them and you will see, you are one of them, Madam Lady!

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, I have been there several times to give my constituents hope and not to incite anyone against anybody.

Mr. Temporary Deputy Speaker, Sir, yesterday, a KANU Member told me when I said that people have been crying because of loss of their property--- They said that "no people cry when other people die." These have lost touch with the---

Mr. Munyasia: On point of order, Mr. Temporary Deputy Speaker, Sir. Mrs Mugo said that a Member of this House was "deceiving" the House. That is an unparliamentary term. Would it not be in order to withdraw the word "deceiving"?

Mrs. Mugo: All right, I apologize and withdraw the word "deceiving". But what I meant is "misleading". I am not an English woman, so excuse me! I meant "misleading".

Mr. Temporary Deputy Speaker, Sir, when people's properties are pulled down and burnt, you break the economy. Doing that is just like killing them, and when people lose touch with reality because they are so well of, that is encouraging conflicts in this land, and we are trying to prevent conflicts.

I support this Motion of Adjournment so that the Ministers and those who are responsible can go and reflect on the answers they have given to this House because answers to Questions should not just be given to make us keep quiet. Only two weeks ago, we talked about insecurity and the Pangani Flying Squad which is supposed to protect Kenyans' innocent lives. One week after, a young person is killed. Why did the Minister of State, Office of the President or whoever is in charge of security, not tell the Flying Squad to go easy on the lives of Kenyans? How many lives are we going to lose?

Mr. Temporary Deputy Speaker, Sir, I want also to speak on the question of rape. So many cases have been reported, and people are still going scot-free and are walking in streets. Women and girls are insecure. We would like to see action taken by the security forces and the Minister responsible for security.

Mr. Temporary Deputy Speaker, Sir, I would also like to touch on the girl-child education. I would like to request the Minister in charge of bursaries to make sure that half of the bursary funds Kshs200 million goes to the

care of the girl-child, because, the girl-child is the first one to be dropped when a family cannot even afford food.

Mr. Temporary Deputy Speaker, Sir, another area that I would like to touch on is the kiosk demolition. We cannot stop speaking about that or apportioning the blame. The question is how to help the people who have been affected instead of trying to accuse either side of the House. Is this going to be an African city or an Asian city? If you walked in Nairobi, you would be ashamed. You may not know whether you are in an African city or in Bombay. Our people might not be able to afford those big shops, but they have a right to protection. If you went to Nigeria or Ghana, there are typical African cities. I have nothing against the Asian community, but we must share the cake. There used to be an Africanisation policy. What has happened to it? What has stopped us from building clean stores or kiosks for small-scale traders on Kigali Road? We have many mosques and churches for praying, but our people are going hungry. If you cannot feed the body, you can even forget the spirit.

Mr. Temporary Deputy Speaker, Sir, I will say something shortly about Dagoretti Road. I am glad the Minister for Local Authorities is here. In Dagoretti, a person needs a four-wheel-drive vehicle to travel, and yet we are in the city.

Mr. Koske: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to speak. I think, I should start by joining my colleagues in condemning the act that we saw being perpetuated in this Parliament yesterday. It is really a shame, and I think those hon. Members who attacked the Member of Parliament for Fafi for having voted against the Motion, did a very bad thing. I think all of us really need to condemn it in the strongest terms possible. If we let this behaviour continue, I believe this House is going to lose its dignity. Those of us who claim to be hon. Members of this House will also lose their dignity in the process. Sanity should prevail. We should let hon. Members to vote according to their wishes and not to the dictates of some people.

Mr. Temporary Deputy Speaker, Sir, it is very unfortunate for the old hon. Members to try and make their will prevail upon the new hon. Members in this House. I would like to inform them that any hon. Member in this House is here by his own right. We also campaigned in our constituencies and we were elected by our people. Our people saw the leadership potential or qualities in us. That is why we were elected to come and represent our various constituencies in this House. So, it is my honest appeal to those hon. Members who think that they have a right to dictate to others what they should do in this House that it is high time all of us were treated equally.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to comment on a few issues that affect my constituency. There is this big debate of the rural access roads and the cess that is collected by the county councils in order to repair or maintain the rural access roads in the various councils. As I talk now, Kuresoi Division has been cut off. The reason is that the Kericho DC has money that has been collected from tea, but since the tea factory that is in my constituency is far and cannot be reached by the farmers of Kuresoi Division, they are forced to take their tea to factories in Kericho District. Unfortunately, the DC, who happens to be the custodian of this money; has refused to release it for road maintenance in Kuresoi Division. Because of this, the people of Kuresoi Division are really suffering, not because of a mistake of their own making, but simply because the DC, who is the custodian of the cess money, does not want to release those funds so that the roads can be maintained. If this money had been remitted to Nakuru County Council, we would have had a say or pushed councillors of Nakuru County Council to release these funds for the maintenance of the roads in that division. But because we cannot order the DC to release this money, it is very unfortunate that the whole division is being cut off, because a civil servant believes that it is in his power not to release this money meant for road maintenance in this division.

Mr. Temporary Deputy Speaker, Sir, during the Vote of the Ministry of Education and Human Resource Development, the Minister told us that the Ministry is not going to recruit trainee teachers to join teacher training colleges. Since it is clear that the Ministry has enough teachers, it is high time undertook a rationalization process, so that the teachers who are serving in over-staffed schools are transferred to under-staffed schools. The reason I am saying this is that, during the 1992---

With those few remarks, I beg to support.

Mr. Kathangu: Bw. Naibu Spika wa Muda, kuonekana na jicho la Bw. Spika huwa ni shida kubwa sana. Lakini ninafurahia jicho lako limeniona. Ningependa kuwashukuru wale wote ambao wamekuwa wakizungumza kwa Kiswahili kwa miezi sita ambayo imepita. Ningetaka kuchukua fursa hii kumshukuru mhe. Haji ambaye ameonelea ni vizuri kuweka tai chini na kuwa Mwafrika asili. Pamoja na hayo, mimi nimestaarabika kama vile wengine walivyostaarabika.

Bw. Naibu Spika wa Muda, mbio ambayo ilikuwa katika Bunge hili jana kutoka upande wa Serikali hadi upande wa Upinzani, ilikuwa mbio ya kukata maguu, kwa sababu, wazee kwa vijana kutoka upande wa Serikali waliruka hizi benches ambazo ni ngumu sana kuruka. Lakini, wote walikuja upande huu. Kulingana na Kanuni za Bunge kote ulimwenguni, ikiwa unaruka laini na kwenda upande mwingine, huwa umeacha upande wako kirasmi. Inafaa majina ya wale wote ambao waliruka kuja upande wa Upinzani yaandikwe, kwa sababu inamaanisha kwamba wote sasa ni Wabunge wa Upinzani. Kutokea jana kuna zaidi ya Wabunge 20 ambao wanatakiwa kuwa

upande wa Upinzani.

Bw. Naibu Spika wa Muda, Wabunge wengi katika upande wa Serikali wameongea na mori, kwamba, wengine wanaweza vita. I am very proud to say, katika Bunge hili hakuna mmoja ambaye amefundishwa vita kuliko mimi, Njeru Kathangu. Ni vibaya sana--- Isipokuwa Major Madoka hapa ambaye aliingia kidogo mbele yangu, na yule mwingine, Col. Kiluta. Ikiwa vita inatangazwa katika Bunge, hii ni kusema kwamba tunatayarisha nchi hii kwenda vitani. Vile ilikuwa jana--- Hata hawa ambao wanasema sana ndio walikuja upande huu. Wale ambao wanasema mambo ya vita ni lazima waonyeshe nchi hii, kama wanataka kuongoza vikosi kwenda vitani, wanaenda kupigana na nani na ni kwa sababu gani.

Bw. Naibu Spika wa Muda, jambo la pili, afya ya nchi ni jambo la maana. Wakati nilipouliza swali kwa Wizara ya Afya, nilijibiwa nusu nusu. Nilisema kwamba tarehe nane na tisa, mwezi wa nane, na pia tarehe 12 na 13, Septemba, kutakuwa na chanjo ambazo zitapewa watoto wa kutoka mwaka mmoja mpaka miaka mitano. Sisi hatujajua ni sababu gani imekuwa kwamba Marekani, ambayo ina watu 300 million na waligundua Ukimwi mara ya kwanza mwaka wa 1980--- Sisi tuligundua ugonjwa huo mwaka wa 1984, na kutoka 1984 mpaka sasa, zaidi ya watu milioni moja katika Kenya ni wagonjwa wa ukimwi. Na watu huko Marekani, ambao waligundua Ukimwi mwaka wa 1980, wako na wagonjwa chini ya milioni moja wa ukimwi. Swali ni hili: Kwa sababu madawa mengi yanaletwa ndani ya nchi hii hutoka nje, kuna uwezekano kwamba kuna viini ambavyo vinaweza kuwa vinawekwa kwa madawa mbali mbali, ambavyo vinaweza kuwa vinadhuru watu wetu? Kama sio hivyo, basi Waziri wa Afya anatakiwa achunguze zaidi.

Bw. Naibu Spika wa Muda, jambo lingine ni la amani. Amani katika nchi hii haitaweza kupatikana ikiwa bado tunachezea Katiba, ambayo lazima ibadilishwe kwa roho moja.

The Assistant Minister for Industrial Development (Dr. Galgallo): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I wish to add my voice to support this Motion for Adjournment. As we go home, there are a few issues which are of importance to us as a country, and we need to sensitise our people about them. One of the issues is the question of constitutional review process.

Mr. Temporary Deputy Speaker, Sir, the Constitution of Kenya affects the lives of all Kenyans equally and it is, therefore, very important that everybody is involved in this constitutional review. When this Constitution was written, the people of Northern Kenya were not involved. We, therefore, need to be involved this time, so that we also have a Constitution in which we feel we played a part in and have a sense of belonging. It is in that spirit that, a party to which the majority of us belong, which is a national party, KANU, has come up with the idea of involving representatives from every district. The opposite of that, what our colleagues in the Opposition are asking for, will exclude some of us. You realise that the majority of the NGOs that are canvassing for the change of the Constitution and want to be in the fore-front of doing this, are led by people who have no idea about the problem affecting the majority of Kenyans who live in the rural areas, like those of us from Northern Kenya. Most of them are headed by elites, who have lived here in the city and have no knowledge whatsoever, of what people in the rural areas want. We, therefore, insist that the Commission which will be set up to review the Constitution must include representatives from all the districts.

Of course, there is the issue of what we actually want changed in the Constitution. Land tenure, which we recently discussed at a conference in Garissa, is one. We have made our recommendations on the Trust Lands Act, which affects us, and the other one is the kind of Government we would like to have. What we are gathering from our people is that, they want a majimbo system of Government. This will be the only way in which we can have a Government that will be sensitive to the needs of the rural communities, who are the majority of Kenyans. We, therefore, insist again that, when the time for constitutional review comes, we will ask for that form of Government. We shall not be cheated by people who say that majimbo will be unfair to people from disadvantaged areas. In fact, those who are singing that song are the ones who are responsible for all the mess in which we have found ourselves in this country. To accelerate that, we also want to make a call for His Excellency the President to be given another five-year term, because he has clearly demonstrated to us that, he is the only one who is able to lead this country. What we want is somebody who has demonstrated dedicated leadership that is concerned with the lives of all Kenyans, and we do not see any such leadership from the kind of people that we see on the opposite side. We had hoped that, maybe, one or two of them may be more reasonable than others, but the majority of them are people who cannot lead any Government. It is in that light that we want, and we shall press for it, the Constitution change, to allow him an extra term to lead us to greater heights of development.

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

The Assistant Minister for Industrial Development (Dr. Galgallo): Mr. Temporary Deputy Speaker, Sir, let me continue with my contribution. We shall also continue our economic review policies.

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

(Loud consultations)

Mr. Ndicho: Mr. Temporary Deputy Speaker, I want to thank you for giving me the opportunity. As we go on recess, I want to call for peace. This is because it is during the recess time that very bad things do happen, since there is no Parliament or converging of leaders here to condemn whatever happens. So, I would like to call for peace in this country. Let us approach the issues that are before us in a peaceful mood. I would also like to appeal to Kenyans to spare one another's blood. It is abominable for a Kenyan to take a gun, panga or an arrow and kill a fellow Kenyan.

Mr. Temporary Deputy Speaker, Sir, the killing of innocent people by policemen is worrying. In Thika Town, last Friday, the police pursued five people they branded as members of *Mungiki*. The officers went shooting in the air and, eventually, they shot one person dead. The killed person's name is William Kiarie Ndung'u. If followers of the *Mungiki* sect are doing anything wrong against the laws of this land, they should be taken to court instead of being hunted like wild animals. We are tempted to think that the Government is doing what is called "culling" or "weeding" or reducing the numbers of the majority communities in this country by killing them. The people who are getting killed mostly are Kikuyus, Luos and Luhyas. A Kikuyu is killed today; a Luo, tomorrow--- Is it a Government programme to prune the Kikuyus, Luos and the Luhyas, who are the majority in this country? We stand to condemn this. How come that whenever a policeman aims his gun and pulls the trigger, a Kikuyu, Luo, Luhya or Kisii, and sometimes even Kambas, are killed? We condemn these killings in the strongest terms possible.

The Minister for Lands and Settlement (Mr. Ngala): On a point of order, Mr. Temporary Deputy Speaker, Sir. I hope you have heard what hon. Ndicho has said. He has made a very serious allegation. He said that he believes that it is, probably, the Government's plan to reduce Luos, Luhyas and Kikuyus. I do not think that, that is a very nice statement to make in this House, particularly when he is talking about peace. Is he in order to make that statement? I do not think it is a fair statement.

Mr. Ndicho: Mr. Deputy Speaker, Sir, I am appealing for peace. Why should policemen kill people, and then the same Government comes to apologise and sack them?

Mr. M.A. Galgalo: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I am responding to a point of order.

Mr. M.A. Galgalo: Mr. Temporary Deputy Speaker, Sir, my point of order is: Is the hon. Member in order to divide the people of this country on the basis of---

Hon. Members: Majimboism! We are already divided!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I want to talk about---

The Temporary Deputy Speaker (Mr. Poghiso): You do not have to respond to that point of order. Hon. Members, let us stop making statements like "Kenyans are being finished by other people." You just proceed with your contribution.

Mr. Ndicho: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand corrected by the Chair. I want to talk about the curio vendors' market on Kigali Road. The war here is between the curio dealers and the Nairobi City Council; it is not between the curio dealers and the Muslims; neither is it between the dealers and the Jamia Mosque management. The Muslims and Jamia Mosque are innocent. By demolishing the curio stalls, the City Council is actually contributing to the rise of the crime rate in the city. This is because over 300 young men will be jobless, and next, you will hear that everybody is being mugged in town. Let us approach that matter with a sober mind. We suspect that this is the Government's intention to set the Muslims against the Christians in this country. Members of these two religious communities have co-existed; the Muslims are like brothers to the Christians, and we must continue living in peace.

Mr. M.A. Galgalo: Say that again!

Mr. Ndicho: So, everybody should know that the war here is between the curio dealers and the Nairobi City Council and not between the vendors and the Muslims.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Temporary Deputy Speaker, Sir. I think, as we go into recess, we obviously would like to reflect on what has been done and what has not been done. I know that one of the issues that will be on the fore-front is the question of insecurity in the country. The Government condemns any actions which would endanger the lives of Kenyans.

Mr. Temporary Deputy Speaker, Speaker, Sir, recently, some incidents have happened and the Government has been blamed. Recently, we have had this incident of the killing of a student from the USIU. The Government deeply regrets such an action, but it is not fair to blame the entire Government for incidents that have

been committed by individuals. I would like to inform the House that the three officers who killed the university student appeared in court this afternoon and were charged with his murder. Also, another police officer who had killed a boy in Murang'a appeared in court and was charged with murder. Another incident where one of the policemen killed a person at a road block has been acted upon; the policeman has also appeared in court and was charged with murder. The Government will not support any of its security officers who commit crimes; this is totally unacceptable. So, the Government will continue to do its utmost to ensure that the lives of all Kenyans are protected.

Mr. Temporary Deputy Speaker, Sir, there have been insinuations here that the Government has been allowing certain people to sell drinks whose sale was banned in this House. I want to say this: That, what has happened is that in Central Province, the brewers of the *Medusa* alcoholic beverage got a court order restraining the Attorney-General and the Chief Public Health Officer from stopping them from selling this beverage. That is the order the brewers are using to sell their beverage. What we have done is that we have asked the Attorney-General to press for the matter to be brought to court as quickly as possible so that it can be determined, so that the sale of this illicit brew can be stopped.

Mr. Temporary Deputy Speaker, Sir, I have heard some Gracious Ladies in this House express feelings that the Kenyan men are against women. The truth of the matter is that the women themselves are not working hard enough to convince their fellow women to elect them to this House. I am saying so because, many of them vied for elective offices but they were rejected. We are not the ones who rejected them; it is the very members of society they claim to represent who have rejected them. So, it is not the male members of society who have rejected the women. They have the task of convincing the women electorate to vote for them.

As we go for the recess, I would like to appeal to hon. Members of this House; one of the issues keep that on worrying us is the question of drug abuse. There are so many people in this country who, because of drug abuse, have completely ruined their lives. We have lost some of our young fellows to the scourge, and there are many we will lose if we do not advise them, or create awareness among the youth, of the dangers of drug abuse. Therefore, I would like to appeal to hon. Members to launch an awareness campaign to inform the youth of the dangers of drugs.

Mr. Temporary Deputy Speaker, as we go out there for the recess, let us also reflect on the political order in this country. Sometimes I wonder whether it is not time that we thought of having a new political order in this country. We have so many political parties, and I wonder whether it is necessary to have so many of these parties. I do not support a one-party political system, but I think there is need to try and control the proliferation of political parties. As it is at the moment, we have too many parties in the Opposition and yet, they have one objective. Why do we not, at some stage; maybe by legislation, insist on having a two-party or three-party political system, where we will be able to still project and keep the Government on its toes?

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

Mr. Munyasia: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to comment on yesterday's incident.

An hon. Member: Sit down!

Mr. Munyasia: I wish to say that yesterday's incident was exacerbated by Members from the Government side, who interfered with the internal affairs of the Opposition. Nothing had got out of hand when some hon. Members from the Government side "flew" across the Floor to the Opposition side. Some of them even picked a microphone stand from the dispatch box to hit some of us on this side.

An hon. Member: Who was that?

Mr. Munyasia: A number of Members from the Opposition were punched by Members from the Government side, who invaded the Opposition. There should be order in this House if Members are going to respect the rules---

(Loud consultation)

The Temporary Deputy Speaker (Mr. Poghisi): Order! Order, hon. Members! Consult in low tones so that the Member on the Floor can be heard. Proceed, Mr. Munyasia.

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, I wish now to comment on what we have been advised to do during the recess. We have been told to explain to our people what the Budget has for them. I appreciate that opportunity but, unfortunately, we have to tell our people that the roads that are in such a pathetic state will not be repaired very soon; that my constituency, which does not have a single electricity line, will not have it for quite sometime; that the schools will receive less bursary allocation as compared to the previous years, and that the Kibabii Teachers Training College, which has been in the Government books and for which money is

said to have been released for the past six years, might not be built, even if it has been allocated K£4 million plus in the printed Estimates. This Government is saying that there is no money.

Mr. Temporary Deputy Speaker, Sir, I wish to comment on the teachers' issue. Fortunately, there is no law that has been changed; so, we are operating under the old law. This Government must look for money to pay the teachers, otherwise, the strike is coming on 14th September. This Government must look for money, as they have done before when they wanted to buy the Presidential Jet. Without seeking Parliamentary approval, they got money from somewhere and paid for the jet. Also, without asking this House for money, they got money from somewhere and constructed the Eldoret International Airport, which is under-utilised at the moment. They can find money for the teachers' salaries. There will be no excuse, because under the existing law, they will have to pay.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the Minister for Education and Human Resource Development must stop confusing this nation. At one time, we were told that we have an excess number of teachers and so, 66,000 teachers must be retrenched; another time we were told that the 7,000 teachers who will be graduating from the teachers training colleges will not be guaranteed employment opportunities. Then, last Saturday, we were told that there are some districts in this country which are understaffed. We had been told here that there would be no intake to the primary teachers training colleges this year and the following year, but he is now telling us that the colleges are going to admit students from some districts, and, yet, we know that the teachers in this country are all Kenyans. They are employed by one employer, and one of the regulations of the Teachers Service Commission (TSC) states that a teacher will serve anywhere in this country. So, if we have excess teachers, what is the need for this selective in-take that the Minister is proposing?

Mr. Temporary Deputy Speaker, Sir, I would also like to talk about the constitutional review process. I think this Government is using delaying tactics so that we finish this term without reviewing the Constitution. They are now talking of each district having one representative, but are they thinking of how that one representative will be selected? Will it be by vote; will they organise elections so that people can pick the district representative, or are they thinking of the KANU- dominated DDCs meeting to appoint those district representatives?

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

[Mr. Speaker resumed the Chair]

Mr. Musila: Thank you, Mr. Speaker, Sir. I rise to support the Motion and in doing so, I would like to take this opportunity to appeal to the Government to do what it can to alleviate the problems facing Kenyans today. The problems facing Kenyans are too many for me to enumerate in the five minutes that I have, but I would like to mention only two. The first one is poverty. Poverty continues to be the biggest problem facing our people. Very many Kenyans cannot afford a meal for even a single day. Therefore, the Government, and all of us, must do something to alleviate that problem before it is too late. One way of alleviating poverty is through the creation of employment opportunities. Unemployment is a very serious problem. Many students are graduating from the universities, secondary schools and other institutions of learning only to come to the job market and find there are no jobs. Many people in this country are beginning to wonder loudly, particularly parents, whether it is worthwhile for them to educate their children. We must provide a conducive environment for private investments to enable us create more employment opportunities.

One area, Mr. Speaker, Sir, that I feel we can do much in creating a conducive climate is the area of security. It is not in doubt that there is a lot of insecurity in this country. The economy cannot thrive when there is insecurity in the country. We are also aware of the number of jobs we have lost in the tourism industry as a result of insecurity. Therefore, I would like to urge the Government to have deliberate policies of creating employment, particularly doing rural roads and other projects which are labour-intensive thereby creating more employment opportunities.

Mr. Speaker, Sir, the second problem that I want to address is that of infrastructure. Our infrastructure has continued to be a subject of debate for a long time. It has continued to deteriorate not only because of the *El Nino* rains, as most of us have been made to believe, but because of poor maintenance, lack of it, and also the failure of our engineers to strictly adhere to the set standards. Personally, I am very impressed by the way the

Minister is carrying out his duties, especially trying to correct the past mistakes. We must wish him well. We would also like to urge civil servants to work very hard in that area. This is, perhaps, the right time for the Ministry of Public Works and Housing to move to the roads and ensure that those roads are repaired, especially during this dry spell. I think we must do everything possible to ensure that we take advantage of the dry spell by repairing our bridges and roads, so that come the rains, we will be able to move and, therefore, move along with our economy.

Mr. Speaker, Sir, in conclusion, I would like to touch on something about parastatals. State parastatals have been a great drain to the resources of this country, particularly on the side of transport. You will find that vehicles are being misused in the rural areas. I have in mind one parastatal that is called Tana and Athi Rivers Development Authority (TARDA). This particular parastatal has one of its employees going round in my constituency using its vehicles. My people will burn these vehicles and will not be held responsible since these roads are in very bad state.

I beg to support.

Mr. Mwiraria: Thank you, Mr. Speaker, Sir. I rise to support the Motion. As we break for this recess, I think we should give the Government some assignments too. A lot of those Members who have spoken have suggested what we ought to do.

Mr. Kitonga: On a point of order, Mr. Speaker, Sir. Is it in order for Members of Parliament to make so much noise that even the hon. Member cannot be heard?

Mr. Speaker: Order! You are also out of order to say that Members are making noise. They are consulting too loudly.

Proceed!

(Laughter)

Mr. Mwiraria: Thank you, Mr. Speaker, Sir. I really would like to suggest to our Government that they address the two critical issues facing the country. On the Constitution, we have made a lot of headway but, unfortunately, the statements made after the two KANU Parliamentary Group meetings last week and this week appear to be taking us back, and my plea is that in the Democratic Republic of Congo, which used to be called Zaire, the late Mobutu played about with the constitutional review process for years. In fact, he did not complete it before he died. We, as Kenyans, care for this country. We want to resolve the problems which are affecting us. We cannot allow the Government to renege on what has already been accepted. I support truly those people who are advocating looking after the disadvantaged people of this country. It is in this context that I would support the proposals which were accepted at Bomas of Kenya and at Safari Park Hotel, to have special categories to represent the disadvantaged, and it is for this reason that I was very happy to see the pastoralists coming up with some very solid proposals on what they would like to see in the new Constitution.

Mr. Speaker, Sir, I do hope that the Government, at least, will find its way into accepting the representation of the disadvantaged among the commissioners who will be working. It is also my understanding that since all the communities in this nation need to be represented and to be heard by whoever reviews the Constitution, there should be a mechanism for having a district-level constitutional review team which would then feed the Commission which we are setting up.

Mr. Speaker, Sir, having said that, let me say two things about my constituency. The first one is that two weeks ago, during the zero hour, I asked the Minister in charge of internal security to make a Ministerial Statement on what he and his Ministry are doing to address the issue of insecurity in Bore and Timau divisions of my constituency. With respect, our people have suffered for the last four years and half of the population has left these two divisions. I plead that since the Government has already said that they will give these people a police reserve, that this is done, hopefully, during the recess period. I have said here before that unless some concrete action is taken by the Minister, we run the risk of people acquiring illegal arms, which will worsen the situation. I would, therefore, plead with the Minister to look into this matter.

Mr. Speaker, Sir, I would also like to plead with the Minister for Lands and Settlement to stop the illegal repossession of land in the settlement area of Timau. There is too much suffering already, and too many people have lost their land to people who live in Nairobi, who have got the money and can afford to buy the titles. So, I urge the Minister to, please, also address this issue, perhaps, by sending one of his officers there. I am ready to spend time with him to make sure that these people are taken care of.

Mr. Speaker, Sir, finally, I urge the Government also to address the question of squatters in Karuri Forest.

Thank you, Mr. Speaker, Sir.

The Minister for Lands and Settlement (Mr. Ngala): Mr. Speaker, Sir, I thank you for giving me the chance to contribute to this Motion. I stand to support the Motion for Adjournment. It is time that we should go and consult with our constituents on a lot of matters so that we can inform them on what is happening in the country.

Mr. Speaker, Sir, I want to say that we are very happy as Kenyans, particularly on the issue of tourism. It appears that tourism is beginning to pick up. We are beginning to get visitors in our country. I think it is a good signal that things are getting better on the tourism front, and we would like to get as many tourists as possible coming to our country, to be able to enjoy the beauty of this country.

Mr. Speaker, Sir, we have talked about the unity of Kenyans. Kenyans need to be sensitised more, to be made aware of the importance of unity in this country. We are seeing a situation where the feelings of communities are getting hardened because of creating awareness for them and this has reached a level where we have got to be very careful as leaders. As we continue to tell our people about the unity of this country and their rights, we should also do so with a lot of caution so that we do not create a situation which will be dangerous.

Mr. Speaker, Sir, Kenya is a very beautiful country. We are all happy to be Kenyans. We have a lot of blessings in this country. We must count our blessings one by one as Kenyans because we have such blessings in this country which do not appear in other countries, particularly within the neighbourhood, and it is our role as leaders to make sure that we---

(Loud consultations)

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

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

The Minister for Lands and Settlement (Mr. Ngala): Thank you, Mr. Speaker, Sir I was shouting so that I could also be heard. I was saying that Kenya is a beautiful country. We have a lot of blessings in this country. We must count our blessings one by one in this country. It is a country that has a lot to offer to all of us, and it is up to us as elected Members of Parliament to make sure that these blessings continue to be improved in this country. This is what we should be able to achieve.

Mr. Speaker, Sir, I also want to condemn the fighting that took place yesterday here in Parliament. It was barbaric and archaic. I am wondering why some of the Opposition Members are trying to make it a KANU affair. I think the KANU Members who went on that side from the opposite side - KANU being a party that is peace loving - went there to try and maintain peace in this House.

Therefore, there was no bad intention at all for the KANU Members who went to the opposite side. They went there in order to try and stop their brothers from fighting. Otherwise, we did not go to the opposite side to try and create any problem for the Opposition Members. So, I think it is unfair that it should be now turned against KANU; that it was KANU Members who went to create more problems for the Opposition. I think it is not fair.

Mr. Speaker, Sir, I wish every Member a good recess. Thank you, very much.

Mr. Speaker: Order! I will now put the question.

(Question put and agreed to)

ADJOURNMENT

Mr. Speaker: Order! Order! It is now time for the interruption of business. Hon. Members, the House is, therefore, adjourned until 6th October, 1998, at 2.30. p.m.

The House rose at 6.30 p.m.