

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday 21st July, 1999

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table.

The Sessional Paper No.4 of 1999, on Non-Performing Government Donor Credit with the Co-operative Bank of Kenya.

(By the Minister for Finance)

NOTICE OF MOTION

ADOPTION OF SESSIONAL PAPER NO.4 OF 1999:
NON-PERFORMING GOVERNMENT DONOR CREDIT

The Minister for Finance (Mr. Masakhalia): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts Sessional Paper No.4 of 1999, on Non-Performing Government Donor Credit with the Co-operative Bank of Kenya, laid on the Table of this House on 21st July, 1999.

ORAL ANSWERS TO QUESTIONS

Mr. Deputy Speaker: Dr. Christopher Murungaru's Question.

Question No.306

REVENUE COLLECTION FROM ABERDARE/
MT. KENYA NATIONAL PARKS

Mr. Deputy Speaker: Dr. Murungaru is not in? We will come back to that Question later. Next Question, Mr. Kyalo Kaindi.

Question No.303

CONTRACT AWARD TO SWISS PROCUREMENT COMPANY

Mr. Deputy Speaker: Mr. Kaindi not in? We will come back to that Question. Next Question, Mr. Wafula.

Question No.124

TARMACKING OF BUNGOMA-SANGALO
NAMBACHA-KAKAMEGA ROAD

Mr. Deputy Speaker: Mr. Wafula is not in? We will come back to that Question later. Next Question, Mr. Kiraitu Murungi.

Question No.239

STATUS OF ROADS 2000 PROJECT

Mr. Deputy Speaker: Mr. Murungi is not in either? We will come back to that Question later. Next Question, Mr. Wilson Ayoki.

Question No.311

MAINTENANCE OF ROADS IN KISUMU RURAL

Mr. Deputy Speaker: Mr. Ayoki? Mr. Ayoki is not in either? I will go over the Questions for the second time. Dr. Christopher Murungaru's Question, for the second time.

Question No.306

REVENUE COLLECTION FROM ABERDARE/
MT. KENYA NATIONAL PARKS

Mr. Deputy Speaker: Dr. Murungaru is not in? The Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Next Question, Mr. Kyalo Kaindi, for the second time.

Question No.303

CONTRACT AWARD TO SWISS PROCUREMENT COMPANY

Mr. Deputy Speaker: Mr. Kaindi is not in? The Question is dropped!

(Question dropped)

Mr. Deputy Speaker: Mr. Wafula's Question, for the second time.

Question No.124

TARMACKING OF BUNGOMA-SANGALO
NAMBACHA-KAKAMEGA ROAD

Mr. Deputy Speaker: Mr. Wafula is not in? The Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Mr. Kiraitu Murungi's Question for the second time.

Mr. Murungi: Mr. Deputy Speaker, Sir, I would like to apologize for not being here when the Question was called for the first time.

Question No.239

STATUS OF ROADS 2000 PROJECT

Mr. Murungi asked the Minister for Public Works and Housing what the current status of the Roads 2000 Project is.

Mr. Deputy Speaker: Anybody from the Ministry of Public Works and Housing?

An hon. Member: Nobody at the moment!

Mr. Murungi: Mr. Deputy Speaker, Sir, I think this House needs to be very firm on Ministers, especially the Minister for Public Works and Housing---

Mr. Deputy Speaker: Order! Order! Leave that to the Chair!

An hon. Member: It should also be firm on you!

Mr. Murungi: No, this is Question time.

An hon. Member: You ought to be strict on yourself!

Mr. Deputy Speaker: Well, we will defer that Question.

(Question deferred)

Mr. Murungi: This is the second time it is being deferred!

Mr. Deputy Speaker: Mr. Wilson Ayoki's Question for the second time.

Mr. Ayoki: Mr. Deputy Speaker, Sir, I apologize for coming in late. Secondly, I have not received a written reply.

Question No.311

MAINTENANCE OF ROADS IN KISUMU RURAL

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

(a) if he is aware that the following murrum roads in Kisumu Rural, E137 (Kapiyo to Kagwel), E135 (Akado-Reru-Kolenyo); E247 (Akado-Wang' Arot-Maseno); E155 (Barkorwa-Korwenje); E124 (Holo-Bwanda) have been destroyed by heavy rains and are impassable; and,

(b) what immediate action he is taking to repair the roads.

Mr. Deputy Speaker: Anybody from the Ministry of Public Works and Housing?

An hon. Member: Nobody!

Mr. Deputy Speaker: Question deferred.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

Mr. Raphael Wanjala's Question by Private Notice.

TSE-TSE FLY INVASION IN BUDALANGI

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

(a) Is the Minister aware that there is an invasion of tse-tse flies in Budalangi Constituency and it is advancing to Funyula Constituency?

(b) Is he further aware that they have killed cattle, pets and many other domestic animals, and that they are a threat to human life and are likely to cause sleeping sickness?

(c) What urgent steps is the Minister taking to wipe out this invasion?

Mr. Deputy Speaker: Question dropped!

(Question dropped)

Mr. Deputy Speaker: Mr. Abubakar Badawy's Question?

CONTRACT AWARD TO M/S URBAN CLEANERS LIMITED

Mr. Badawy: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Local Authorities the following Question by Private Notice.

(a) Is the Minister aware that the Deputy Town Clerk, Malindi Municipal Council, irregularly and arbitrarily signed an agreement on 2nd June, 1999, with M/s Urban Cleaners Limited of P.O. Box 14814, Nairobi, contracting them to collect refuse, sweep roads, *et cetera*, in parts of Malindi Town at a sum of Kshs8,183,000 per month without consulting the council on the contractual sum and the terms and conditions of that purported agreement?

(b) Why was this tender not advertised?

(c) Could the Minister intervene and restrain the council from executing the agreement on account of its irregularity and the scarce financial resources of the Council?

The Minister for Local Authorities (Prof. Onger): Mr. Deputy Speaker, Sir, I have just consulted hon. Badawy. My office did not receive this Question by Private Notice, until this morning, when I saw it on the Order Paper. I have verified that we have not received it, but we are quite prepared to give an answer at any time so desired. I have already informed hon. Badawy to that effect.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. Is it normal that a Question by Private Notice gets on the Order Paper before it has been received by the Ministry? Are we being told the whole truth?

Mr. Deputy Speaker: Well, it is not normal for a Question to appear on the Order Paper before it has been sent to and received by the Ministry concerned. What hon. Prof. Onger has said has caught me by surprise. I will check on that, later this morning. I will inform the House as to what actually happened. It is most unusual for a Question by Private Notice, given its urgent nature, to appear on the Order Paper before it is properly distributed.

Prof. Onger: Mr. Deputy Speaker, Sir, as I have indicated, we are going to check on that issue. Yesterday, as is my nature, I did, in fact, personally, go through the whole week's requirements of my Ministry in terms of either a Private Member's Motion or any Questions pending in Parliament. I think, at no stage, did I see this Question. I want you take it into account, because we would have been able to put it through.

Mr. Deputy Speaker: Questions by Private Notice do not appear on the schedule which you get every week. Normally, one Question will come up

during the week and it will be answered during that week. So, I will check what happened with the Clerk's Chambers and the Ministry and let you know.

Mrs. Mugo: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Not on the same issue!

Mrs. Mugo: Mr. Deputy Speaker, Sir, not on that issue.

Mr. Deputy Speaker: But we are still on Question Time!

(Question deferred)

POINTS OF ORDER

SCHEDULE OF HOUSE BUSINESS

Mrs. Mugo: On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order regarding today's Order Paper. Last week, my Motion directed to the Ministry of Home Affairs, National Heritage, Culture and Social Services was the second item on the Order Paper, and would have been discussed this morning. I now notice that the Motion directed to the Office of the President by hon. Odinga has preceded my Motion. Even the other Motion is a party Motion.

Mr. Deputy Speaker: Order! The House Business Committee has the sole responsibility of arranging the House business. Now, your Motion was ahead of hon. Odinga's Motion because he had given notice of being absent from the House last week. The House Business Committee met last night and re-arranged the business as it is today. So, that is going to be the end of the story.

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. On that issue, although the House Business Committee has the authority to do so, this Motions elicit a Government response. It is also unfair on the part of the Government because we were prepared to answer the Motion by hon. Mugo, and now we have to go back and within an hour prepare to give an answer to hon. Raila Odinga.

Mr. Deputy Speaker: First of all, we have the Motion by hon. Wehliye to dispose of, then the Mover of this other Motion will move it. You have two hours to prepare. In any case, you do not have to respond immediately, you

could respond next week. Hon. Members, this is today's House business as arranged by the House Business Committee. I cannot and will not vary it now. We have to proceed with it as it is.

MINISTERIAL STATEMENT SOUGHT:

DEATH OF MR. PETER KARIUKI

Mr. Karume: On a point of order, Mr. Deputy Speaker, Sir. I rose on a point of order to raise an issue yesterday, but Mr. Speaker asked me to do so today.

Mr. Deputy Speaker, Sir, on Saturday, in Kiambu, somebody was killed by some administration policemen. He was arrested from his house, tied with a rope and beaten to death at the police post. If you allow me, if you read yesterday's *Daily Nation* newspaper--

Mr. Deputy Speaker: Order, hon. Karume! You know I cannot do it.

Mr. Karume: Okay, Mr. Deputy Speaker, Sir. Mr. Peter Kariuki was arrested at his home at 3.00 p.m. He was taken to the police post, his legs and arms were tied with a rope and he was beaten by two administration policemen. He was locked up in a cell where he was again beaten and water poured on him. He was beaten with wooden bars to death. There is a witness, a Mr. Macharia, who was in that cell---

Mr. Deputy Speaker: Hon. Karume, do you want to seek a Ministerial Statement?

Mr. Karume: Mr. Deputy Speaker, Sir, I would like to seek a Ministerial Statement from the Minister of State, Office of the President, to tell Kenyans and the House what action he is going to take. Up to now, those policemen have not yet been arrested. Even today, the Provincial Police Officer (PPO), Nyeri, is quoted in the newspapers as having said that they are not going to arrest the administration policemen until a postmortem is done. The culprits should be arrested and charged with murder.

Could the Minister issue a Ministerial Statement and tell us what they are going to do? He should also inform us what the Ministry is doing about these police murders because, every time people are being killed by policemen. In this country, it seems that a donkey is safer than a human being.

Mr. Deputy Speaker: Minister of State, Office of the President, would you like to respond now?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I will not respond now. My colleague in charge of internal security will respond next week.

PERSONAL STATEMENTS

GUIDANCE ON ALLEGATIONS AGAINST PROF. ONGERI

The Minister for Local Authorities (Prof. Ongeri): On a point of order, Mr. Deputy Speaker, Sir. I rise on a matter which is crucial and critical, that arose in this House last week. You will recollect, I brought to the kind attention of both Mr. Speaker, and your good-self, when you were on the Chair, the remarks made by hon. Obwocha in connection with my person. At that time, I indicated that I would want to make a Personal Statement to that effect. Indeed, both Mr. Speaker and yourself indicated that I will have the opportunity to do so, immediately after Question Time, yesterday.

Mr. Deputy Speaker, Sir, when I was given five minutes by hon. Kalweo on another debate, I indicated quite clearly at that time, and I quote, because it is in the HANSARD, that:-

"You must separate what is good for the community from what I think is a misplaced political agenda and ambition. As far as the political agenda and ambition are concerned, we shall deal with that issue separately, on a separate platform. At any rate, I have every intention to reply to what was a mischievous contribution by hon. Obwocha in this House".

I said I had every intention, because I had already intimated to you.

Mr. Deputy Speaker, Sir, I would like your guidance on this matter. Yesterday, in this august House, an outrageous allegation was made about my person, and I think it is not in conformity with the rules and standards set out by this House. I would like to have further guidance, because one of the notorious newspapers, the *People Daily*, which I would like to table here, has reported---

Mr. Deputy Speaker: Order! Order! You cannot table a newspaper report.

The Minister for Local Authorities (Prof. Ongeri): Anyway, Mr. Deputy Speaker, Sir, I shall make my contribution about this newspaper elsewhere. For now, I need your guidance on what you intend to do with this matter, because I have not been given the right to raise it appropriately and seek for remedy to this issue.

Mr. Deputy Speaker: Well, clearly, the words which Prof. Ongeru is unhappy with were uttered when I was not in the Chair. I will go and look at the HANSARD and see the context in which they were uttered. I will then consult Mr. Speaker because he was in the Chair on that occasion, and a proper ruling will be given on that matter. For the time being, let me say this: It has been ruled repeatedly, that no matter how angry you are; no matter how much you dislike your fellow colleague, this Chamber will not be the forum for you to call them names. If you do, the Chair will require you to withdraw and apologise immediately. I will look at what hon. Obwocha uttered against Prof. Ongeru in that light, and then make a suitable and fair ruling.

CARRYING DEBATE OUTSIDE THE HOUSE

Mr. Raila: Mr. Deputy Speaker, Sir, yesterday, when I apologised to the Judge, I requested the Speaker to allow me time today to make a statement with regard to some story by hon. Fahim Twaha, Member for Lamu East.

Mr. Deputy Speaker, Sir, after the discussion on the Question which was raised by hon. Twaha, he went to the Press and bought a space in the *Nation* Newspapers and in that newspaper, he produced what I consider to be contemptuous to this House. One, it amounts to violating the rules of this House by carrying the debate outside the House. Mr. Twaha then, in his advertisement, produced a receipt in which he purported to have paid duty with regard to a consignment of sugar which was the subject of discussion at that time. I have carried out investigations and I have established that, in fact, what Mr. Twaha produced in itself amounted to misleading the general public. The facts of the matter are as follows:

That Mr. Twaha, indeed, did pay duty with regard to a consignment of 7,000 tonnes, of sugar which arrived in the country on 1st April, 1998 on a vessel called *Muzafa Aziz*, but the consignment for which he had been charged was 8,000 tonnes which came on a ship called *Al Ratib*. That consignment was destined for Bukavu in Zaire. The importer in Zaire is a company called Bukavu Complex, P.O. Box 785, Bukavu, Zaire. Mr. Twaha then filled a transit entry form document, which I have here, and then that consignment was transferred to a transit bond. It was from the transit bond that Mr. Twaha stole that consignment. That is the reason why he has been charged. For this particular consignment, Mr. Twaha---

Mr. Shidiye: On a point of order, Mr. Deputy Speaker, Sir. The Speaker made a ruling yesterday that the---

Mr. Deputy Speaker: Order! He is on a point of order.

Mr. Raila: Mr. Deputy Speaker, Sir, the consignment for which Mr. Twaha has been charged - he has not paid duty for it - was a consignment of 8,000 tonnes which was destined for Zaire.

(Several Members stood up in their places)

Mr. Deputy Speaker: Order! Order! The Speaker made a ruling in respect of some words uttered by hon. Raila which were derogatory to the court. Hon. Raila is now talking about an advertisement in the paper by one Twaha, which carried the debate outside this House. Those are two different things.

Mr. Raila: Mr. Deputy Speaker, Sir, apart from violating the rules of this House, Mr. Twaha misled the general public by purporting to have paid duty for the consignment for which he has been charged. This is a consignment of 8,000 tonnes of sugar for which he completed transit entry form---

Mr. Deputy Speaker: Hon. Raila, your point is about carrying debate outside the House?

Mr. Raila: Yes, Mr. Deputy Speaker, Sir, but I am also saying that the information he was giving the public was false in the sense that for the consignment of sugar of 8,000 tonnes, for which he has been charged, he did not pay duty, and that he removed that sugar from a transit bond to his own warehouse, which is called Argentine, Warehouse without paying duty. Eventually, this is the consignment for which a consent order was entered, and Mr. Twaha was allowed---

Mr. Deputy Speaker: Order! Order! The point you are making, hon. Raila, is that hon. Twaha carried the debate from the House outside. I think the point has been made. If there are documents you want to lay in support of another case, just put them on the Table, because that is not the issue before us now.

Mr. Raila: Mr. Deputy Speaker, Sir, yesterday, I withdrew the allegation I had made the other day. But the point I am trying to make here is that the guilty party was the Attorney-General's Office and the Commissioner of Customs and Excise who entered a consent to allow Mr. Twaha to go and sell that sugar when he had not paid duty for that consignment. I lay the documents on the Table.

(Mr. Raila laid the documents on the Table)

Mr. Deputy Speaker: Order! Order, hon. Members! We must not use points of order to go outside what we actually want to raise. As far as I am concerned, the issue that hon. Raila has raised is that of hon. Twaha carrying debate from this House elsewhere. That is totally out of order. He has made his point. As far as those other documents are concerned, if you want to open debate, or the Question which gave rise to those allegations, that is a different matter. But the point before us is the issue of carrying debate outside the House. I have ruled it is totally out of order for any Member to continue with matters being discussed here outside, including purchasing space in the newspapers to answer, or to make your story. You must not do that.

POINTS OF ORDER

MINISTERIAL STATEMENT SOUGHT: ILLEGAL ACTIVITIES OF SCHOOL CHILDREN

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I rise on a point of order to ask the Minister for Education and Human Resource Development to explain to this House what his Ministry is doing regarding illegal activities of school children from two schools in Kibirichia Division, Meru District.

Mr. Deputy Speaker, Sir, we have a water source which is shared between three locations, which have now become divisions. At the end of last month, people who live upstream diverted the water for use for irrigation. On 28th June, following a DDC meeting, the DC sent some askaris to the water source and the water was restored for all the three users. On 6th July, girls from Kibirichia Girls Secondary School went and found a team from Ruire repairing the water source. They proceeded to stone the poor wazees and their matatu, which had ferried them to the site, then they took away the jembes, shovels and pangas which were being used by the repair team.

The male teacher who had accompanied the girls was seen removing two fork jembes from the matatu, which have yet to be returned to the owners. From there, the girls went to the source of the water---

Mr. Deputy Speaker: Order! Order, hon. Mwiraria. If you are seeking a Ministerial Statement, make your background information as brief as possible.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, on the same day, the same girls went to the water source and they could not destroy it. So, they entered the hut where the askaris were staying and destroyed their food and when the askaris came, they proceeded to stone them. So, the askaris shot in the air and they ran away. Three days later, boys from Kibirichia Boys School went and destroyed a water intake which had cost Kshs60,000 to repair and completely stopped the flow of water to schools within Buri Division. The point that I want addressed by the Minister is that, parents do not send school children to go and commit crimes, and there must have been people responsible for what these school children did. What, then, is the Ministry doing to make sure that we do not breed criminals---

Mr. Deputy Speaker: Order, hon. Mwiraria. You are now asking a question, and you are giving me the impression that you are really seeking a Ministerial Statement on a more general issue than a more specific one. So, can you narrow it down to the pressing issue you want the Minister to comment on, so that we can make progress?

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I was coming to it. I just want the Minister to address this House on the question of discipline in schools.

Mr. Deputy Speaker: Fine. Please, hurry.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, the second point related to this one is what I am addressing to the Minister for Water Resources. There has been no water in Buri Division and parts of Kibirichia for the last one month. This is because pipes have been destroyed and the water intake has been destroyed. I would like the Minister to address the question of what help he can give to restore the water? Coffee is not being processed. Cows are dying because they lack water to drink and, more importantly, could the Minister provide the long-term solution to this issue because it has become perennial? Can he get us a little more water for the three divisions as a long-term solution?

Thank you, Mr. Deputy Speaker, Sir.

HARASSMENT OF WOMEN HAWKERS BY CITY ASKARIS

Mrs. Mugo: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Local Authorities. Yesterday, we all saw the scene of this 18 months' old child who was left at Kenyatta National Hospital, when the mother was arrested by City Hall askaris. She was left alone to fend for herself. We want to know from the Minister what he has done with that city askari, who even refused to let the mother take the child later to whichever prison she had been taken to, regardless of child rights in this country. We have seen so many cases

of harassment of children. Could that be addressed; and we want to know the position of that askari; that is, whether he has been arrested? We have seen the same askaris harass women when they try to sell their wares. They kick them around and haul them into the City Hall trucks. We want to hear from the Minister what the position of these women is.

RAPE OF WOMEN AND GIRLS

Mrs. Mugo: Mr. Deputy Speaker, Sir, I also sought a Ministerial Statement on rape of women and girls and the Minister wanted a specific case which I have supplied to the Minister of State. Could I have a Ministerial Statement on that issue?

LACK OF WATER IN KAWANGWARE

Mrs. Mugo: Mr. Deputy Speaker, Sir, thirdly, we have no water whatsoever, in Kawangware. Could the Minister address the question of water shortage in Kawangware? Could the Minister give a Ministerial Statement on this water shortage?

COFFEE VIOLENCE IN NYERI DISTRICT

Mr. Mutahi: On a point of order, Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement with regard to the coffee violence in Nyeri District, where a young man lost his life about two weeks ago, and where this violence is still escalating. There was a fight yesterday in Mukurweini Constituency where, again, eight people were injured. In regard to the Mukurweini violence, I have a court order here which was issued on 3rd July and extended to 12th July. These thugs are still taking over the coffee factory and no action is being taken. The court order is not being executed by the police. This is a very serious matter because whichever factory has been taken over by the thugs--- They are going to be at home and they will beat people's wives and men, and there are a lot of immoral activities going on in those factories. If you allow me, I would wish to table this court order, which---

Mr. Deputy Speaker: No! Order, hon. Mutahi. You are seeking a Ministerial Statement and that is sufficient. There is no proof required from you.

Mr. Mutahi: Mr. Deputy Speaker, Sir, can the Minister of State, Office of the President, do something because the factories are still being taken over by the thugs and the farmers are going to reclaim these factories by force?

Mr. Deputy Speaker: Order! We have heard you. Yes, hon. Kiunjuri?

BANDITRY ACTIVITIES IN LAIKIPIA DISTRICT

Mr. Kiunjuri: On a point of order, Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State, Office of the President, incharge of Internal Security. This concerns banditry activities which have persistently been going on in Tigithi Location, Central Division of Laikipia District. Out of 460 homesteads, no livestock has been left, and the thugs have even gone to an extent of stealing dogs. This has been occurring every month. For the last six months, a lot of injuries have occurred, and bearing in mind that we have taken initiatives to construct a police post through Harambee, we would like an explanation from the Minister why police officers should not be posted to the said police post. It has been constructed by wananchi, but right now, banditry still persists.

COMMUNICATION FROM THE CHAIR

MINISTRY IN RECEIPT OF QUESTION BY PRIVATE NOTICE

Mr. Deputy Speaker: Order, hon. Members. Earlier this morning, a Question by Private Notice addressed to the Ministry of Local Authorities came up and we all heard the Minister say that the Ministry had not received that Question. I then asked the Clerks at the Table to go and bring me evidence that the Question had, in fact, been delivered. I now have a delivery book which shows that the Question by Private Notice directed to the Ministry of Local Authorities was delivered on 15th July and signed for by the officials of that Ministry. So, that Question is properly with the Ministry of Local Authorities and it must be answered.

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

Mr. Deputy Speaker: Sorry. Next Order.

MOTIONS

ESTABLISHMENT OF AN EMERGENCY FUND FOR NORTH EASTERN PROVINCE

THAT, in view of the gross underdevelopment, marginalisation and impoverishment of the people in the ASAL districts, especially the North Eastern Province; noting that the area has a high agricultural and livestock production potential, sufficient water resources and arable land; noting further that the programmes initiated by the Government since Independence have failed to stimulate economic growth in the region; aware that inadequate and poor maintenance of infrastructure has not only drastically reduced productivity and induced attendant losses in production, but also discouraged investment; noting that nothing is being done to restore the serviceability of all road sections, resulting in increased user operating costs, escalated costs of rehabilitation and reconstruction; and noting further with concern that health, education and security sectors are crumbling; this House urges the Government:-

- (i) to establish an emergency fund to revamp the roads, health and education infrastructures;
- (ii) to draw a comprehensive plan to salvage the ASAL districts from economic collapse; and
- (iii) to solicit for domestic and foreign donor funding for such essential projects as water, livestock production, health and education.

(Mr. Wehliye on 15.7.99)

*(Resumption of Debate on the Motion as
amended interrupted on 15.7.99)*

Mr. Deputy Speaker: Who was on the Floor? It was hon. Martha Karua. She is not here. Next is hon. Maoka Maore.

Mr. Maore: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this important Motion.

The question of North Eastern Province has never been addressed either by the Government, or even by the leaders of North Eastern Province. When a question or a Motion like this comes up in this House, except for very hot rhetoric, there is very little action on the ground that can be said to help the situation in the former Northern Frontier District.

Mr. Deputy Speaker, Sir, the amendment introduced by the Government has clearly neutralised the Motion in the sense that we have had the Arid and Semi-Arid Land (ASAL) districts Programme on the ground for the last seven financial years. For that period, in every financial year, money was set aside for the ASAL Programme. Between the Office of the Vice-President and Ministry of Planning and the Office of the President, that money has most of the time not been utilised. You will find that those departments which deal with big sums of money, and which handle big contracts, will always be placed under the Office of the President.

Since Independence, the Government policy has been to manipulate elections in the North Eastern Province. Consequently, that region has not had diligent leaders who are capable of articulating the problems of the area. The region has only had sycophants of the Government. Except for the Eighth Parliament, we have not had quality leaders from the North Eastern Province. This was a deliberate action by the Government to ensure that those who came from that area never articulated the problems of the area.

You will find that in countries such as the United States America (USA), the Government has clear policies on how to help the disadvantaged Red Indians, who are the indigenous people of the northern part of the USA. In States such as North Dakota, South Dakota, New Mexico, and several others, there are policies in place and specific areas have been allocated what they should benefit from, from the national kitty. Now, we are we are debating how to provide resources to improve roads, health and education sectors in the area. I would like to say that this Motion has come to this House rather late. It has come when our national kitty is in the red.

This country's economy today cannot handle the maintenance of even basic infrastructure, such as roads which are already there, because of virtual mismanagement. We are not calling upon the Government to have somebody to raise the issue of under-development in the Cabinet. We want the Government to bring a Sessional Paper to this House and declare that we need to put special or additional resources to the Northern Frontier Districts in

matters of infrastructure, security, health and education. We will not have any development in the Northern Frontier Districts, or even in the adjacent districts, because of the insecurity menace. A feature story published in a newspaper two days ago alleged that cattle rustling and banditry is big business for some politicians and some top civil servants, or a big cartel which would not want to allow the disarming of rustlers in the North Eastern Province.

Mr. Deputy Speaker, Sir, if the Government is really interested in the welfare and prosperity of this nation, it should not allow the culture of cattle rustling, banditry and violence to flourish under the guise that the North Eastern Province is so expansive that the Government security machinery cannot keep track of what goes on there. It is not possible for anybody to drive away a herd of, say, 2000, cattle at a speed of 800 kilometres per hour. The Provincial Administration, which is known to be very vicious and ruthless, should ensure that stolen cattle are recaptured and returned to their owners.

Mr. Deputy Speaker, Sir, we know very well that every inch of this country's land is covered by an assistant chief, chief, District Officer (DO), District Commissioner (DC) and a Provincial Commissioner (PC). Whenever there is an incursion of groups in the North Eastern Province, which sometimes comprise of groups from outside the country, we are told that it was a clan dispute, or a revenge, and that it was because of firearms which are coming into the area from the neighbouring countries. We should not accept this explanation anymore. This Government should be in charge of every inch of this country; it should protect the territorial integrity of this country 24 hours a day.

I come from a constituency which is massively affected by the practice of cattle rustling. I was invited by the area DC and PC to attend barazas in the neighbouring districts on several occasions. I have vowed never to attend barazas to discuss with elders matters that border on law and order. I can only organise people from the villages to arm and defend themselves when I am told that there is no Government in this country. Until that time comes, I find it prudent for the Government to ensure that law and order prevail at all times in the country. It should ensure that those people who are involved in cattle rustling pay for the crime. The Government should ensure that stolen cattle are returned to the rightful owners and the culprits punished.

We have allowed the country to slip off slowly into insecurity, and we have now adopted the tactics of fire-fighting personnel. People will wake up one morning and rush to DCs' offices to protest about uncollected garbage, rape stories and everything else. This is because the Government is not acting to take care of the interests of its people. It is not justifiable to neglect the infrastructure in the North Eastern Province simply because the area does not produce coffee, tea or any other major commodity; the province is part of this country. It is, therefore, the duty of the Government to ensure that resources are allocated to take care of education, health and roads in that area. It is unfortunate that the Government has neglected the area for all these years.

As I said earlier on, the Cabinet should bring a Sessional Paper to this House, so that we can see how prosperous the North Eastern Province can be, and how safe the rest of the country will be. Kenya cannot be said to have prosperity when almost a third of the country is behind in terms of development. Because of the policy of disparity and the politics of division, some areas are favoured and others neglected. If the Government is not active in one area, in most cases, it is not active in any area. We do not know what the Government does with the taxpayers' money. Even old roads are not being maintained. Last weekend, I drove towards Nyeri Town. I witnessed a grader meant to work on a road between Karatina and Nyeri, which was tarmacked in the 1950s. The Government has forgotten about that road. Its officials are now looking for contractors who can offer big kickbacks, so that the maintenance of the road can start. We want corruption to be stamped out, so that we can have prosperity.

The Assistant Minister for Health (Dr. Wako): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

First and foremost, I would like to thank the hon. Member who brought this important Motion. As a person who comes from the ASAL districts in the North Eastern Province, I would like to take this opportunity to urge the Government to ensure that the problem in northern Kenya of insecurity is got rid off. This insecurity can easily be got rid off if people in the area are educated and given the opportunity to guard themselves by being provided with homeguards. At the same time, I would appeal to the Government to ensure it looks into the regional problems. Most of the problems that we have as far as insecurity is concerned, are coming from our neighbours, which are Somalia, Ethiopia, Sudan and the rest of the places, where fighting is going on. This has created a lot of insecurity for the people in this area. Unless we make sure that security of the people is ensured, then the development for this area is going to be very difficult. The most important thing is to ensure that the Government forms an anti-banditry squad to purposely look into the security situation in the area.

Currently, the police have become inefficient because in most of the North Eastern Province, the police do not have vehicles and there is no radio communication. Therefore, even when bandits attack, it becomes difficult for the police to follow and take any action. For the last two months, there have been bandit attacks in my constituency, where last week, at least four people died. Yesterday or the day before, animals were taken from Garbatula and one person was killed. Unfortunately, the police in Garbatula and Modogashe do not even have vehicles to follow the bandits.

They do not have communication equipment and reports of insecurity are made after a long period, which becomes a big problem.

On the aspect of irrigation, northern Kenya has been neglected to the point where people in these ASAL districts are impoverished, to an extent where they have to depend on famine relief food. The Government is spending a lot of money, year after year, supplying famine relief food, which I do not think is the most important issue because most of the areas in all these ASAL districts are places where irrigation can easily be undertaken. It requires a bit of support from both the donors and the Government to ensure that these places are irrigated. If we look at northern Kenya, the Tana River passes through Garissa, Tana River, Isiolo and Tharaka districts. The most unfortunate issue is that all these districts, which Tana River passes through are the districts which are relying on Government famine relief food. I would like to appeal to the Office of the President to ensure that because of the drought in these districts, we get more food. If we look at Tana River District alone, the Government is spending Kshs30 million yearly to feed the people there. The people of Tana River District can easily feed themselves if the Government supported them through irrigation schemes. Three irrigation schemes have been started, for example, the one in Hola. I visited Tana River District last week and I found that there are abandoned irrigation schemes in Hola, Garsen and the TARDA Scheme which were producing cotton, rice and other crops. We are appealing to the donors, and the Government, to ensure that these irrigation schemes are revived. In my constituency, Raptul and Garpasa(?) irrigation schemes have collapsed. It requires the Government to put in a very little amount of money to revive these irrigation schemes, and people can feed themselves.

On the issue of roads, it is very unfortunate that the problem of insecurity is, to a large extent, due to lack of roads. In the whole of North Eastern Province, there are only 11 kilometres of tarmac road, 36 years after Independence. This is not the right thing for these people because they require services and motorable roads. The whole of the ASAL districts area is not accessible. Most of the hon. Members here actually have difficulties accessing that area. During the *El Nino* rains, people could not even travel from one place to the other. In Habaswein, where a lot of money has been used, that road is impassable today. There are quite a number of places in this region, to-date two years after the *El Nino* rains - where the roads are still impassable. Therefore, we are appealing to both the donors and the Government to look into the issue of roads in this area.

On the question of education, this region has been left behind. At the time of Independence, there was hardly any secondary school in Isiolo District. It is fortunate that we have had a few secondary schools by now, but they are not enough. It looks like the cause of the problems in northern Kenya is lack of education and manpower. During the colonial time and at the time of Independence, most of these people had no education and they were not involved in the policy of the Government. This region had been neglected by the colonial Government, and was also neglected by the subsequent Government because the planners do not know this particular region. This becomes a big problem for this region.

We urge the Government to strengthen education in this region. The Government system of distributing the Presidential Bursary Fund to these people, who are depending on famine relief food and are expected to pay school fees, is not helping them. Allocations depend on the number of students and schools, which are quite few in this region. Therefore, more and more money is going to high potential areas, which already have many schools. We are appealing to the Government to ensure that the distribution of the Presidential Bursary Fund is on the basis of poverty levels. If we take the poverty levels of this country, we will find that Isiolo, Garissa and Mandera districts are actually at the top of the list. When it comes to the distribution of the Presidential Bursary Fund, these are the people who are getting the least bursary money.

This region is very potential. It is a region which can produce a lot of food and it has a lot of mineral resources. It is actually the region which has the game reserves.

With those few remarks, I support the Motion.

Mr. Ochilo: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to speak on this very important Motion. First, I take this opportunity to thank the Mover for bringing this timely Motion to the House.

From the onset, I would like to say that I support this Motion, but not for the reason that the other speakers have given. I have listened to hon. Members from the Arid and Semi-Arid Lands (ASAL) giving a litany of problems, which are blamed on the Government. I would like to tell hon. Members from this region that what they are complaining about is what is called "bad governance," and it is them who have contributed to that situation. I say that at the risk of inviting displeasure from hon. Members from that region.

The Assistant Minister for Environmental Conservation (Mr. Affey): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to suggest that hon. Members from the North Eastern Province (NEP) are responsible for bad governance in the country? The hon. Member is politicking; let him contribute to the Motion.

Mr. Deputy Speaker: He is perfectly in order to express his opinion, and if you do not agree with him, that is a different matter.

The Assistant Minister for Environmental Conservation (Mr. Affey): But even all hon. Members in this House are not responsible for bad governance.

Mr. Deputy Speaker: You are now engaging in an argument.

Mr. Ochilo: Thank you, Mr. Deputy Speaker, Sir, for saving me. I wanted to make these remarks because they form the truth, and I am doing so at the risk of inviting displeasure from hon. Members from the NEP. We know that good governance is a collective responsibility of all hon. Members, irrespective of where they come from.

I support this Motion because I know that this time, it is people from the NEP who are suffering from insecurity and next time, it might be my people. But I am asking hon. Members from the NEP that when other Motions affecting other people are brought to the House, they should support them. We have always been looking forward to their support, but it has not been forthcoming. It is hon. Members from the NEP who never raised a finger when other places were affected. However---

The Assistant Minister for Environmental Conservation (Mr. Affey): On a point of order, Mr. Deputy Speaker, Sir. I do not wish to interrupt Mr. Ochilo, because he is my friend, but he has made another very serious allegation; that we do not support Motions that are brought to this House which affect other parts of this country. Could he be made to substantiate that? We do support all Motions brought to this House that affect other parts of the country.

Mr. Deputy Speaker: Order! Yes, hon. Ochilo is truly out of order. You do not support a Motion because it comes from a certain region; you support a Motion because you have been won over by argument and lobbying. So, he is out of order.

Mr. Ochilo: Thank you, Mr. Deputy Speaker, Sir. One of the reasons frequently given by this Government for not providing infrastructure to the people of the ASAL areas is that there are no funds. I would like to compare this Government to a farmer. I want to do so knowing very well that the economy of this country is based on agriculture. We know that this country depends on cash crops like tea, sugar-cane and coffee. It also depends on dairy farming. This Government will never have adequate funds to assist the ASAL areas until it adequately invests in this agrarian region. Funds will never come from Heaven, or from donors, but they must be generated locally. This Government does not get enough funds from industries, or from the export of industrial goods. It must first promote coffee and sugar-cane industries and farms respectively, and when those areas do well, it can collect revenue. If you are a farmer with 1,000 acres of land and depend on crops from that area, but you decide not to use the fertile areas and concentrate on other projects, like the Eldoret International Airport, or the Turkwell Gorge Power Project, these investments will not generate money for you. So, until and unless this Government gives adequate attention to areas with potential, then, the ASAL areas will not get surplus money to build infrastructure and provide health services.

The people from the ASAL areas suffer a lot. They come into contact with the Government when there is a crackdown on illegal arms. That is a very sad situation. The solution to that problem must be a collective decision. I should have said from the onset that I did not have many remarks to make, but I appeal to hon. Members from the ASAL areas to join hands with hon. Members from other areas in order to collectively fight the social and economic injustices in the country.

With those few remarks, I beg to support the Motion.

The Assistant Minister for Finance (Mr. Keah): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I also want to thank the Mover of this Motion because, it is not only timely, but it is, indeed, very important. Part of my constituency is arid and the other part is semi-arid and, therefore, I agree with the sentiments that have been expressed in this Motion.

Over the years, successive Ministries have been unfavourably biased against some of the ASAL areas. It is fine that this bias against these areas can be removed through a Motion such as this one. I hope that by the passing of this Motion we can get concrete programmes of development, so that these areas can also see the light of the day. I am heartened by the contributions of the various speakers, who have supported this Motion as amended. There are a number of crucial areas, apart from security, that really need the attention of the Government. So, I need not dwell so much on security, because that has already been dealt with at great length.

I will talk about livestock, water and education. In the livestock sector, the demise of the Kenya Meat Commission (KMC) was, indeed, a great blow to the ASAL areas, which rely mainly on livestock production. The horror is that companies which serve the ASAL areas are managed by people who normally do not come from those hardship areas and, therefore, they do not feel the pinch. I really want to suggest that when we have an industry related to the pastoral areas, or an industry related to the coffee-growing area, it should be managed by experts from that particular area, because they know what would befall them were it to be closed down. For the KMC, we ought to get experts from pastoral areas to manage it. This also goes for many other institutions, including the Kenya Ports Authority (KPA). In my view, it is somebody who comes from coffee growing areas who knows how to manage coffee. But he should have other managerial abilities to manage coffee factories. I may be accused of being a

sectarian or a majimboist, but I have no regrets for that kind of philosophy. Water, which is needed in Arid and Semi-Arid Lands (ASAL) and even in other areas, has been neglected. In my area, in those good old days, the portion that is very arid had a dam per every kilometre. The dams have silted due to lack of maintenance. As a result, they no longer contain water. The cattle in those areas are driven miles away to drink water. This is not only time wasting, but by the time they get back to base, they are already thirsty and continue to wither. Water is crucial and there must be a water development programme for dams in such areas.

The other aspect is education. If you look around the country, most of the schools that do well are based in areas that are rich in coffee, tea and other commodities that are well endowed in this country. In the ASAL, not only are the schools sparse, but they are hardly taken care of. I would urge the Ministry concerned to put a special effort to make sure that those hardship areas have full-fledged educational facilities. The schools should be well built, well provided for, and the teachers should be provided with facilities that compete with other schools in urban areas. If we provide water, education and security, the ASAL will be making a tremendous contribution, not only to the people who live there, but also to the entire economy.

Mr. Deputy Speaker, Sir, at this juncture, I would like to thank a few donor agencies, as well as churches, that have continued to offer services in those areas. I would like to take this opportunity to thank them for their direct intervention through financial support to those areas. But more donor agencies should pick up development programmes and projects for those areas. These areas require much more attention than the luxurious places around Nairobi and other towns, where plenty is available. I would like the donors to go off the tarmac and rich areas and venture into the ASAL. This goes for the Non-Governmental Organisations (NGOs) too. In so far as the NGOs are concerned, I would like to ask Parliament to vet them so that they can be enabled to provide services which cannot be catered for in the Budget. We know that we have a constraint in the Government simply because funds are not available for everything that we would like to do. Therefore, we must rely on the good NGOs that are willing to go out there. We should give them every support. If it is four-wheel drive (4WD) vehicles, we should not subject the NGOs to the 4,000 CC as passed by Parliament. There are several cases that I am aware of, where the NGOs have got cars with engine capacities of above 4,000 CC. But because we passed a rule here that such cars should be less than 4,000 CC, the hands of the Ministry of Finance are tied. It is up to Parliament to make it possible for the Minister to permit approval of vehicles above the 4,000 CC, which can cater for very rough terrain. Otherwise, we are not doing justice to those areas. I mentioned that because I am aware of two vehicles belonging to World Vision, which were sent to other countries simply because our laws prohibit a 4WD vehicle above 4,000 CC to be granted duty-free. In my view, this is not the way to assist the arid areas. This is an excellent Motion and I would like to urge the House to support it as amended.

With those few remarks, I beg to support.

Mr. Muite: Mr. Deputy Speaker, Sir, the North Eastern Province has got to be seen in the historical context. When this country became Independent in 1963, some of the Kenyans living on the Kenyan side, had the same community living on the other side of Somalia and so on. I would like to say that it is quite clear that, since Independence, both the last Government and the current Government have used the wrong policies of coercion and intimidation into submission on the people of North Eastern Province. Both policies did not work. What can work is actually a marshall plan where the problem pertaining to a particular area of the country is recognised. It is only through economic empowerment that this country can be able to persuade the people of North Eastern Province that they are actually not second-hand citizens. They are equal citizens as the rest of Kenyans within our borders.

So, I would like to support this Motion very strongly, and that, a special marshall plan to marshall funds locally and internationally should be initiated so that we can bring economic empowerment to the North Eastern Province. This should be undertaken as soon as possible. I want to repeat this; that, as elected representatives of the people, our job is not to come here and make a lot of good speeches. Our job is to be effective. This Parliament is not going to be effective by merely passing Motions that are never implemented. If we are going to take the time of Parliament to debate and pass a Motion, it should be implemented. Our object is not just to talk, but to realise concrete results. When this Motion is passed, the people of the area concerned should realise the benefits of the Motion.

Mr. Deputy Speaker, Sir, I am suggesting that if this Motion is passed here in this House, it should be accompanied by a very serious undertaking by the Government to implement it.

Mr. Deputy Speaker, Sir, I support the Motion.

Mr. Wehliye: Mr. Deputy Speaker, Sir, give five minutes of my time to hon. Karua.

Mr. Deputy Speaker: Order! You cannot do that. You have already consulted me and I told you what the Standing Orders say. I sympathise with hon. Karua. She informed me that she did not make much of her speech when she was on the Floor last time, but I did call her the first time when we moved on to this Motion. Our Standing Orders say that a Member who is called upon to speak and is absent, is deemed to have forfeited his or her chance to speak.

So, proceed, Mr. Wehliye.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. I am not aware of the Standing Order that says if you are called and you were not there, you forfeit your chance to speak. I had not taken up any chance. It is on record that I was called by the Chair, but I never stood because the time was up before I could even rise and introduce myself. The fact of the matter is that I have not spoken and it will be grossly unfair to deny me a chance to contribute to this Motion.

Mr. Deputy Speaker: Order! I have not denied you any chance, hon. Karua. My record here shows that the person who last stood up to speak on this Motion last Wednesday was none other than hon. Karua. It further shows that she will continue for nine minutes. So, when we moved on to this Motion this morning, the first person I called was hon. Karua and she was not present. Our Standing Orders say no member shall speak more than once to a question except in Committee of the whole House. If you stand and nod, that is a speech. Proceed, hon. Wehliye!

Mr. Wehliye: Thank you, Mr. Deputy Speaker, Sir. I wish to continue. I am greatly impressed with the participation of hon. Members in this important Motion.

North Eastern Province has suffered because of policy attitude. I will not be wrong to say that this attitude is due to a conspiracy between nature and man. It is a reality that North Eastern Province has a very harsh climate. That in itself has been a great disadvantage to the people of North Eastern Province. Again, man has not been of use to this province. During the colonial time, North Eastern Province was treated as a special area without any facility. The successive Governments have not initiated any meaningful development to improve the lives of the residents of that province. This is one reason that has made the population of North Eastern Province static. If you go back to the records of the 1989 census, you will find that there were 350,000 people in that province. The records of the census of 1963 show that there were 460,000 people in North Eastern Province. So, we have had a negative population growth. Why? Because of the multiple problems that North Eastern Province people have been subjected to. This time, we are saying that this negative population growth, marginalisation and discrimination have implanted into the minds of the residents of North Eastern Province a culture of hopelessness, a class distinction, or social stratification, to the extent that when they leave North Eastern Province for other parts of the country, the first thing they think of is that they will mingle with Kenyans. They do not think that they will mingle with the rest of Kenyans. They say they will mingle with Kenyans because they do not see themselves as Kenyans. They know that they have not benefitted from the essential facilities these other Kenyans have been entitled to. I must say that 333 out of 1,000 children in North Eastern Province, especially in Wajir District, die before the age of five years. Why? Because there are no medical personnel, facilities and medicine. And even where facilities like medicine exist, the infrastructure is poor. These issues are supposed to be addressed before we enter the next millennium.

Mr. Deputy Speaker, Sir, there is need to have a special Ministry constitutionally constituted called "The Ministry of Rural, Arid and Semi-Arid Development". I know that with the constitutional review, Ministries will be determined by this Parliament. This must be one of the considerations. Once we have a special Ministry combined with a special Act which empowers the Government to solicit for funds both from the Consolidated Fund and from donors, I am sure, in few years' time, people of North Eastern Province will have something to be proud of. Today, Kenyans must be asking themselves: Why do people of North Eastern Province resort to banditry? It is a survival tactic. When you have nothing to eat, morally, you will have no law and nothing will stop you from doing anything for survival purposes. For other Kenyans, when they think of North Eastern Province, it conjures up in their minds, a region heavily infested with bandits, a region of poor infrastructure, a region with people who are unapproachable, and a region that is not part of Kenya. Why? Because of what has appeared in the Press, and the Government policy that has been adopted which is still in place. These are the issues that Kenyans of goodwill, starting with this honourable House, must address and, accept, and make it a reality for people of North Eastern Province.

Mr. Deputy Speaker, Sir, we need extensive irrigation schemes along river Uaso Nyiro and the Lorian Swamp. There was a research on these schemes conducted by the US Government. They said that if there is proper funding, the Lorian Swamp can supply water to the entire East African region. We have had only one irrigation scheme at a place called Shantole(?) along Daua river in Mandera, but it "died" a natural death. We had also Bura Irrigation Scheme which also collapsed. The little development we have had in the past has failed to introduce any meaningful change because of corruption, poor implementation and adherence to contractual terms by the Government. This is one area which needs to be addressed.

Education is a right to each and every Kenyan. However, I have mentioned here that while other Kenyans are yearning for masters and Phd. degrees, for the residents of North Eastern Province, it is a struggle even to finish Standard Eight because of the economic hardships, lack of teachers and teaching facilities, and poor infrastructure. How do you expect those young Kenyans to contribute and grow up as responsible citizens who are supposed to be leaders of tomorrow? These are essential facilities that are supposed to be availed to each and every Kenyan.

I know this Motion will just appear on paper. It requires a lot of goodwill from the Government. We, as leaders of North Eastern Province, appreciate the kind of support Parliamentarians have shown to this Motion. I would

like to appeal to the Government to implement this Motion because where there is a will, there is way, and charity begins at home. This Government saved the National Bank of Kenya (NBK) from collapsing with Kshs2 billion. Within a span of six months, the Government has injected over Kshs6 billion to resuscitate the ailing NBK, but North Eastern Province will, probably, need only Kshs2 or Kshs3 billion to have a permanent change in the lives of its people.

(Applause)

Mr. Deputy Speaker, Sir, what is lacking is goodwill. For how long are we going to make noise? Now that the other Kenyans are sensitised on the poor state, or neglect, of the residents of that area and the entire province, it is high time that we pressurised the Government to translate this Motion into a Bill so that this becomes an Act of Parliament. What the Government needs to show is just a commitment and a policy. Once there is a change in attitude, even the donors will chip in. Right now, when we have visitors here in Nairobi from the World Bank, the International Monetary Fund (IMF) and other bilateral donors, they are told that North Eastern Province is unapproachable. When they want to visit and implement a project, because of the policy attitude at the Ministry's headquarters, none of the donors is willing to go to North Eastern Province. This is something that the Government can change.

Mr. Deputy Speaker, Sir, it is shameful that 30 years since we got our Independence, the citizens of this country are still yearning for their basic survival. It is a fact that today, 90 per cent of the people of North Eastern Province rely on relief food. Is this not a big shame? In Wajir District alone, the Government spends about Kshs4 million every month on relief food. If the Government had planned well, this amount of money, which is being spent on relief food, would have been used to initiate a project which would have helped the people of North Eastern Province. This culture of sending the people of this province relief food is what has killed their morale. This has also affected them financially.

It is my appeal that once the Government has accepted the Motion, it should not be left to gather dust in the archives of this nation, but it should be translated into action. It is the only way which we can improve the living standards of the people who live in that province, just like the Americans have done to the Red Indians and Eskimos in their country. I would like to inform this House that the Australians have also done the same to the Aborigines in their country. The other countries which have done the same to improve the living standards of their people are Nigeria, Morocco and Israel. If we do this, we will have a programme that is meant for the disadvantaged people of North Eastern Province. If this is done, banditry and cattle rustling will be a thing of the past.

At Independence, there were two groups in North Eastern Province. There were those who were pro-secession and those who were for a united Kenya. Both groups are now at a loss. Those who settled in Kenya knew that there was something big they were going to reap for the entire region. Those who wanted to secede to Somalia had the same in their minds, but today, both groups have come back with nothing. Those who went to Somalia lost because they came back with nothing, and those who remained in Kenya have nothing too. So, where do we end up? We now have a question about our destiny. This is one thing that we must erase from the minds of the residents of North Eastern Province. This is because it continues to haunt and implant a negative image, even on the other Kenyans. Sometimes, people have asked: Why do we continue to vote for KANU?

With these few remarks, I beg to call upon hon. Members to pass the Motion.

*(Question of the Motion as amended
put and agreed to)*

Resolved accordingly:

That this House approves that in view of the gross under-development, marginalization and impoverishment of the people in the ASAL districts, especially the North Eastern Province; noting that the area has a high agricultural and livestock production potential, sufficient water resources and arable land; noting further that the programmes initiated by the Government since Independence have failed to stimulate economic growth in the region; and aware that inadequate and poor maintenance of infrastructure has not only drastically reduced productivity and induced attendant losses in production, but also discouraged investment; noting that nothing is being done to restore the serviceability of all road sections, resulting in increased user operating costs, escalated costs of rehabilitation and reconstruction; and noting further with concern that health, education and security sectors are crumbling; this House urges the Government:-

(i) to establish an emergency fund to revamp the roads, health, education and infrastructures;

- (ii) to draw a comprehensive plan to salvage the ASAL districts from economic collapse; and,
- (iii) to solicit for domestic and foreign donor funding for such essential projects as water, livestock production, health and education.

FUNDING FOR POLITICAL PARTIES

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

THAT, while recognising the need to institutionalise multiparty democracy in Kenya; considering that viable political parties are critical in that process, and cognisant of the fact that the Government has accepted the proposal that parliamentary political parties be funded directly by the State from the Consolidated Fund; this House resolves:

- (a) that annual grants be made to parliamentary parties through the Budget in each financial year; provided that only parties that obtain a minimum of 5 per cent of total votes cast in parliamentary election shall qualify for funding;
- (b) that the amount of such funds be the total number of parliamentary votes cast in the preceding election multiplied by Kshs50 each;
- (c) that 30 per cent of the amount be divided equally among all qualified political parties as in "a" above and the remaining 70 per cent be distributed proportionately according to the national voting percentage obtained by the parties in preceding parliamentary election; and,
- (d) that the Government, as a matter of urgency, establishes a clear legal framework to ensure transparent, fair and just financing of all political parties.

Mr. Deputy Speaker: Order! Hon. Members, you will probably notice that the Motion as introduced now slightly differs from the Motion that was moved earlier on. Hon. Raila did seek the Chair's permission to introduce certain amendments and this was approved in accordance with Standing Order No.41.

Proceed Mr. Raila.

Mr. Raila: Thank you, Mr. Deputy Speaker, Sir. From the outset, I would like to appeal to the House to look at this Motion in a non-partisan manner. This is because, as we can see, this Motion talks about funding of all political parties. I am saying this because, last, year a similar Motion was brought before this House and it was rejected on some technicalities. I think, if the recent experiences are anything to go by, then the time for passing this Motion is now. Political parties are very important institutions in any multiparty democracy. This is because political parties help to broker competition among various political groupings. That is the reason why multiparty democracy can only function effectively if we have properly organised political parties.

Mr. Deputy Speaker, I want to say something very briefly about the history of political parties or multiparty politics in Africa. We know that most African countries at Independence inherited multiparty systems of Government. But very soon, after Independence, most of the multiparty systems were destroyed. The conventional wisdom at the time was that multipartyism was a luxury which young developing countries could ill afford. It was reasoned at that time that the traditional African society had its own democratic ways of resolving disputes by consensus, and that the adversarial system imported from the West was alien to African democratic culture.

Therefore, through a series of measures like coercion, intimidation, blackmail and bribery, the Opposition was led into extinction. So, the path that was followed here in Kenya was not unique. It was similar to developments in other African countries. With the destruction of the Opposition also went the checks and balances in the system. This is what has been largely responsible for corruption, lack of accountability and bad governance that we have experienced over the last 20 years.

Mr. Deputy Speaker, Sir, towards the end of the last decade, there was a resurgence of the multiparty movement. As the wind of change blew through Eastern Europe and other parts of the world, it also blew strongly on the African Continent and it destroyed several single-party systems. We have seen a revival of the multiparty system in the African Continent. The new multiparty systems that have come as a result of the second liberation are still very fragile and new. It had been argued before the re-introduction of multipartyism in this country that it would revive tribalism. It was also argued here that our society was not cohesive enough for political pluralism. I think we can now take stock of our experience with multipartyism. I am sure no one in this country would regret the re-introduction of multiparty system. Everybody is agreed that this is a system that must be sustained. But if we really want to institutionalise this system now, we must work together as a people and as a country to introduce an enabling environment for the multiparty system to thrive.

Mr. Deputy Speaker, Sir, ethnicity is of course something that we have lived with, even during the single-party era. It is something that has been there; it is a tool that has been used in the competition for scarce resources in our country. One would want to say that it has not come as a result of the re-introduction of multiparty system. It is

something that Kenyans can deal with, because it has to do with the distribution of resources, as I have said.

Mr. Deputy Speaker, Sir, political parties should be based on ideology. Ideology should be the basis of each and every political party. In fact, political parties should relate to each other on the basis of their ideologies, rather than on the basis of personalities or ethnicity. It has been said that because certain political parties enjoy support in certain regions, therefore, they are regional or tribal parties. I want to say that what we have in this country is not unique. Even in other well established democracies, political parties have got their strong territories. If you take the example of Great Britain, you will find that the Labour Party is stronger in the industrial areas where there is a higher percentage of the working class. The Conservative Party is stronger in the conservative areas, particularly where there are the landed gentry. So, each and every political party has got its strong territory. There are areas in Britain where if you go to the Labour Party and ask for nomination to stand on their ticket, they will tell you: "We will give you a nomination paper, but do not expect any money from us, because that is a Tory safe seat." Likewise, there are other areas which are Labour safe seats. So, the fact that some parties are stronger in some regions and others in other regions in this country, does not make those parties regional. A party must have some base, which is on the basis of history. Then, it will grow from that base and acquire new territories in other parts of the country. So, we need to create an enabling environment for the thriving of a multiparty system, which will allow political parties to grow from their strong bases into other areas by allowing proper competition.

Mr. Deputy Speaker, Sir, this leads me to the relationship between political parties. Recently, I attended a meeting in Libreville, Gabon, where I was asked to speak on the subject of relations between the opposition and ruling parties in Africa. I did a research on a number of African countries, including Madagascar, Malawi, South Africa, Benin, Senegal and Gabon itself. There is one thing that was recognised as common in all the emerging democracies in Africa; that the relationship between the ruling and the opposition parties in Africa is tenuous. It is characterised by hostility between the ruling party and the opposition parties. There is crude majoritarianism which is practised by the parties in Government. The ruling party wants to use its position to try to destroy the opposition. Then, there is the obstructionist opposition. The opposition parties want to block the ruling party from implementing its programmes. It was generally agreed that this is not healthy for multiparty system in Africa. Politics should not be played as a high stakes game or on a winner-takes-all basis. The ruling party should understand that the opposition has a role to play in keeping the ruling party in check. Equally, the opposition should also understand that the ruling party has a responsibility to fulfil its electoral promises. Therefore, the opposition parties should not try to block the ruling party from implementing its electoral promises. This is the way to institutionalise multiparty democracy.

Mr. Deputy Speaker, another factor has to do with the internal democratic culture. It was agreed that we have not yet internalised the democratic culture. That is the ruling party vis-a-vis the opposition parties and on the other hand, within our own political parties. The political parties themselves do not have the democratic culture of tolerance. You will find that in a number of political parties, dissent is criminalised. In other words, they do not encourage internal debates on policies. This is not healthy. Political parties should encourage discussions and debate. If we do not practise democracy within our parties when we are not in Government, where are we going to invent it from when we are in Government? So, it is important that political parties themselves also create a strong internal democratic culture. This is important.

Mr. Deputy Speaker, Sir, there is need for reforms that will create the enabling environment for the thriving of multiparty systems. That is what leads me to this question of funding of political parties. This is just one aspect of it. To create a strong political party, you need funding. Because political parties do compete, we need to create a level playing field for competition. The playing field cannot be level if one party enjoys State patronage and its competitors do not. We are emerging from a single-party era, where all the citizens were members of one single party. As I said from the outset, this is not something that is unique to Kenya. If you go to Zimbabwe, you will find the ZANU-PF. You will see a tall, imposing building at the centre of Harare, which is the headquarters of ZANU-PF. The other political parties do not even have offices. Every Zimbabwean was made to become a member of the ZANU-PF during the era of the single party. So, they made contributions to that ruling party, the way Kenyans made to KANU. So, you will find that a ruling party, therefore, enjoys a lot of advantages over its opponents. In this country, for example, we have the Kenyatta International Conference Centre for which KANU did not pay any money and it is now its headquarters. Offices are rented, earning the ruling party revenue. Other political parties have to look for some funding to even have some kind of a resemblance of party headquarters. Is this fair? I want to appeal to my friends even on the other side to agree with me that this is not fair. It is not fair that we, in the NDP, should be running around begging all over the place to pay for an office in the capital city here, when our friends enjoy the luxury of Kenyatta International Conference Centre and they also earn rent out of it.

Some other parties, and I am not afraid to say, do not have offices! They have Members of Parliament but they do not have offices where their supporters from the rural areas can come and consult with them and this is not through a fault of their own. Life is that difficult and so, these parties cannot open regional offices, let alone

constituency offices. That is why there is need for funding. What we are asking for here is not something that is unique. It is now being done the world over. In Mexico this is being done and the formula that I have given here is partly borrowed from Mexico, Zimbabwe and Germany. So, that is why we are saying political parties must have at least obtained 5 per cent of the total votes cast to qualify for funding. In Germany, if a political party does not get five per cent of the votes cast, it does not qualify to be a Parliamentary political party. In Zimbabwe, a party must have a minimum of 15 seats in Parliament but the argument then is that you need funding to be able to win the 15 seats in Parliament. So, this turned out to be like a chicken and egg affair. Now, we are saying that if a party participated in the preceding elections and got five per cent of the votes, it should qualify for funding. Thirty per cent of the total amount should be distributed equally among all political parties. This is the amount that takes care of the overheads in running the premises, like paying for office rents, accommodation and the paying of staff. But the remaining 70 per cent should be distributed proportionately among all these political parties. So, this means that we should introduce a law that will require each and every political party to keep proper books of accounts and make them available for inspection and that they should file in returns on annual basis. If this happens, then there will be transparency and accountability.

Mr. Deputy Speaker, Sir, at the moment, political parties run around and depend on good Samaritans to help them. We do not want this because it encourages corruption. This makes the individuals who donate money have too much say in those political parties. We want political parties that are independent and free, where all the Members are equal. We do not want to encourage patronage within political parties. This can only happen if there is direct funding of political parties from the Government. In other developed societies, there are other sources of funding, for example, big businesses do provide funding for political parties, but even then there is regulation that any company or business that makes any contribution to any political party must make a declaration of what it is contributing to those political parties. In the United States of America, there is what they call the "balancing act", that if you give so much to the Democrats, you should also give a similar amount to the Republicans so as not to be seen to be creating an uneven playing field. So, what we are saying is that apart from funding from the State, there should be a comprehensive law introduced by the Government which will then regulate other sources of funding. Political parties should be made to declare their other sources of funding, for example, the funding that they receive from the membership contribution, the donations from party well-wishers and what they receive from the sale of other party items. All these should be accounted for. This will only happen if there is a base and the base is that of State funding.

Mr. Deputy Speaker, Sir, I want to conclude by saying that the future of this country depends on the establishment of strong political parties. Political parties should be empowered to be able to make their contribution not just outside the society but also in Parliament.

With those few remarks, I beg to move.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I rise to second this very important Motion introduced by hon. Raila and I would like to support it in the spirit in which he has moved it; that this House should approach this Motion on a non-partisan basis.

Firstly, as hon. Raila has said, political parties are very important institutions in a democratic system. You will remember that the origin of political parties was in Great Britain when it was progressing from feudalism to capitalism. Originally, political parties were associated with money, personalities and big men. You will remember the conflict between Disraeli and Gladstone in the origin of the Whig and Tory parties, that the parties were really the instruments for competition and bargaining for power by big men in politics. This makes very little difference between political parties as we knew them in Britain then and political parties as we know them in Kenya today. What hon. Raila is proposing is that we should graduate rather rapidly from that predicament that the original political parties faced in Britain and that we face now, to a level of development where our political parties will rapidly institutionalise and develop democracy. While the British had to wait for centuries for this development to occur, we in Africa have no time to waste. Like Mwalimu Julius Nyerere said, "We need to run while they walk."

Mr. Deputy Speaker, Sir, you will remember that in 1991/92 when we formed the Forum for the Restoration of Democracy (FORD) which was a major movement in the restoration of democracy in this country--- I am glad that I am seconding this Motion because at that point in time we worked very closely together in FORD with people like hon. Raila, hon. Muite, hon. Murungi, hon. Imanyara, hon. Orenge and hon. Dr. Kituyi. Although we had a great initiative that would have taken this country very far, FORD, though supported tremendously by the people of Kenya, was in the final analysis bogged down because of resources. Indeed, it was precisely because of that, that the Opposition political parties do not have the resources at all and democracy has not advanced in this country. It is precisely because we do not have an institution that finances political parties that even the ruling party finds itself trapped within the machinations of wheeler-dealers and quasi-criminal men in trying to finance that political party in its own bid to regain power. The ruling party would not have had the Kamlesh Pattnis and Nassir Alis striding like colossus on the stage of political struggles in this country, if we were to have an institution of financing political parties.

The formation of political parties is a process of social engineering that is closely associated with the formation of a modern nation state and a social Republic. I remember very clearly in 1969/70 when Milton Obote in Uganda was struggling to form a modern social Republic in Uganda, he proposed in document No.5 a system of elections that would ensure that a Member of Parliament stands in three different constituencies to be elected to Parliament. One was called the basic constituency and the other two were called the national constituencies. This was a way of trying to make sure that political parties were genuinely national and that political parties were used in a process of social engineering to create a modern state. We in Kenya cannot avoid the fact that our main objective in all things that we do is to ensure that we establish a prosperous modern social Republic in the framework of democracy. We cannot do that if our political parties take purely ethnic original garbs. They cannot afford not to do that if they do not have the resources wherewithal to forge a national institution.

At the moment, political parties find it easier to mobilise ethnic sentiments as a way of gaining political power precisely because it costs them less to have ethnic loyalty than were they to have national loyalty. National loyalty requires a much more rigorous ideology, social engineering and resources. Therefore, if, indeed, we are going to develop a modern nation state those instruments of political bargain and competition called political parties must have the means and capability of developing as national institutions. At the moment we are really the culprits of our own failures because we do not want to recognise that political parties are important in national development. We do not want to give them the institutions and the resources to develop as such. The ruling party at the moment has the advantage precisely because it has State power. Were you to deprive the ruling party of State power, it would face the same problems and consequences that Opposition political parties have.

Therefore, hon. Raila's Motion is extremely important because it is urging us to have a national approach for dealing with political parties. Let us give them a framework and resources by which they will develop as national institutions so that they can work effectively as organs for democratisation and national development. It is important that in establishing a legal framework for financing political parties it takes into account the following factors. That it will have to operate within the framework of a clear separation of powers between the Executive and the Legislature. In that regard, we are not going to have viable political parties in this Republic if given our condition of development we insist on a presidential system of Government.

[Mr. Deputy Chairman left the Chair]

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

I think it is important to go to a prime-ministerial system of Government because it will also go a long way in strengthening political parties. In other words, a political party with a majority in parliament will form a government or if it cannot have a majority by itself, it will form a coalition with other political parties; thereby political parties and Parliament will be strengthened. Further, in order to have a clear separation between the Executive and the Legislature, it will be necessary too to have a professional and technocratic Cabinet. In other words, after the prime minister forms the Government he does not need to draw cabinet ministers from Parliament, but he will have to draw them from the civil society. They will be men and women who will work in the Executive branch and not double in the Legislative branch as well.

Further, it will also be important that in that process, Parliamentarians specialise in performing certain functions in Parliament. It is because political parties are weak that they cannot have research capabilities, offices, like hon. Raila was saying or consultants. Once political parties have these capabilities Members of Parliament will be able to specialise in certain areas in their parliamentary contribution. People in the Agricultural and Natural Resources Committee will specialise in matters of agriculture and natural resources. People in Energy and Public Works Committee will specialise in matters relating to energy and public works and so on. Political parties will in their own offices have departments that deal with these things and that will give back-up systems to their Members of Parliament.

Likewise, Parliament will also have such capabilities, but these are already being dealt with in another Motion that hon. Oloo-Aringo is bringing to this House on the Parliamentary Service Commission. Finally in that process if, indeed, political parties have the capability to organise themselves and let their Members of Parliament specialise in their contributions in Parliament, they will be in position to liaise much more effectively with lobby groups that will be looking for certain laws to be passed in Parliament in line with their own interests. Finally, let us remember that all these things cannot happen unless we have a democratic political culture that aspires to build a modern social Republic in a democratic context. That political culture will inspire Kenyans to die a tribe and be born a nation. If we are going to be complete in a modern world Kenyans must learn to die a tribe and be born a nation. Let us as politicians in pursuing these objectives make sure that we dream big dreams and not scheme small schemes. In dreaming big dreams

we will realise that this Motion that hon. Raila is bringing is part of this big dream that Kenyans must dream.
I beg to second.

(Question proposed)

Mr. Muite: Thank you, Mr. Temporary Deputy Speaker, Sir. We are as a nation multiparty democracy in form not in substance. The substance that forms a multiparty democracy is absent. The reason why it is absent is because the democratic culture has failed to take root in this country and is not being nurtured. A democratic culture is the underpinning of any democracy in the world. We have got to devise ways and means of ensuring that the democratic culture is nurtured, watered, given fertilizer and it takes root in this country. Without the democratic culture we will never have the substance of a democracy. That democratic culture in turn needs vehicles of political parties. Political parties are important vehicles in ensuring the existence of a democratic culture. Elections is one aspect of democracy. In order to have democracy, there has to be free and fair elections. Mr. Temporary Deputy Speaker, Sir, the two terms; "free" and "fair" mean entirely different things. You can have an election which is free but it is not fair. The democratic culture is not going to take root in this country until the participants in the elections, not just the candidates, but the Kenyan people themselves, are able to perceive and accept that the elections were truly not just free but fair. You cannot have fair elections if the access to funds by different political parties is unequal. As long as the people do not accept that the elections were fair, in addition to being free, we are not going to nurture that democratic culture. So, it is extremely important that, the reality of the access to funding be accepted.

Mr. Temporary Deputy Speaker, Sir, there are many people in this country, and in the world, who say that money is not everything; and I also concede that money is not everything. But it is also a lie to minimize the part that money plays. Without funds, no political party can even organise democratic elections within itself. There are parties which would like to have branches and democratic elections within themselves. In order for a party to have internal democratic elections, it needs funding. So, it is critically important that we should facilitate the effectiveness of political parties. So, we should not use the excuse that the little money that is there is going to be spent on roads and hospitals. In fact, until we get a democratic set-up, the resources that are there will continue to dwindle because they will not be managed properly. So, even in this time of constraints because of the limited resources, not only must we accept the principle of funding political parties, we must take the next step. However more the money or budget is going to be, it must be done now. It should be done in the next elections. This really brings me to the point that, we do pass important Motions here and there are very weighty and convincing contributions by hon. Members, and then the Motion ends up in a shelf in some Government office.

For this august House to be taken seriously by the Kenyan people, we must have an implementation committee and we must legalise implementation of Motions that are passed by this House. It does not serve anyone well. It does not do any good for us, for example, to pass a Motion like this one. When people read that this august House has passed this Motion, they expect the political parties to start being funded because, perhaps, many of them do not understand the distinction between a Motion and a Bill that becomes an Act of Parliament. So, we need this Government to introduce amendments to the Standing Orders, so that any Motion that is passed by this House immediately acquires the force of law; that it must be implemented regardless of whether the Government of the day has an excuse or discretion to implement the Motion or not. This should be a starting point. This is an excellent Motion, if we can accompany its passing - I do trust that it is going to be passed - with the implementation committee, then we shall begin to give some teeth to this House. We do not want to be perceived as a toothless bulldog; that we come here and say all the right things and then nothing happens. We all go home and the Government does not implement them.

Mr. Temporary Deputy Speaker, Sir, this Motion is particularly critical at a time when one of the parties is collecting hundreds of millions of shillings from a building that was constructed by money from the Consolidated Fund while the Opposition will take money from their own pockets to fund their own political parties. These are the inequalities that make the results of elections unacceptable to a majority of people. It is not enough for any party to win the elections. What is even more important is that, the loser must accept the results of those elections. The losers will only accept the results of the elections when they are satisfied that the elections were not just free, but were also truly fair. Without funding political parties, there will never come a time when the elections in this country are going to be fair.

With those remarks, I do support the Motion.

The Assistant Minister for Environmental Conversation (Mr. Affey): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. First and foremost, I wish to take this opportunity to oppose this Motion. I oppose this Motion in my own individual capacity as the Member of Parliament for Wajir South.

Mr. Temporary Deputy Speaker, Sir, in principle I have no problem with multiparty politics in this country. In principle, multiparty politics is good for this country and it has brought a lot of good things to us since inception. But also, multiparty politics has been responsible for so much trouble and pain that Kenyans have suffered since its inception. So, it is a question of striking a balance; to see whether or not this particular principle has taken us forward or far much backwards.

Mr. Temporary Deputy Speaker, Sir, this Motion seeks to fund political parties as they are currently established in this Parliament and as they will be established in the years to come. We know that multiparty politics has been solely responsible for the polarization of this country. Today, we are more polarized than we have ever been. Today, we identify ourselves, first and foremost, not as Kenyans but as belonging to a given tribe in Kenya. Today, we identify ourselves as coming from Northern Kenya, Central Kenya; "as being a Kikuyu, a Luo", name it. The person responsible for this is this animal called multiparty politics. Today, the Civil Service is polarized, tribalized and politicized because of multiparty politics.

Mr. Temporary Deputy Speaker, Sir, the constitutional review process has stalled. The reason why it stalled is because the political parties could not agree on the formula of sharing seats. Now, this country is reeling from that pain. Kenyans are frustrated and they do not know what to do next. This is because political parties could not sit down and agree on how to share 13 simple seats.

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to continue misleading this House that the constitutional review process stalled because we as political parties could not agree, while we know that, as a matter of fact, it is KANU which tried to make sure that this process did not go on?

The Assistant Minister for Environmental Conservation (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, I think the only single person responsible for the stalling of the constitutional review process is hon. Kiraitu Murungi, as the Shadow Attorney-General for the Democratic Party. Because of his hardline position, the process stalled. I think I am entitled to my views as far as the constitutional review process is concerned. I know that it stalled because the political parties could not agree. I am not saying that KANU is right or wrong, but I am saying that as political parties we could not agree on the 13 seats for the Commissioners to the Constitutional Review Commission, so; we continue to confuse Kenyans. If we cannot just share the 13 seats among the political parties, what responsibility do we have to keep funding political parties that have tribal backing and inclinations, and when shall we start thinking as Kenyans? When shall we begin thinking national?

If you look at the political parties we have today, you will notice that the DP has its stronghold in Central Province. I have a lot of respect for the leader of NDP, but unfortunately, the NDP has its stronghold in Nyanza Province. Probably, the only party with a national outlook is KANU. So, we do not have to fund---

Mr. Ojode: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister aware that, NDP is not only strong in Nyanza---

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Ojode! That is a question. You are asking him whether he is aware and yet, you stood on a point of order.

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that KANU is a national party, when KANU does not have a single Member of Parliament from Central Province whereas NDP has a Member of Parliament from Central Province? Is he aware of that?

The Assistant Minister for Environmental Conservation (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, that is why we have multiparty politics. Just because we have political parties whose leaders come from that region, we have institutionalised tribalism to a level where, if I went to contest in Kiambu or in Bondo, they would not consider me a Kenyan. They would first and foremost, consider me as a person from North Eastern Province.

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House, when he knows that he is actually not a Kenyan? This hon. Member is a Somali!

The Temporary Deputy Speaker (Mr. Musila): Mr. Murathe, Mr. Speaker ruled yesterday that we must be serious in what we say. I believe, for you to allege that the hon. Member is not a Kenyan is trivial. I think we should refrain from this type of talk.

Mr. Ojode: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Affey to continue misleading this House that DP and NDP are predominantly in Central and Nyanza provinces respectively, whereas he knows very well that NDP has got councillors in Rift Valley Province, Coast Province and North Eastern?

The Assistant Minister for Environmental Conservation (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, I have no quarrel with hon. Ojode. But, before I continue, hon. Murathe made a very serious allegation against me. How can I address the Kenya National Assembly if I am not a Kenyan? Could he first withdraw that remark which is very serious? Is a Kenyan only a Kikuyu?

The Temporary Deputy Speaker (Mr. Musila): Mr. Affey, I think I disposed of that matter.

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

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Wehliye! Could you be orderly? I am speaking and you are on your feet! I have said that I have dispensed with the matter and you are saying that I have not. Are you the one who is ruling whether it has been disposed of or it is me?

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

The Temporary Deputy Speaker (Mr. Musila): Mr. Ojode, you have just risen on a point of order!

The Assistant Minister, Office of the President (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, Mr. Murathe has to withdraw or substantiate that allegation.

Mr. Ojode: He must substantiate that Mr. Affey is not a Kenyan, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Musila): Order! I believe we have got to be serious. I have already warned Mr. Murathe against making such trivial allegations against another hon. Member.

Mr. Shidiye: But that is not good enough!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Shidiye! I believe that hon. Members have to respect the Chair. I am only here on your behalf, to follow and make sure that debate goes on. But if every hon. Member wants to give his own ruling, I do not think this is the right way to run this House. I think, yesterday, Mr. Speaker dwelt at length on that matter. I have already ruled that the matter is disposed of.

Proceed, Mr. Affey!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is a very serious allegation. He cannot allege that Mr. Affey, who is an Assistant Minister in the Government of Kenya, is not a Kenyan. He must withdraw if he cannot substantiate.

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Ojode, I did not even give you a chance to speak.

The Assistant Minister, Office of the President (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, this is a privileged point of order.

The Temporary Deputy Speaker (Mr. Musila): Mr. Haji, I cannot have more points of order.

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

The Temporary Deputy Speaker (Mr. Musila): Mr. Ojode, if you persist, I am going to declare you disorderly. Therefore, I expect you to obey and respect the Chair. I will have no more of that from you, Mr. Ojode.

Mr. Wehliye: On a point of order, Mr. Temporary Deputy Speaker, Sir. In the light of what has been said by hon. Murathe, who has become a nuisance in this House, could he either withdraw or substantiate that hon. Affey is not a Kenyan?

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Wehliye! Is it your business to say that he has become a nuisance to this House? Has the Chair ever asked you to judge whether hon. Members are a nuisance or not? We have got to be serious here. You cannot stand and talk like that here. Again, I do not want to hear more of that type of exchange.

Proceed, Mr. Affey!

The Assistant Minister for Environmental Conservation (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, I cannot proceed! My people have been [**The Assistant Minister for Environmental Conservation**] told, and the whole world has been told, that I am not a Kenyan. I cannot possibly continue to contribute to this Motion, unless the hon. Member withdraws that statement. Why did he mention me? He must substantiate!

The Temporary Deputy Speaker (Mr. Musila): Very well, if you cannot proceed, sit down!

The Assistant Minister for Environmental Conservation (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, I cannot proceed; I want your protection.

Mr. Wehliye: Mr. Temporary Deputy Speaker, Sir, do we not have Kenyan Somalis? He must withdraw! I will walk out in protest!

The Temporary Deputy Speaker (Mr. Musila): You want to walk out?

Mr. Wehliye: Yes!

The Temporary Deputy Speaker (Mr. Musila): I order that you are excluded from the business of this House for the rest of the day.

(Mr. Wehliye withdrew from the Chamber)

The Assistant Minister for Environmental Conservation (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, this is a very noble Motion, and I wish to continue with my contribution. Why do you not protect me? Somebody has made an allegation---

The Temporary Deputy Speaker (Mr. Musila): You are protected!

The Assistant Minister for Environmental Conservation (Mr. Affey): I am not protected! He has made an allegation, you have not assisted me.

Mr. Shidiye: Mr. Temporary Deputy Speaker, Sir, first of all he has resigned from the Kenya National Assembly. He was given a bribe of Kshs10 million to resign from this House. We should not allow a stranger in this House.

The Temporary Deputy Speaker (Mr. Musila): Mr. Shidiye, I will have no more of that. As far as this House is concerned, he is an hon. Member of this House and he has not resigned.

Mr. Affey, your time is up!

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is only fair that the House clarifies some serious matters like that, of a foreign citizen being an hon. Member of this House when our rules are very clear. Could hon. Murathe be asked to withdraw and apologise or substantiate?

The Temporary Deputy Speaker (Mr. Musila): I did make a point that, I thought Mr. Murathe was not serious and he was joking around. That is why I told him that, making jokes in the House would not be tolerated. Mr. Murathe, were you serious? If you were, could you withdraw and apologise to the House and to the Member?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, it was a joke. They know it and I do not know why they are getting worked up over nothing!

The Temporary Deputy Speaker (Mr. Musila): Could you, therefore, apologise to the Member?

Mr. Murathe: I wish to apologise and withdraw, Sir.

The Temporary Deputy Speaker (Mr. Musila): Thank you.

Dr. Omamo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make my contribution, following the concerns raised by hon. Affey after that heated comment. I think, it is important that we should discuss this matter without any emotions at all.

The point that hon. Affey raised about the problem of multipartyism, in his opinion, may be true. It may seem to be leading to polarisation. That may be true. But the fact of the matter is that, multipartyism has come to stay. It is a fact of the day; it is a fact of yesterday, a fact of today and most likely to be a fact of tomorrow. So, we should accommodate it. Let us not discuss it emotionally. For example, I was in KANU for years---

Hon. Members: Even now!

Dr. Omamo: Through co-operation means! I have been in KANU for years under the single-party, serving the country and I am as patriotic as a Kenyan. I am not going to be polarised to be called a Luo or anything else; I am a Kenyan. But I would like to let my friend, hon. Affey, know that had it not been for multipartyism, I would not be here today. I am sure, the hon. Member would agree with me that what we should really like to do is to accommodate multipartyism in principle and where it is going wrong, let us correct it, but it is a fact of the today. One other thing why it is so important to respect multipartyism is human nature; human nature is like that. We see one side of the coin, but we should not forget that there is also the other side of the coin. People also want to see that other side of the coin.

Having said that, I would like to thank hon. Raila for bringing this Motion. It is long overdue and those of us who have seen how Kenyans and different candidates behave during elections since 1969, even in a single party, it is as though sometimes, money is everything. But with multipartyism, different parties should have some money known to them and which they can budget upon. This is the kind of money, hon. Affey, that they will be able to allocate, so much to their youthwingers. Among the youthwingers, they will know how much to give to the men youthwingers and then to the women youthwingers. They will also know how much to give to the party operatives and then, to those peculiar youngmen who come to you everyday with all sorts of stories: "Mheshimiwa, what shall I do? Everyone is ready on the other side and they want something small?". This is true. We do not want to encourage buying of votes. But with every election, money counts because you have got to move and sell your party policies to wananchi. Wananchi have got to see the difference between your party and the other parties. KANU will never be defeated, in my opinion, till these Opposition parties have the capacity to expose KANU not only on the outside, but to turn KANU inside-out! They can only do that, if they have the capacity to do so and institutionalising these parties and providing money for them in the national Budget. This will enable party leaders, party chairmen, party national officials and all others down to the grassroots, to know what they have. If KANU has something extra which they know where to get it, that is up to them. But from the word go, let every party have something to count on. This is what this Motion is asking for and that is why we want this Motion to be passed.

I would like to add that, I think it is our duty to view this House as the National Assembly. We should desist from being looked at as various ethnic groups, grouped together, talking two common languages, but they are actually ethnic groups. Let this be the National Assembly that it is supposed to be. Let us contribute as effectively as we can, but we want the money to be voted openly and in broad daylight, so that from 1st July to 30th June, every party knows

how much money has been allocated to it. The formula being proposed to allocate that money, to me, it is very fair; that is, Kshs50 per vote is a very fair figure, because, first of all, there is plenty of Kshs50 notes and His Excellency the President looks very, very handsome in the Kshs50 note. So, it is very easy to give it out.

With those few remarks, I support.

The Minister for Industrial Development (Eng. Kiptoon): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Before I delve into the details of supporting this Motion, I would wish to congratulate the Members for upholding this positive spirit towards the development of our country. In discussing this Motion, I do not wish that we consider ourselves as parties but as Kenyans. We could approach the issue from the fact that whichever party that we are in today, we would be having more than five per cent and maybe, next time we do not have that five per cent. Therefore, I would urge Members to consider discussing this particular Motion with open minds.

Mr. Temporary Deputy Speaker, Sir, in order for us to nurture democracy, it is imperative that we develop the necessary institutions to be able to carry that democracy across. One way of doing that is to allow parties to evolve, so that in the long-run, we have educated and stable political parties. Our parties currently are still weak. They are weak in the areas of policy, administrative establishments and mobilising the populace to be able to understand what each party stands for. I know that for those of us who are even in the Opposition, the majority are actually life members of KANU. I do not recall anyone of them having surrendered their certificates. So, I suppose they are life members of KANU, even if they are in the Opposition. In that case, it is not that KANU will forever be in the Government. Maybe in the years to come, there will be other parties that are yet to be born, that will be able to take over from KANU.

Mr. Temporary Deputy Speaker, Sir, therefore, when we are discussing this issue, we are not trying to say that we want a means for the Opposition to be able to turn KANU upside down. No! It is for the Opposition and KANU to be able to mature, so that in future we have proper, free and fair elections. I agree with hon. Members that in the past, we have not had free and fair elections because our party establishments have not been perfect. It therefore, means that if we allow parties to be funded, we shall be able to have means of checking our elections and also teach our people, so that they in turn actually take care of their own freedom. Therefore, I agree that the spirit of this Motion is positive and it is for the benefit of this country.

Mr. Temporary Deputy Speaker, Sir, however, we need to have a continuous review of our stand in as far as policies and national aspirations are concerned. This is to prevent us from drifting and spending all our time quarrelling with one another. In this connection, I would urge Members of the Opposition, even when criticising the Government of the day, to be constructive and make sure that, the suggestions that they make are for making this country better. I would urge Members of the Opposition to get out of their tribal enclaves and get into other areas and talk to the members of the other communities, so that we build one nation. I think our being in this House is really to develop one Kenya. Therefore, it is not in good taste if we always disagree in areas where actually, agreements would be for the development of the country.

Mr. Temporary Deputy Speaker, Sir, whereas I do not agree totally with the Motion in terms of the monies or even the formula used in saying that 30 per cent be distributed equally, I do agree with the total principal that the Opposition or the parties with more than five per cent of the total votes cast, be funded. This in itself, will rule out the smaller parties; that is, those which I would say are too small actually should be allowed to die their natural deaths. However, those which have a hope of growing should be nurtured and supported, so that we develop some sense of nationhood.

Mr. Temporary Deputy Speaker, Sir, it is true that we have had a lot of differences in the past, in terms of approaches to issues such as the constitutional review process, but we have not abandoned the process. As a people, we must always work hard. We must think what the position is and come up with suggestions. I am optimistic that in the not too distant future we shall be able to work out a proper approach to the constitutional review process.

It was suggested that the constitutional review process be brought to Parliament. My understanding is that it was the process that was to come to this House, and not the actual reviewing of the constitution itself. The Act, as it went out, was found to have some faulty areas. It was for the Act to come here, so that we could perfect it. Having applied it and found that it was not perfect in every aspect, the Act was to come back to Parliament for perfection, so that we could suggest the way forward. However, most of us opposed the idea of bringing back the Act to Parliament, because we misunderstood the motive. Most of us thought that we were supposed to come here and review the Constitution of Kenya.

When we came in here, all of us swore to defend the Constitution. Actually, when we passed the Act and sent it out for application, it was found that it had some loopholes. So, when the President suggested that it comes back to Parliament, I accepted his suggestion in principle. My understanding was that, the Act was to be brought back to the House to be reviewed; it was not the process of reviewing the Constitution that was to be brought to the House. This tended to be misunderstood by the majority of our people, and some people took advantage of the misunderstanding

and went ahead to confuse our people. People started to demonstrate in the streets without asking themselves what they were actually demonstrating against.

So, I am still of the view that, that particular review of the Act should be brought back to the House, so that we can review it. This way, we should be able to come up with views on how we can go about the constitutional review process. We should not dwell too much on the little differences on the sharing of the 13 places of Constitutional Review Commission's seats allocated to Parliamentary parties. That is not the issue; the issue is what we want to do in future. The review process stalled because some people developed cold feet in their own ways, maybe, because they had hoped that if they did not review the Constitution, they would disqualify the current President from contesting future elections. I think that was the main reason for the stalemate in the Constitutional Review Process. Therefore, I would like to urge hon. Members not to always approach issues from only the party angle.

Mr. Temporary Deputy Speaker, Sir, everybody in this House knows that our political parties do not differ very much. We do not have what we would call "strict party policies"; we do not have what one may call "perfect policies", such that one might say: "I am ready to die for this". Be it KANU or the Opposition, the policies are the same. They address the issue of one Kenya. So, when we look at issues such as the Constitutional Review Process, we should do so with an open mind. Let us approach it as Kenyans and leave our party positions as they are. As I have said, some political parties tend to be confined to specific regions, and this tends to encourage tribalism. At the moment, we are more tribalistic than we were 20 or 30 years ago. This is not good for this country.

Mr. Temporary Deputy Speaker, Sir, it is time we preached unity, one Kenya and one future for all of us. Otherwise, if everyone of us walks his own way, we may not walk together in a number of years to come. So, since we are now all together, we must work together. One institution which could help in solidifying our unity is this Parliament. In the past, the powers of Parliament were eroded. Parliament was played down, to a stage where I would say it was becoming a rubber stamp for the Executive. I believe that, this Parliament is able to fight for its own authority, and play its part.

Parliament is supposed to be supreme in this country. As it is now, the supremacy of Parliament has been suppressed somehow. With or without the permission of Parliament, the authority of Parliament was eroded. It is time we brought it back and, maybe, enact laws which will allow us to punish some of the culprits who have ruined our country. I agree that, there are some individuals who have done this country some wrongs. Those individuals are not tribes. We will name them by their names, if they are there at all. However, let us have Parliament to spearhead this course without any malice. Let us spearhead the truth and the supremacy of Parliament, so that we can build this country. I agree that we need to have distinct separation of powers, so that Parliament can play its role.

With those few remarks, I support.

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion that has been moved by my very good friend, the hon. Raila. I agree that it is important that the match to freedom and Independence in this country, be enshrined in the process in which we fund our political parties. That is the only way in which our people in future will express themselves in a peaceful way and for the national benefit of this country. We have got a duty to make this country a better place to live in.

If you look back, you will find that during the colonial period, Africans did not have any political parties. The process of Independence that started especially during the 1950s, brought about a situation where Africans could form their own political parties. When they formed those political parties in the reserves, they could not get any funding at all to benefit them. So, parties from the onset have been neglected by the Government. That was a colonial practice and, unfortunately, it has continued up-to this time. It is important to correct this irregularity, because it is going to be beneficial, in terms of building durable solid institutions in this country. We find that even when KANU and KADU were formed in 1960, that rectification was not done! It is a duty of this Parliament to correct this irregularity and make sure that, political parties are independent and the match to durable institutions in this country is going to continue.

If today I said that every political party in this House should publish a list of those who have funded them in the past, I would be called names, most likely. If I did that, and there was honesty by the political parties in publishing that list, it would be very clear that, money has gone into the funding of certain political parties in this House, that should not have been received at all because it has not been given with a clean heart or to advance the cause of this country. This money has been given in an attempt to influence policy formulation. It is unfortunate that policy formulated on money that has been given by some of the most corrupt people in the world; some that come from Dubai, which has also become a centre of corruption. We find that money that has ended up in the hands of political parties from these corrupt sources, has ended up formulating kind of policies in this country that have not been beneficial to our people.

It is important that when we have a political party in power, that power should be used only for the benefit of our people. It is also clear like we did in 1997, we had very many fund raising parties. It is very clear that, money that was raised especially in 1997, and even previously, went to all political parties. But can we say that the people who

went to all these big luncheons that were held in 1997, it was not well-intentioned and did not mean well? We want to make sure that every political party in this House is liberated from this situation of accepting money from corrupt sources. That has happened previously. I remember there was one case where Kshs4 million changed hands from one of the most corrupt persons, Mr. Pattni, and it ended up in the hands of a political party.

Mr. Temporary Deputy Speaker, Sir, it is important that some of this begging is only being done because we have not done what should be done. Every political party in this House should get the money to fund its political activities. That is also taxpayer's money and it should be accounted for and audited at the end of the season, so that everybody can know that, that money from the taxpayer is being used for legitimate political activities. That is very important, because we are accountable to the taxpayers.

Mr. Temporary Deputy Speaker, Sir, it is also very important to note that some money was donated by some individuals abroad and went into certain corrupt purposes, which should not have happened at all. I do also remember that in 1987/1988 - in fact I looked at the Budget - we had the Ministry of National Guidance and Political Affairs. Money was voted by this Parliament to be used for political activities. If that was done during the one-party system, I do not see why it is not possible to allocate about Kshs50 million in the Budget for all political parties on an equitable principle, whereby those which have got greater support in the country get their percentage of money, as advanced by hon. Raila. During the days of the one-party system, when we had the Ministry for National Guidance and Political Affairs, the Budget provided for some money for political guidance in this country. The only correct formula now is to fund political parties so that we make sure that our people can express themselves in a proper way. Also, if you ask the taxpayers in this country, they will tell you that they pay taxes for their economic, social and cultural well-being. Most importantly, there is a certain component in the taxpayers' money meant for political activities. That money should be allocated to the political parties on the basis of the support that they have got across the country. That will help in terms of re-defining our democracy, something that has not happened previously. It is important that it is done very rapidly.

On the formula that has been advanced by hon. Raila, I have only got a small quarrel in terms of the 30 per cent of the amount of money designated to go to all political parties, if they have qualified on the five per cent rule. A substantial amount of money will benefit some of the smaller political parties, at the expense of the bigger political parties. On that basis, because I want to be as fair as possible, I would want to point out that maybe that amount of money, even though there will be a lot of money from the establishment that will be used by the smaller political parties, is a bit on the higher side. So, I propose that, that amount of money should come down to about 20 per cent as opposed to 30 per cent, as currently proposed by hon. Raila.

Because I know that many hon. Members want to contribute to the Motion, I will end there and beg to support the Motion.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, we, on the Government side, support the Motion.

(Applause)

We support the Motion mainly because the principle behind it is good; the fact that political parties need to be funded. In fact, that is the only aspect of the Motion that I support. My learned friend, hon. Kihoro, does not also support the proposed formula of distribution of money to political parties, with which I also concur. We need to work out a good formula. I do not agree with him that smaller political parties should not benefit, because I have seen in Kenya some sort of transformation of bigger political parties into minor political parties. FORD(A) used to be the main Opposition party, but now, one needs to keenly look on the Opposition side to find an hon. Member from that party. So, the phenomenon of smaller and bigger political parties is not really a very concrete thing. We must really support political parties because of one thing: Today, in our Constitution, multipartyism is included. We are a multiparty country. I took part in the Inter-Parties Parliamentary Group (IPPG) talks that made sure that we included that clause. I do not know what will happen when one day we decide that we do not want other political parties; it will be unconstitutional, whether we like it or not. So, we must fund political parties, because they are the future of this country.

I have had an occasion before to debate this kind of Motion. Some of the political parties that we have today are owned by particular persons. I do remember one time a chairman of a political party deciding that the party was his property, and he locked up the office and took away the furniture. That was the end of the activities of that political party.

I think that shows what a person can do to a political party. There are some people who trade in political parties, just like they trade in the stock exchange. We had a situation in Tanzania where Mr. Mrema bought another political party. The membership of that party was not consulted and he became the chairman. Men with money can do terrible things to the development of political parties. I think it is important that political parties do have their own

money. That has nothing to do with parties being able to collect their own money. My learned friend, who has just spoken, has mentioned some things in 1997 with good intentions. He is a lawyer and he knows that it was Mr. Austin who said: "You can never read a man's mind." We cannot blame people for supporting one political party or the other. They have their own good intentions. That will not go away even then.

Mr. Temporary Deputy Speaker, Sir, while supporting the fact that we need to develop political parties, the Opposition political parties must do a few things. I do not want to repeat this because I do not want to be shouted down. I have always said that I want political parties to be supported. But I regret that they do not exist. I have always said that, and I am not quarrelling with anybody, there are no political parties in this country. What is the difference?

I went with some of my colleagues to London in 1994. I remember the Britons asking us: "What is the difference between KANU and the Opposition?" I kept quiet. But the most important question was: Between the Opposition parties, for instance, between the DP and FORD(A), what is the difference in terms of political opinion today? There is no difference in terms of political opinion and ideology. There is nothing that the DP wants, that FORD(A) or Safina do not want. The truth of the matter is that there are no parties in Kenya that are differing on political ideology. The truth of the matter is that our political parties are tribal political parties. That is the thing that we must try to go beyond.

For instance, I know that the DP can say that because their next Chairman hon. Kihoro, and his Deputy hon. Murungi, do not come from the same tribe, they are not tribal. But that is just a matter of argument. The truth is that if we want to build good multipartyism for the next century, we must go beyond tribalism. We should actually do that before we start funding tribalism. If we decide that we are funding the dominant parties in Central Province and other provinces, it will not be building this nation of Kenya. That needs to be done.

Another thing that our colleagues in the Opposition need to do is to give due justice to multipartyism in Kenya. They should tell everybody that an Opposition ought to be a loyal Opposition. This money needs to be used for the good of democracy. I know that the crowds that we have in Nairobi are not any different from the crowds that Jesus had in Jerusalem. They will praise you today and the next day, they will praise somebody else. I know for sure that, most riots in Nairobi are funded. Somebody goes with Kshs500 to get some manambas and brings them here. I hope that the money that is going to be given to political parties, will not be used to buy manambas to throw stones at citizens' properties, who have nothing to do with the governance of this country.

I hope that when we start funding the political parties, the weed of political parties would die. This is because there is a dangerous weed, more dangerous than the water hyacinth, which wants to kill political parties. This weed is called the Non-Government Organisations (NGOs). This is a group of people whose declared purposes have nothing to do with the power-sharing in this country. But they have the money. Those NGOs have a higher responsibility. They have been able to convince some of our colleagues in the Opposition that they are the people. A group of people who do not go even beyond the capital of this country have actually acquired importance. Just imagine an organisation called the National Convention Executive Council (NCEC). What is it actually? Why has it become so important? In fact, it is even more important than our political parties.

Mr. Kathangu: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ningetaka kujua kama ni jambo la nidhamu kwa Waziri kusema katika Bunge hili kuwa kundi la NCEC ambalo hujishughulisha na marekebisho ya Katiba ya nchi hii ni kundi bure? Je, ni nidhamu kwake kufikiria kundi la NCEC ni bure na tunajua kwamba kundi hili limepigania marekebisho ya Katiba mpaka mwaka 1997 hadi Waziri huyu akajiunga na IPPG?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, what I am trying to say is that when it comes to the representation of the people of Runyejes, the hon. Member is more important than Prof. Kivutha Kibwana because the people of Runyejes elected him to come to this House. But this phenomenon of people who have never faced an election, and even when there is a by-election - they still declare that they do not want to face it - that they become more important than people who are in political parties and who have been elected by the people of this country; that is what will kill democracy. Without belabouring the point, I do not want to pretend to be a prophet, but one day, democracy in Kenya will suffer because of the emphasis which we put on organisations called Non-Governmental Organisations (NGOs). These are organisations that are getting money for one purpose and using it for another. Some of them are family organisations that have declared purposes which they never perform. They have come and said that, even in matters as important as the Constitution of this country, they have a better say than those of us who have been elected by people. Who said that?

Mr. Temporary Deputy Speaker, Sir, when I go to Kilgoris Constituency, the people of Kilgoris know me, but they do not know any NGO as their representative. I am their representative in this House. If political parties were funded today, I know that the significance of the NGOs would die because many of our colleagues actually bow to them because of the money that they have. That is why it is important that we reduce this weed that is growing that is called the NGOs because it is the greatest danger of democracy in Africa. These people have been appointed by the

donors as a conduit for bringing funds to this country and to circumvent the true representatives of the people of this country.

Mr. Temporary Deputy Speaker, Sir, the importance of Parliament has always been emphasised. Most of my colleagues sitting on the Front Bench of the Opposition have read the French, the British and the United States histories and understand the value of an election and the value of a body that represents the nation. If it was not because of some other political reasons, these hon. Members would today stand up and say they want to reinstate the dignity of Parliament; which dignity has been sold. We have sold our own dignity to a group of people who have no relationship with democracy. Democracy in our country has become an industry where somebody today can take leave of absence from his job in the university to go and earn money for fighting for constitutional change and buy himself Pajeros and so on, in the name of fighting for democracy.

Mr. Temporary Deputy Speaker, Sir, I know that if we fund our political parties we shall have liberated a number of our colleagues from the Opposition, who must support the NGOs, because if they do not do that, they or their political parties will become broke. So, we need to rectify the concept of our political parties and defend the destruction of political parties by the Press. This is so because the Press, in our country, has become so independent that it no longer pays attention to the truth. Anything is printable in this country, and until we start establishing our national ethos, and the true ethics of our country, so that every section of our country becomes accountable in terms of its behaviour, and so that it can have some ethics it can stick to--- Sometimes I read a lot of things and I do not even know what to believe. I read things about myself, Mr. Muite and Mr. Murungi. These are things which are written and we cannot verify them because we do not know whether the Press is saying the truth or not.

Mr. Kathangu: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki kwa Waziri kuzungumza juu ya magazeti na televisheni wakati tunapojua kwamba chama chake ndicho kinachoendesha gazeti la *Kenya Times* na kinashikilia *The East African Standard* na Kenya Broadcasting Corporation (KBC)? Ni Press ipi ambayo Waziri anatuambia kwamba inawapotosha wananchi wetu? Ni heri atueleze jambo hili.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the hon. Member for Runyenjes is very well-dressed and I am sure that he got me very right. I was not talking about ownership of newspapers, but I was talking about the ethics of pressmen and everybody. This is because in this country we have reached a stage where we have started believing that the only people who are accountable are those in the Government. We believe that we do not expect accountability from those who get money on behalf of other people. We have got to state, if we want to build a good country, that everybody, including the private sector, must act according to ethics. Morality is not something that is supposed to be practised by the Government alone, but it ought to be practised by everybody. It should also not only be practised by political parties, but also by NGOs because we want to build a clean society.

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

The Temporary Deputy Speaker (Mr. Musila): I now call upon the Mover to reply.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Musila): Order! Let us give Mr. Murungi a chance to contribute to the Motion first.

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to make very brief remarks in support of this Motion along the line taken by Eng. Kiptoon. This is not the first time that a Motion of this kind has come before the Floor of this House. I do remember that in April, 1995, this House unanimously passed a Motion for funding of all political parties from the Consolidated Fund. Again, in 1997, we met as the Inter Parties Parliamentary Group (IPPG), where we had 10 hon. Members from the Opposition and 10 hon. Members from KANU, including my learned-friend hon. Sunkuli, we unanimously agreed that there was need for urgent and immediate implementation of the resolution that political parties be funded from the Consolidated Fund. This Motion should be seen in that light. It is the implementation of resolutions passed by this House in the past for empowering and strengthening of political parties that we want.

Mr. Temporary Deputy Speaker, Sir, political parties in Africa today are an endangered species and unless we strengthen them, we cannot create an environment for sustainable democracy in this country. Part of the problem that we are facing as political parties is that all political parties in the country are operating in a legal vacuum. We do not have a Political Parties Act; we do not have a law governing the formation, operation and funding of political parties in this country. There is an immediate need for such a law to be enacted. In 1996, there was a proposal to introduce a Bill to that effect. In fact, a Bill was drafted and introduced and was later withdrawn. I think that Bill should be re-drafted and reintroduced in this House.

Mr. Temporary Deputy Speaker, Sir, I fully agree with hon. Sunkuli that many political parties in this country are "brief-case operations." They only operate when their leaders give press conferences. In fact, political parties like Shirikisho Party and Kenya Social Congress, we only know about them because we know hon. Shakombo or hon.

George Anyona. If you are told to deliver a letter to their offices, you would not know where to go.

(Laughter)

Mr. Shakombo: Jambo la Nidhamu, Bw. Naibu Spika wa Muda. Ofisi ya Chama cha Shirikisho iko Likoni. Ikiwa mhe. Murungi hajui, ninaweza kumpeleka kule Mombasa mwisho wa wiki hii ili nimwonyeshe kule tuliko.

Mr. Murungi: Thank you, I will have a free trip to Mombasa.

Mr. Temporary Deputy Speaker, Sir, I think we also need to see this Motion in the light of our fight against corruption in this country. Political business is very expensive business, especially elections. None of the political parties in Kenya owns a farm or a shop. So, where do they get money for financing political activities and elections? It is because of this that we have things like Goldenberg in this country. Much of the money we hear about Karura Forest being sold and all that, has all gone to finance elections. I think we better be open and transparent. Let us allocate money from the Consolidated Fund. If we do not do so, parties which are powerful enough to reach the public coffers will put their hands in the till to finance their political operations. There is no way we are going to fight corruption in this country and succeed unless we have a transparent mechanism for funding of political parties in this country.

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

Mr. Murungi: No information, Mr. Mwenje! We also talk about level playing field in elections. There will be no level playing field in elections in this country unless we have a financial level playing field. The reason why we are losing all the by-elections in this country is precisely due to lack of money. That is, opposition political parties do not have adequate funding bases, they operate on a precarious Harambee sector, whereas the ruling party, KANU, has access to State resources to support it during elections. I have had occasion to write a long article about this.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I am very grateful to all the hon. Members who have contributed to this Motion. I am also very happy that the Government is supporting this Motion.

Mr. Temporary Deputy Speaker, Sir, I would like to summarise a few points. One point which was made very strongly by Prof. Anyang'-Nyong'o was the issue of developing a "democratic culture". Without a democratic culture, we cannot have a functioning multiparty system. It is important that the party in power should develop an internal democratic culture. Hon. Members have talked about the IPPG recommendations; some of them were actually translated into law. There is a law now that political parties are not required to seek permits when they want to meet people. That is in the law and yet, at the moment, a number of politicians, particularly from the Opposition parties, are having problems in conducting meet-the-people tours because the chiefs, DOs and DCs out there have not been informed that the law has actually been changed and that is the reason why Members have been hurt. This is an issue which the Government should urgently address.

Mr. Temporary Deputy Speaker, Sir, we also talk of corrupting the political process. If we do not create an enabling environment, we will continue to corrupt the political process and our multiparty system will not work. One of this, for example, is the defection of Members of Parliament. This is something which we need to remove from our law books. If a Member of Parliament who has been elected by a political party defects, he should not be allowed to come back to this Parliament until the end of the life of that particular Parliament. We should not allow hon. Members to be "bought" in this House! If we do this, we will not be creating the democratic culture I am talking about. If political parties are properly funded, there will be no need for them to go out looking for money. Political parties at the moment are going around the world looking for money. I do not want to believe what was said with respect to some people going to look for campaign funds for KANU. But if KANU goes out to look for campaign money in Brunei or Singapore, it is much far better than putting their fingers in the "tin" here and getting that money for campaign. But the real way out is to make a provision for the funding of political parties from the Consolidated Fund so that there can be a proper level-playing field.

Mr. Temporary Deputy Speaker, Sir, reference has been made to tribal parties and I had talked about it earlier on. I want to say that there are really no tribal ideologies. The parties that we have in this House are national parties. I know, for example, that the DP may not have Members of Parliament from Nyanza Province, but it has got Members of Parliament from the Rift Valley, Coast Province, and they have got councillors from many parts of the country. I know that NDP has got councillors in all of the eight provinces of this country. So, what is tribal about that? We have got members all over the country and the same applies to FORD(K) and SAFINA. I said earlier on that a party must have a strong base and this happens all over the world. All political parties have got regional bases and they move from there to capture new territories.

Mr. Temporary Deputy Speaker, Sir, I was very happy with the contribution by hon. Kiptoon that KANU should also begin to visualise "life outside the Government". "Life outside the Government" is very difficult for political parties. If a political party does not have a strong ideology that will sell outside the Government, it may actually disappear completely. I have in mind the experience of the National Party in South Africa since it was

renamed the New Nationalist Party. This is the party which was in the Government from 1959 to 1994. Its ideology was only "Apartheid".

After 1994 they went into a government of national unity, but they resigned two years before the elections and in the election campaign they had no message to sell to the people because their message was that they were in the Government at that time. The new Nationalist Party was almost wiped out in the last general elections. I want to advise my friends in KANU that they should also visualise a life outside the Government. They must know how cold it is outside. That is the reason why they should now try to prepare the ground so that when, after the next general elections they come to this other side, they will be able to step into a place which is warm. Let them try to warm the seats on this side. The crowds do not on their own volition come out. They come out when there is a cause to do so. It is true as hon. Sunkuli said that crowds will cheer you today and tomorrow they cheer somebody else. Like the crowd that cheered Brutus is the same crowd that Mark Anthony later on also addressed.

What we want to do is to make it unnecessary for the crowds to come out and do whatever they are doing. We will do that if we create a level-playing field, meaning that everybody else is on the same spot when we begin the race. If we want to do 100 metres race, let us all start together at one starting point. At the moment, what has been happening is that if somebody is 50 metres ahead, he only runs 50 metres and other people are cheering that he has won. Let us be defeated when we have started at the same point then we will accept that it was a fair defeat. I have also said that we on this other side must also try to internalise our democracy. Let these political parties be open. Let us not only call elections when we want to remove Mr. So-and-So from position. Let us not just formulate political party politics at press conferences. Let our policies be subject to internal debate. Let hon. Members debate those issues first before they come out as official party policies.

Two weeks ago we had a two-day party workshop in Nakuru where we reviewed NDP's policies and we got all our members from all over the country to discuss all these issues. We want to encourage this and to develop strong political parties based on ideology. The question of ideology must be addressed to like we know that NDP is a centre left party. We also want to know what kind of party KANU is and what other parties are. If we are "going to bed" with a party, we want to know its policies. The Liberal Party in the UK has been in the Opposition for very very many years. They would never agree to go into a coalition government with a political party, if they do not share certain things in common ideologically. They will tell you that they do not want to compromise certain liberal policies.

We cannot be talking here about good governance, good management of economy and so on. Those are not ideologies. We want to be told what ideology a political party professes or what kind of economy this party wants to develop. This is what differentiates us as political parties. This is important because all the time we are talking about personalities, issues and events. Let us talk about ideologies.

I want to conclude by saying that this country is going to be a better country if political parties are strong. The formula of distributing this money can be discussed, but what I have brought here is based on experiences from other countries. This is how they do it in Mexico and in Zimbabwe; that a political party that does not win, at least, five per cent of the votes cast in an election should not deserve to be funded from public coffers. Otherwise, there will be no incentive for political parties to win more votes. Many political parties will proliferate. People will form political parties merely for the purposes of coming to ask for funds. Unless we put some kind of a ceiling, there will be no end. That is the reason why it has been found necessary in other countries to put a kind of a starting point, that if you do not reach this level, then you are not invited to the table.

With those remarks, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, it is time for the interruption of business. The House is adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.35 p.m.