

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 9th October, 1997

The House met at 2.30 pm

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.332

YOUNG STOWAWAY ABOARD BRITISH AIRWAYS PLANE

Mr. Deputy Speaker: Is Dr. Kituyi not in? The Question is deferred for the moment. We will move on to the next Question.

Question No.571

ACCIDENTAL SHOOTING OF MS. WANJIRU

Dr. Lwali-Oyondi asked the Minister of State, Office of the President:-

(a) whether he was aware that on 19th July, 1995, Ms. Susan Wanjiru, daughter of Mrs. Lucy Njoki, was accidentally shot through the chest by an Army Officer on a training exercise at Lanet, Nakuru District;

(b) if the answer to "a" is in the affirmative, what steps he was taking to compensate the parents; and,

(c) what further steps he was taking to ensure that such accidents do not recur.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, hon. Manga was briefed to answer this Question. I am sure he will soon be here.

Mr. Deputy Speaker: What did you say?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I ask for the indulgence of the House because hon. Manga will answer the Question.

Mr. Deputy Speaker: The Question is stood over for the moment. Next Question.

Ms. Wanjiru: Mr. Deputy Speaker, Sir, I beg to ask my Question, although I have not received a written answer.

Question No.659

CONSTRUCTION OF DO'S OFFICE AT TULAGA

Ms Wanjiru asked the Minister of State, Office of the President:-

(a) whether he was aware that the District Officer's office at Tulaga, Kinangop, is housed in an old ex-European farm house; and,

(b) if the answer to "a" is in the affirmative, what plans were to provide the District Officer with a decent and hospitable working place.

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

(a) Yes, I am aware.

(b) Plans are underway to move the headquarters of Kinangop Division from Tulaga to Engineer where the Local Administration and wananchi are in the process of constructing a house and an office for the DO on Harambee basis.

Ms Wanjiru: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for his reply. Would I be in order to ask him to preserve this ex-European farm house as a historical monument because that is where the late King George VI was buried for about four years before his body was flown back to Britain? Would you consider making it a historical monument so that we can also get revenue from the visitors who would be visiting the farm house?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I will give that serious consideration. I am sure that the hon. Member will appreciate that I also like museums, and I am sure this would be one of the very good ones.

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir. For what reason do we want to preserve European colonial history in Kenya when Dedan Kimathi is still buried in Kamiti prison? Could the Assistant Minister, therefore, consider exhuming Kimathi's body and giving it an honourable burial before he thinks of King George VI?

Mr. Deputy Speaker: It is not a point of order, but it is a legitimate question.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, it is not a point of order as you say, but---

Mr. Deputy Speaker: But I think it is a legitimate question.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, it looks to me like a cynical question. I think the hon. Member does not appreciate history. Most of the things we have are colonial, even the spectacles he is wearing.

(Laughter)

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, the Assistant Minister has just told us that the DO's house will be built at Engineer on Harambee basis. Why should such a senior officer's house be built on Harambee basis when we have given out a lot of money to the Office of the President to undertake such buildings?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, it is not true that this House has given a lot of money to the Office of the President for putting up DOs' houses. In fact, I think there is very little money allocated for this particular purpose.

Very many people in the country are asking to be granted divisional headquarters so that close administration can be observed, but the Government is not going to be able to meet the construction costs of all those buildings. That is why, if it is the wish of the people to have divisional headquarters close to them, it is only fair that they contribute money and help the Government. We cannot be able to meet the whole budget.

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, the hon. Questioner, Mama Wanjiru talked about making a monument---

An hon. Member: She is hon. Wanjiru, not hon. Mama Wanjiru.

Mr. J.N. Mungai: What is wrong with calling her hon. "Mama" Wanjiru? Is she not a mama? Anyway, I will refer to her as hon. Wanjiru, but she is a mama.

Mr. Deputy Speaker, Sir, the hon. Questioner, mentioned something about erecting a monument in memory of King George VI who was buried at that site. That is a very important Question. I would request the Assistant Minister that something of that kind be established in that farm house. Going further than that, this country is very ignorant about its history, and it is important that the hon. Assistant Minister ensures that the history of this nation does not continue going into the drain all the time. For Kenya to become independent---

Mr. Deputy Speaker: Mr. J.N. Mungai, what is your question? I did not give you an opportunity to give a lecture.

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, my question is: Many people died in this country during the colonial war so that Kenya could become independent. Could the Assistant Minister consider, alongside what hon. Ms. Wanjiru has asked, identifying a corner that will be known as, "No man's grave", in memory of all those people who fought for our Independence and whose history is being forgotten?

Mr. Sunkuli: Mr. Deputy Speaker, indeed, that is a very wide question, but I appreciate the spirit in which it was asked: That the history of this country needs to be preserved, we need to build more monuments and preserve more sites as monuments in our country. That, indeed, we need to re-dedicate ourselves more and more to our past, and whatever is possible should be done.

Question No.511

COMPLETION OF BUILDINGS AT BUNGOMA FTC

Mr. Munyasia asked the Minister for Agriculture, Livestock Development and Marketing what plans he had to complete the buildings which the Norwegian Agency for Development (NORAD)

was constructing at Bungoma Farmers Training Centre, Kabanga, before they withdrew their assistance.

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

My Ministry has allocated a total of Kshs6 million in this financial year towards the construction of Bungoma Farmers Training Centre (FTC), Kabanga, which was started by NORAD. The contractor is already on site working on dormitories and the water and sewage system.

Mr. Munyasia: Mr. Deputy Speaker, Sir, I asked this same Question on 25.7.96. The Ministry told me then that the funding of the project was scheduled to start in July, 1996 and that the work for the completion of the buildings I am talking about would start in October, 1996. The completion was expected to be in 1997. At that time, I was told that the work would require Kshs600,000. This time round, the Assistant Minister is telling me that he has Kshs6 million, and that it is included in the current Printed Estimates and work will start. The truth of the matter is that the contractor is not on site. I came from home on Tuesday and can confirm that he is not on site. Could the Assistant Minister tell the House which contractor he is talking about, as being on site when we know that nobody is on site?

Mr. Muoki: Mr. Deputy Speaker, Sir, my information, which I would like to give to the hon. Member, is that in the first quarter of the current financial year the Ministry gave out Kshs2.7 million. On 2.10.97 the Ministry issued the balance of Kshs3.3 million. So, all the money has actually been disbursed and the contractor is supposed to be doing construction work currently.

Mr. Wetangula: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading the House. Last Monday morning, I had a meeting in this institution and saw that there was neither a single contractor on site nor a single job going on. When will construction work commence? The buildings are rotting away and some are even collapsing!

Mr. Muoki: Mr. Deputy Speaker, Sir, I have given hon. Members the information I have. If this contractor has not reported on site, I will investigate the matter and report back to the House next week.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir. Shall we know from the Assistant Minister the name of the contractor?

Mr. Muoki: Mr. Deputy Speaker, Sir, the best I can do for the benefit of the House is to come here next week with a comprehensive report.

Mr. Munyasia: Mr. Deputy Speaker, Sir, could this Assistant Minister tell the House what happened to the money that had been allocated to this same project in the 1996/97 Financial Year?

Mr. Muoki: Mr. Deputy Speaker, Sir, it is not a question of whether the amount allocated was Kshs6 million. I would like to say that I will be reporting on the same next week. Let me look at the whole issue comprehensively.

Mr. Deputy Speaker: Mr. Munyasia, I think we are really going round in circles!

Mr. Munyasia: Mr. Deputy Speaker, Sir, I accept that the Question be deferred.

Mr. Deputy Speaker: On that note, the Question is deferred to next week.

(Question deferred)
Question No.647

NUMBER OF TRAINED TEACHERS IN NYATIKE

Mr. Onyango asked the Minister for Education:-

(a) how many primary school teachers in Nyatike Constituency were trained in 1992, 1993, 1994, 1995 and 1996; and,

(b) whether he could name the schools where they were posted and how many were still in those schools by June, 1997.

Mr. Deputy Speaker: Is there anybody here from the Ministry of Education? The Question will be stood over for the Moment. Mr. Badawy's Question.

Question No.664

INTERFERENCE WITH PRIVATE BEACH PLOTS IN MALINDI

Mr. Badawy asked the Minister for Lands and Settlement:-

(a) whether he was aware that some Government agents are arbitrarily entering registered private beach plots in Malindi and Watamu in a process of establishing boundaries to mark off 100 feet from the high water mark out of those private properties without any kind of notification or compensation to the legal owners; and,

(b) if the answer to (a) above is in the affirmative, what legal provision there is that allows the Government or its agents to carry out that kind of exercise, that may ultimately deny or restrict the right of the legal owners of such plots to use their plots or sections thereof, without notification and compensation to the owners.

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

(a) I am not aware of this exercise. Unless hon. Badawy gives me more details of the affected plots, it will be very difficult for me to give a satisfactory answer.

(b) There is no legal provision that allows the Government, or its agents, to undertake the kind of exercise the hon. Member has referred to.

Mr. Badawy: Mr. Speaker, Sir, when I lodged this Question with the Ministry, the Government agents on the beach plots all along Malindi/Watamu beach were reluctant to identify themselves. But finally, I established through the Press that it was the Kenya Wildlife Service (KWS) surveyors who were involved in this exercise. With that information, and in view of the answer to part (b) of the Question, I hope that the Assistant Minister will be in a position to advise the KWS agents to stop that illegal exercise.

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, if that is what the hon. Member was referring to, I would like to inform the House that on 8.5.97 officials of KWS and an officer from the Office of the Commissioner of Lands visited the area for the purpose of verifying the erroneous allocation of KWS land in Watamu, and obtain surrender documents for KWS plots in Malindi.

Briefly, the team noted the following:

(a) The Marine Park Headquarters falls on plot No. 514/41 in Malindi. (b) Kivuluni Lodge is located within a 100-foot strip of land after the high water mark, which is a marine national reserve. The developers had been informed not to encroach further into the park. A boundary of 100 feet from the high water mark has been surveyed from the Vasco da Gama Point to Watamu. Lastly, part of Watamu Plot No. 810 falls within the 100 feet above the high water mark, which is a marine national park. The developer, on that particular day, was shown the boundary of the national park, and he promised not to interfere with the protected area.

Mr. Badawy: Mr. Deputy Speaker, Sir, I hope you have heard that very contradictory answer: In the first place the Assistant Minister said that he is not aware that such an exercise has been going on in Malindi. However, he has now even gone to the extent of admitting that he is aware that the KWS has been involved in the exercise. Whereas I have no problem as far as KWS properties are concerned, I would like to seek the assistance of the Assistant Minister for the stoppage of this illegal exercise in connection with private property. As he has just said, the exercise started from Vasco da Gama Point and stretched all along the beach to Watamu, where there are very many other beach properties, in addition to the few he has identified as belonging to the KWS. Could the Assistant Minister, therefore, stop this illegal exercise as far as the marking of the 100 feet high water mark from the beach on private property is concerned?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, my Ministry understands very well the importance of recovering the 100 feet high water mark. I undertake to ensure that whenever our officers, including those from the Kenya Wildlife Service visit that area, they should, as a matter of courtesy, inform the owners of the plots concerned.

Mr. D.D. Mbela: Mr. Deputy Speaker, Sir, the Minister has just said that there has been increased encroachment on private land along the entire coastline by the KWS in areas which do not even belong to the Government or the KWS. All KWS property is supposed to be clearly demarcated and gazetted. The properties the hon. Member for Malindi is talking about are privately owned and these are being used by KWS at pleasure without any consideration for compensation to the owners of the property. Could the Assistant Minister assure this House that his Ministry will compensate all the people who may be affected by this 100 feet almost compulsory acquisition, by the KWS of private property of the Coast people?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, that particular plot belongs to the KWS and it is the responsibility of the KWS to compensate the officers concerned.

Mr. Badawy: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to confuse between private property belonging to individuals and property belonging to the KWS? His Ministry ought to do compulsory acquisition according to law and compensate any acquisition of land, even an inch of it. The exercise that

is going on is illegal. Is the Assistant Minister in order to mislead this House that the KWS right now is not encroaching on private land?

An hon. Member: He is cheating us!

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I said earlier on, very clearly, that the Ministry is not encroaching on private land. The Ministry officials had gone to that area to assist the KWS to identify the boundaries of the National Park.

Mr. Deputy Speaker: Next Question! hon. George Anyona!

Question No.229

PAYMENT OF DEPOSITS TO PYRETHRUM FARMERS

Mr. Anyona asked the Minister for Co-operative Development;

(a) whether he was aware that Pyrethrum Co-operative Societies and farmers in Kisii and Nyamira Districts have not been paid their deposits with Masaba Co-operative Union banking unit which closed down;

(b) how much money was owed to these societies and farmers and the interest thereof; and,

(c) when the said societies and farmers would be paid their deposits and accrued interest.

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

(a) Yes I am aware.

(b) The societies and the farmers were owed a total of Kshs52,797,853.75 as at 30th June 1996.

(c) The societies and the individual farmers will be paid their deposits and interest by the Masaba Farmers Co-operative Union banking unit as soon as the management committee of Masaba Farmers Co-operative Union recovers the loans loaned individually to them.

Mr. Anyona: Mr. Deputy Speaker, Sir, I do not know why the Minister was rushing over the answer to part "a" of the Question. Could the Minister explain when and why the Masaba Co-operative Union banking unit was closed and give a breakdown of how much money the union owes each co-operative society in Gucha, Kisii and Nyamira Districts? Could he give us that?

Mr. Munyi: Mr. Deputy Speaker, Sir, I have already told the Member that I have got the details. Before Masaba Co-operative Union banking unit closed down in 1986/87, it had got a savings balance of Kshs4,209,000. Most of the deposits were lent out to 332 loanees who owe the banking section Kshs33 million. They were given the money but they never repaid it.

Mr. Anyona: Mr. Deputy Speaker, Sir, what is the Minister saying? Here were farmers' deposits with this banking unit--

(Loud consultations)

Mr. Deputy Speaker, Sir, there is a *baraza* going on here! If they want to discuss Likoni, they can go and do it down there!

Mr. Deputy Speaker: Order! Order!

Mr. Anyona: Mr. Deputy Speaker, Sir, these were farmers' deposits, both individual and co-operative societies, which are governed by the banking law. Is the Minister now telling us that the union received the money and lent it out to dubious loanees without complying with the law, and was unable to recover the money so that it could pay the deposits to the farmers?

An hon. Member: Just look at his size!

Mr. Munyi: Mr. Speaker, Sir, the problem this country has been facing is that somebody is given money so that he can repay and help others. The problem is that people have formed a habit of not refunding loans. What can I do to make them repay?

Mr. Anyona: Mr. Deputy Speaker, Sir, this is a very serious matter where ordinary poor farmers are owed Kshs52,797,853.75. That is a lot of money for ordinary poor rural farmers. I insist that the Minister tells us how much money is owed to each co-operative society. If he does not have the information, he had better go back and bring it. As regards to part "c" of his answer, could he tell us who these loanees are and how much money they owe the farmers and what action he is going to take to make sure the money is recovered?

Mr. Munyi: Mr. Deputy Speaker, Sir, I cannot read the names of more than 300 people. As I have already mentioned, I had discussions with the Questioner and I told him that I have been trying my utmost to tell the people

whenever there is a problem, that they should repay so that others could be assisted.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to make a false allegation that I had discussions with him when in reality I did not? Could he say when, where and what the discussion was all about? I want some answers! He cannot hide behind that noise!

Mr. Munyi: Mr. Deputy Speaker, Sir, hon. Anyona has been writing to me and I do reply to those letters and he knows it. If a Member writes to me about an issue, I take the necessary action. As to what the Member is saying, I will do everything possible to pursue the issue.

Mr. Manoti: On a point of order, Mr. Speaker, Sir. Either the Minister does not want to answer that Question, or he does not know what to say. The Ministry of Co-operative Development is supposed to protect the co-operators. As for this incident, those who deposited the money are not the same people who took the money as loanees. Now, since these are two different issues, could he specifically tell us how those who deposited their money will get it back?

Mr. Munyi: Mr. Deputy Speaker, Sir, that is a very good suggestion which has been brought forward to me and I will take up that one.

(Laughter)

Question No.381

NUMBER OF NSSF OFFICERS CHARGED WITH FRAUD

Dr. Otieno-Kopiyo asked the Minister for Labour and manpower Development:-

(a) how many officers of the National Social Security Fund (NSSF) had been arrested and charged with fraud within the last 18 months; and,

(b) how many had been convicted.

The Assistant Minister for Labour and Manpower Development (Mr. Ali): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The NSSF officers who have been arrested and charged with fraud within the last 18 months are five.

(b) None of the five officers has yet been convicted. The status of the cases is as follows: Three cases were withdrawn. Two cases are pending determination in court.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, you must have noted the gravity of the Question. The Minister is being extremely economical with the facts. Who are the officers, what are the cases, case numbers, why were these three cases withdrawn and when? That would enable us to determine who has been taken to court and who has been not. We are specifically talking about the fact that the National Social Security Fund (NSSF) has been involved in massive corruption over the last five years or so. In that respect, we would expect the Minister to say that the recommendations of the Public Investment Committee (PIC) and Public Accounts Committee (PAC) have actually been carried forward.

Mr. Ali: Mr. Deputy Speaker, Sir, I have answered exactly what the Question had asked. However, I have details in the schedule, which I wish to lay on the Table for the House to see. The document has the following details: The names of the officers, dates they were arrested or taken to court, case numbers, offenses and results. There are too many details to be read through and this will take too long. So, for the benefit of the House, I lay the document on the Table.

(Mr. Ali laid the document on the Table)

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, sir, first of all, we would expect that the former Managing Trustees of the Fund should be in this list. This list does not contain any of them. It has brought to court people--- Mr. Milton Nchore Omwenga who stole Kshs.52,000 and Mr. Manase Onduso for stealing Kshs.108,000. The cases we are talking about are massive. The NSSF spent over the last few years, Kshs. 18 billion buying land, whose value they have refused to quantify up to now. Has any of these officers been brought before a court of law?

Mr. Ali: Mr. Deputy Speaker, Sir, I am not aware of any offenses the hon. Member is alleging.

(Laughter)

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. Where has this hon. Assistant Minister been? I brought to this House, evidence of how NSSF fraudulently bought a disused quarry from Mr. Gideon Moi in Embakasi

and this Minister confirmed that this was a fraudulent activity and action would be taken. Where was he when we were mentioning these things, only to say that he has not been aware of such matters?

Mr. Ali: Mr. Deputy Speaker, Sir, that is the hon. Member's personal interpretation, but as far as the Ministry is concerned, there is no fraud in this case.

An hon. Member: On a point of order Mr. Deputy Speaker, Sir. When is it a fraud?

(Laughter)

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, the Minister lacks facts, but the Public Investment Committee reports have been brought before this House and actually approved by the House. So, those facts are available to the Ministry and we have names of specific officers, such as Mr. Philip Mulei and others who the Minister should have taken action against. Why have they not been taken to court? Why are you taking junior officers to court, in Kibera, Kisumu and other places, while ignoring the real big "fish"?

An hon. Member: Have you been bought?

Mr. Ali: Mr. Deputy Speaker, Sir, even an individual has a right to take any officer to court. But, as far as we are concerned, we have not established any kind of offenses that warrant the mentioned officers to be taken to court.

Mr. Temporary Deputy Speaker: Next order! Question No. 332, for the second time.

Question No. 332

STOWAWAY ABOARD BRITISH AIRWAYS PLANE

Dr. Kituyi asked the Minister of State, Office of the President:-

(a) how a young man made his way to a protected area at the Jomo Kenyatta International Airport and entered the nose-wheel bay of a British Airways Jumbo Jet on Sunday, 23rd of March, 1997; and,

(b) what guarantee there is that, this most dangerous and embarrassing incident does not recur.

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

(a) Exhaustive investigations, carried out by both the Kenya and British Police, have not yet established when, where and how the deceased, a black young male stowaway accessed the British Airway's Air-craft.

(b) The fulfilment of international standards set out by the International Civil Aviation Organisation (ICAO) and International Air Transport Association (IATA) and System Checking guarantee that the level of Aviation Security at the Jomo Kenyatta International Air-port is quite high.

Mr. Deputy Speaker: Yes, Kopiyo.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I insist that I am not Kopiyo. How can the hon. Assistant Minister tell us that the security details are satisfactory; that they have done exhaustive investigations and then, still say that they do not know how this young man made his way into the nose-wheel bay of this jumbo jet? Either, you have not done exhaustive investigations or the security mechanism is insufficient, otherwise, you would have known how he got into the nose-wheel bay. Which of these three is right?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Kituyi knows how secure Buckingham Palace is; yet, somebody was able to sneak in one day. But to get down to this matter, the situation was that, the body of the deceased was found hanging in the nose-wheel bay of the British Airways, flight, number 068 in Gattwick Airport. That was on the 23rd of March, 1997. This flight had originated from Nairobi's Jomo Kenyatta International Airport. But we have put up several notices of missing persons and nobody has been able to claim the body of the deceased. It has been very difficult both on the side of the Kenya Police and British Police, to know exactly under which circumstances the deceased died. It is not even identifiable, as to what nationality the deceased belonged.

Mr. Mwaura: Mr. Deputy Speaker, Sir, can the Assistant Minister tell the House what happened to the deceased's body, where it was buried and if the British or our Government has been able to establish the identity of the deceased boy?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I have not been able to establish officially where the body was buried, but reports from the media indicate that the body was buried in London.

Mr. Deputy Speaker: Question 571! Dr. Lwali Oyondi, for the second time.

Question No. 571

ACCIDENTAL SHOOTING OF MRS. NJOKI

Dr. Oyondi asked the Minister of State, Office of the President:-

(a) whether the Minister was aware that on 19th July, 1995, Ms Susan Wanjiru, daughter of Mrs. Lucy Njoki, was accidentally shot through the chest by an Army Officer on training exercise at Lanet, Nakuru District;

(b) if the answer to "a" above is in the affirmative, what steps the Minister was taking to compensate the parents; and,

(c) what further steps he is taking to ensure that such accidents do not recur.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, as I had indicated earlier, hon. Manga was briefed to answer this Question. Unfortunately, he has just asked me to ask you to defer the Question, so that he can answer it on another occasion.

Mr. Deputy Speaker: Question is deferred.

(Question deferred)

Mr. Deputy Speaker: Question No. 647 by Mr. Tom Onyango.

Question No. 647

NUMBER OF TRAINED TEACHERS IN NYATIKE

Mr. Onyango asked the Minister for Education:-

(a) how many primary school teachers in Nyatike Constituency were trained in 1992, 1993, 1994, 1995 and 1996; and,

(b) whether he could name the schools where they were posted and how many were still in those schools by June, 1997.

Mr. Komora: Mr. Deputy Speaker, Sir, I am sorry for coming a little late and I beg to reply.

(a) In the years, 1992, 1993, 1994, 1995, 1996, a total of 316 primary school teachers were trained in Nyatike Constituency. In 1992, 57 teachers were trained. In 1993 and 1994, 57 and 101 teachers were trained, respectively. In 1995, 56 teachers were trained. Those trained in 1996 were 35.

(b) Eighteen teachers were posted to over 130 schools. Since the schools are too many to read, I will table this document in this House. But, it is not possible to answer the last bit at the moment, because the Question requires me to say how many are still there, and to do that, I have to do a head count. For that to be done, I need a lot of time.

Mr. Onyango: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that education officers from Nyatike Constituency normally recruit trainee teachers from outside the constituency, who are moved elsewhere after they are trained, because they are taken from semi-arid areas?

Mr. Komora: Mr. Deputy Speaker, Sir, I am not aware of that. It used to happen in some parts of the country, but we have stopped it. Every district has been divided into zones, and applications are considered as per zone to make sure that the whole country is covered. If the hon. Member has got details that show that outsiders are being taken, we will take action.

Mr. Ojode: Thank you, Mr. Deputy Speaker, Sir. In Ndhwa Constituency, we have a shortage of teachers as a result of posting of trained teachers there from the Kisii community. These teachers leave for their home district after two or three months of their posting to Ndhwa Constituency. Could the Assistant Minister assure this House that decentralisation in posting of teachers will take place, and that those who will be posted to a particular district will be locals of the area?

Mr. Komora: By implication, Mr. Deputy Speaker, Sir, I have already given that assurance. We are training teachers from each zone for the purpose of taking them back to their zones.

Mr. Onyango: Mr. Deputy Speaker, Sir, just about a month ago, the Assistant Minister accepted that there was under-staffing in Nyatike Constituency. So, if at all these 10 teachers are posted to Nyatike Constituency, they will not want to move away. So, I am trying to dispute the fact that these teachers were posted back to Nyatike. Can the Assistant Minister tell the House how many teachers are still in Nyatike Constituency? That was part of the Question.

Mr. Komora: Mr. Deputy Speaker, Sir, I said that the list of schools where the teachers have been posted is too long for me to read out. I did not get the last part of the Question. But as far as I am concerned, whatever---

Dr. Kituyi: On a point of order, Mr. Deputy Speaker Sir. Is the hon. Assistant Minister in order to keep on referring to a list which he claims to have tabled when he has not actually tabled it? We cannot dispute what he claims to be the list of the schools! Could you oblige him to table the list, as he promised, before he continues with his replies?

Mr. Komora: Mr. Deputy Speaker, Sir, if I table the list, I will have nowhere to refer to in answering the supplementary questions. So, I will table it when I finish answering the supplementary questions.

Mr. J.N.Mungai: Mr. Deputy Speaker, Sir, it appears that the Assistant Minister is misleading this House, and that the figures of teacher trainees enrolled in teacher training colleges (TTCs) from Nyatike Constituency, which he has given to the House, are also incorrect. Hon. Onyango is demanding that schools in his constituency be given sufficient teachers because they are understaffed. If the said 10 teachers from the area had been taken to colleges, they would never want to be transferred elsewhere as they are more used to their home areas than they are to other areas. My question is: "Can the Assistant Minister assure this House that the schools in Nyatike Constituency will be fully staffed, and that he is not going to abandon them? Is he going to make sure that in future, people from Nyatike constituency are recruited into TTCs? The recruitment should be real, and the Assistant Minister should not give the House misleading figures.

Mr. Komora: Mr. Deputy Speaker, Sir, I would like to assure this House that all schools in Kenya, and not just those in Nyatike Constituency, will be fully staffed as and when we train teachers from local areas. Not even a single school will be ignored or neglected.

Mr. Deputy Speaker: Let us have Mr. Mulusya's Question by Private Notice.

QUESTION BY PRIVATE NOTICE

KILLING OF MUKAMUKUU RESIDENTS BY HIPPOS

(Mr. Mulusya) to ask the Minister for Tourism and Wildlife:-

(a) Is the Minister aware that from 8th September, 1997, to date, three (3) people have been killed and seven (7) others seriously injured by marauding hippos at Mukamukuu area of Kianzabe Location in Kangundo Constituency?

(b) If so, what action has the Minister taken to eliminate this menace and compensate the victims?

Mr. Deputy Speaker: Is Mr. Mulusya not here? The Question is dropped.

Next order!

(Question dropped)

POINTS OF ORDER

TRIBAL SKIRMISHES IN TRANS MARA

Mr. Obure: On a point of order, Mr. Deputy Speaker, Sir. I stand on a Point of Order to seek a Ministerial Statement from the Office of the President on the following.

In the recent past, there has been escalation of tribal skirmishes between the Maasai and Kisii communities in Trans Mara District. As you know, we have always tried to establish a good relationship between members of the two communities, but as of today, things are getting out of control. You will remember that on 3rd September, 1997, a student called Joel Sirman, was killed by members of the Maasai community. Members of the Kisii community rent farms from the Maasai community and grow crops on them. Now that the current maize crop is ready for harvesting, cases of violence have increased, and members of the Maasai community have taken advantage of the situation to harvest the crop from those farms.

On many occasions, members of the Maasai community have terrorised Members of the Kisii community, ambushed them, and stolen their cattle. When security personnel try to arrest the terrorists, Maasai *morans* fight both members of the Kisii community and the security officers despite the fact that the latter happen to be armed, and nothing is done to the *morans*. As of yesterday, a young man called Onchomba Kiruru was ambushed while looking after cattle---

Mr. Deputy Speaker: Hon. Obure, I did not give you the Floor to make a speech. You know what advice I gave you. Will you, please, ask for your statement?

Mr. Obure: Yes, Mr. Deputy Speaker, Sir. So, the young man was killed. There was no problem, but members of the Maasai community just ambushed and killed him. That night, members of the Maasai community---

Mr. Deputy Speaker: Mr. Obure, why do you not ask for your statement? I will cut you short!

Mr. Obure: Mr. Deputy Speaker, I am winding up.

Mr. Deputy Speaker: I did not give you the Floor to make a speech, and you know that.

Mr. Obure: I am not making a speech, Mr. Deputy Speaker, Sir. I am building up what I am about to ask for.

The arsonists went and burnt houses at night. Now, the Ministerial Statement I want to ask for is based on the fact that after the incident, General Service Unit personnel and regular police officers went on a beating spree of members of the Kisii community, arresting them arbitrarily. The Government should clarify whether the Kisii community should have their own government, or whether they will have the protection of the Government of Kenya.

Secondly, Mr. Deputy Speaker, Sir, I am seeking a Ministerial Statement from the Government on whether we can have these skirmishes stopped once and for all. Lastly, I want to give a very stern warning to the Maasai community, that I cannot, as a Member of Parliament, tolerate this as I do not lead cows but people. Let this be the last time I am asking for a Ministerial Statement on this matter---

Mr. Deputy Speaker: Good, I think they have got the warning. Now sit down.

Mr. Obure: If they do not heed this, Mr. Deputy Speaker, Sir, I would have no choice but to ask my people to protect themselves.

The Assistant Minister, Office of the President (Mr. Sunkuli): Thank you, Mr. Deputy Speaker, Sir. First of all, I would like to say that I will not be the one to give a Ministerial Statement. Last time I tried to give a Ministerial Statement on matters affecting the Kisii and Maasai, you remember that this House was overwhelmingly against the matter. But I just want to assure the hon. Member for Bomachoge that the Office of the President is going to issue a statement. However, I do not think it is in good taste for the hon. Member for Bamachoge to take a very partisan and tribalistic stand on the skirmishes, which just reigned for two days. Mr. Deputy Speaker, Sir, I want to confirm here, that, indeed, the clashes are not even taking place between the Kisii in Bomachoge and Trans Mara. They are taking place between the Kisii's in Trans Mara and Bobasi. Todate, the two District Commissioners are on the site together with adequate police.

Mr. Deputy Speaker, Sir, it would help bring peace in that region if the hon. Member for Bomachoge became a national Member of this House rather than taking a partisan stand. He does not even know what actually happened, and he is already here issuing warnings, and that is how the fight will not stop. If he and I begin to fight in this House, what about other people? There is no need for a warning. Let us go there, hold public *barazas* with our people, comfort those who are hurt and make sure the fight does not take place. But to take a partisan stand and look like a hot-head when we are Members of Parliament, it is wrong.

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

Mr. Deputy Speaker: Next Order.

KILLING OF MASTER MUTUNGI BY POLICEMAN

Mr. Ndicho: Thank you, Mr. Deputy Speaker, Sir. I am standing on a point of order, to demand a Ministerial Statement from hon. Moody Awori, who promised this House three weeks ago that he would give the correct version of the boy called Edward Mutugi by a policewoman at Thika on 7th, July 1997. Ever since that time, he has given that statement. The same Assistant Minister promised this House that he was going to bring the correct version to another Question I asked three weeks ago, about an American priest called Rev. Dick West---

Mr. Deputy Speaker: Order, Mr. Ndicho! You must have the capacity to respect the undertaking you gave to the Chair. You wanted one Ministerial Statement which you said the Assistant Minister failed to give.

Mr. Ndicho: But he promised to give both, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Why did you not tell me then of those items?

Mr. Ndicho: It is not a Bill---

Mr. Deputy Speaker: You keep on giving promises which you cannot honour.

Mr. Ndicho: No, Mr. Speaker sent me to hon. Awori on the issue of Rev. Dick West, who impregnated a girl at Ruiru Children's Faith Home. Up to now, the Assistant Minister has not told us what he has done with the priest, and where the girl and her child went to, from Pumwani Maternity Hospital. It is a very serious matter to handle and people have not taken any action, because they are awaiting the Government to give a statement. For three weeks now, the Assistant Minister is sitting in the House and not telling Members anything. Can he tell us something now, and say when he is going to give us the statement? He knows he is my best friend around!

Mr. Nthenge: The Minister has no material!

The Assistant Minister, Office of the President (Mr. Awori) Mr. Deputy Speaker, Sir, it is unfortunate that the hon. Member is localizing the Ministerial Statement he asked for. He does not have to point out that I

personally, have to issue the Ministerial Statement. He knows that a statement has got to come from the Office of President. I want to give an undertaking that this statement will be forthcoming next week on Thursday, and this refers to the first point the hon. Member brought in.

As to the second point, the honourable member is being very unfair. He knows that I answered his Question on behalf of the Ministry of Home Affairs. I brought him in my confidence and told him what action I had taken, and how I had passed it on to the Ministry of Home Affairs. Once I did that, my responsibility to this House was over. I pointed out to him that I was going to try and push the Ministry of Home Affairs, but it is not my responsibility to talk about the American missionary who impregnated this girl because I happen to come from the Office of the President.

An hon. Member: Correct!

BURNING OF A NURSERY SCHOOL

Mr. Gitonga: Mr. Deputy Speaker, Sir, first of all, the Members are complaining that you appear to be in low spirits! Can you cheer up?

Mr. Deputy Speaker: I am in very high spirits!

(Laughter)

Mr. Deputy Speaker: Is that the point of order?

Mr. Gitonga: No, Sir. Mr. Deputy Speaker, Sir, yesterday, the Minister of State, Office of the President, in charge of Internal Security, was to respond to my request for a Ministerial Statement regarding this incident at Kamae where a private developer burnt down a nursery school, but the Speaker said that there was no time to do that and he would do it today. When do I expect a Ministerial Statement about that incident?

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

Mr. Deputy Speaker, Sir, the Minister promised to give the statement and he will come to give it. I know he mentioned Tuesday and today is only Thursday.

I want also to refer to the point of order from hon. Obure, regarding the skirmishes between the Kisii's and Maasai's. We intend to investigate the matter fully and bring a Ministerial Statement. My only appeal is, whatever is the situation, we are representatives of our voters, but when we are here, we have got a responsibility to this House and to each other. We must not be personal or personalize matters that come in here. It was very unfortunate that hon. Obure started issuing warnings. We do not work on warnings. All of us are aware of the fact that, security is paramount in this country and we intend to ensure that there is peace and tranquillity in Trans Mara, Kisii and everywhere else. Thank you.

Mr. Deputy Speaker: Next Order.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. While hon. Sunkuli was answering the point of order raised by hon. Obure, he referred to hon. Obure as a "hot head". Is that in order?

Mr. Deputy Speaker: I am afraid, if that were the case, you should have raised it then. I did not hear it and I think it is in bad taste, that you should bring half-an-hour or twenty minutes later, something you did not object to then. Next Order.

Mr. Munyasia: Then, the timing must be very poor!

BILL

Second Reading

THE STATUTE LAW (REPEALS AND MISCELLANEOUS AMENDMENTS) BILL

(The Attorney-General on 25.9.97)

(Resumption of Debate interrupted on 8.10.97)

Mr. Deputy Speaker: Who was on the Floor? Proceed, hon. Shikuku!

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika. Bunge lilipoahirishwa jana, nilikuwa nikizungumzia juu ya viongozi wengine ambao hawataki kuwaambia wananchi ukweli; na ambao mambo yakichacha, watapotea. Mmoja aliingilia katika Ubaloji wa Marekani na akatokea katika Ikulu ya Rais Moi. Mwingine alitoka hapa, akaenda moja kwa moja hadi Tanzania, na akarudi tena baada ya mashauri baina ya nchi ya Tanzania na Rais Moi.

Bw. Naibu Spika, Code of Conduct katika uchaguzi ni jambo ambalo lazima lihimizwe na vyama vyote. Tumechoka na ghasia za uchaguzi. Kuna majeshi ya kibinafsi. Kuna waheshimiwa Wabunge na viongozi wengine ambao wamechukua fursa ya kutumia wale wasiokuwa na kazi, kuwafanya askari wao. Wao wana pesa za kutosha za kuwapa hawa vijana pombe, bangi na madawa ya kulevya ili wafanye fujo. Lazima tukubali jambo hili.

Mwanasiasa hawezi kuwa anapendeka na wananchi ikiwa ana genge au jeshi la wasio na kazi, ambalo analipa pombe na bangi ili kuvuruga amani katika mikutano. Pengine tulisahau kwa vile tulikuwa na haraka, lakini tungeongeza kwamba mtu yeyote anayetaka kuwa rais wa nchi hii lazima achunguzwe kama kichwa chake ni timamu au la. Lazima anayetaka kuongoza afanyiwe uchunguzi wa madawa ya kulevya. Ikiwa mhe. Shikuku anataka kuwa rais wa nchi hii, damu yangu inatakiwa kutolewa ili iangaliwe kama ina madawa wa kulevya. Nikipatikana nikiwa na madawa ya kulevya, basi jambo hilo litatosha kufanya mimi nisishiriki katika uchaguzi. Daktari wa vichwa anatakiwa pia kuangalia kila kichwa cha mgombeaji wa kiti cha urais. Hii ni kwa sababu matamshi mengine yanayotolewa na viongozi, kuna haja ya daktari kujua kama vichwa vyao viko sawa. Vitu hivi lazima viangaliwe. Lazima tuangalie afya yake, akili zake, na pia tutoe damu yake ili kujua ikiwa anatumia madawa ya kulevya.

Tusipofanya hivyo - na nimesikia mmoja wa Wabunge hapa akisema eti kwa vile tumewapa watu wa Tume ya Uchaguzi nguvu ya kupiga marufuku chama chochote kikivunja sheria, watatumia nguvu hizo kupiga marufuku chama fulani ili wakiondoe katika uchaguzi. Mimi niko tayari, kama mwanachama wa chama cha FORD(A), kusema kuwa hatutaki matata. Hatutaki magenge ya vijana kwenda kupiga watu wengine ndiyo FORD(A) ijulikane. Mtu yeyote aliye katika FORD(A) hawezi kufanya hivyo. Hii ni kwa sababu tunataka uchaguzi wa amani na ukweli, na sio wa kutisha watu. Kazi ya kutisha ikianza kuendeshwa, basi mabadiliko tunayoyazungumzia hayatakuwa na maana.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Shikuku to say that FORD(A) is not for violence, when his Chairman is advocating for *Kumi Kumi* to cause violence?

Mr. Shikuku: Bw. Naibu Spika, mhe. Sumbeiywo hasemi ukweli, na hajui. Mwenyekiti wa FORD(A) kutoka tarehe nne Juni, 1997 ni Bw. G.G.W. Nthenge, MP. Akitaka kujua zaidi, aende kwa Msajili wa Vyama. Nimewapa maandishi wa magazeti hiyo barua ya Msajili wa Vyama ambayo inaonyesha viongozi wa chama cha FORD(A). Jina ambalo mhe. Sumbeiywo amelitaja haliko katika barua inayoonyesha viongozi wa FORD(A). Jina hilo ni lake yeye mwenyewe na akae nalo!

Mr. Deputy Speaker: Hon. Shikuku, I think I have to remind you that considering the interest of other people in this matter, and the meaning of Standing Order No.87, you are definitely not relevant. I think you had better stick to the subject before the House.

Mr. Shikuku: Bw. Naibu Spika, mimi nazungumzia juu ya utaratibu wa kupiga kura, ambao uko katika Code of Conduct. Mimi sijaongea juu ya hiyo tangu nianze hotuba yangu. Mimi napenda sana kufuata sheria, ijapokuwa mimi si wakili. Mimi siwezi kuvunja Kanuni nambari 87 ya Kanuni za Bunge. Mimi sikuzungumzia Code of Conduct ya vyama jana. Ukitaka ukweli, tafuta HANSARD na utapata mimi sikuongea juu ya Code of Conduct.

Lazima ghasia na fujo ziondolewe katika uchaguzi. Kiongozi yeyote awe katika KANU, FORD(A), DP au FORD(K) lazima akubali kwamba hakutakuwa na vita baina ya wananchi katika uchaguzi. Tena, hakuna haja ya kuwa na tofauti au kupigana. Kwa nini Upinzani upigane na KANU? Bei ya mkate ni moja kwa watu wote. Haichagui mtu anatoka chama gani. Hata ukitingisha kidole - ambapo kwa Kiswahili ni mambo mengine - bei ya mkate ni sawa kwa wote. Wanapigania nini? Tunaambiwa chama cha KANU ni chama cha maendeleo. Hata radio inaimba hivyo kila siku. Lakini mbona watoto ambao wanaunga KANU mkono hawana kazi; hawajapewa kazi? Je, mbona watoto wa wanaounga mkono Upinzani hawajapewa kazi? Taabu ni hiyo hiyo. Wote hawana kazi. Kwa hivyo, hakuna haja ya kuwa na udhia baina ya Upinzani na chama kinachotawala. Tunapigania nini? Anayetawala hana kazi! Mimi ambaye niko katika Upinzani, sina kazi! Bei ya mkate na sukari ni hiyo hiyo! Unatawala nini? Huu ndio ukweli mtupu!

[Mr. Deputy Speaker left the Chair]

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

Bw. Naibu Spika wa Muda, tunataka viongozi waangaliwe sana. Tulikuwa na mhe. Dalmas Otieno hapo nje, akachukua kartasi yangu. Kuna wakili mmoja, na sijui kama waheshimiwa Wabunge wamepata nakala ya barua yake, ambaye amechukua jukumu ya kuangalia mapendekezo ya Limuru na mapatano ya Inter-Parties Parliamentary Group (IPPG). Ameyalinganisha mapendekezo ya Limuru na mapatano ya IPPG na kuwaita mawakili walioko NCEC wasioaminika. Nimemtuma mfanyakazi wa Serikali kumtafuta mhe. Otieno, ili aniletee kartasi hiyo ili niinukuu hapa. Ameyalinganisha mapatano hayo na kusema ni upuzi kwa mtu kusema IPPG haikufanya lolote. Ameongea juu ya Public Order Act, Public Security Act na Chiefs' Act. Amesema yote ni bara bara. Mawakili walio katika NCEC ambao wanajidai ndio wakilishi wa kweli wa wananchi, hawajachaguliwa. Kusema hivyo kwanza ni uongo! Nani aliwachagua ili wawe wakilishi wa haki? Pengine *Daily Nation* ndiyo iliwachagua.

Mr. Achola: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Shikuku not misleading the House by referring to the NCEC like he was never a member of it, when we know that it was an umbrella organisation and he was a very active member?

Mr. Shikuku: Bw. Naibu Spika wa Muda, nilisema mimi ni mmoja wa walioanzisha NCEC.

The Temporary Deputy Speaker (Mr. Wetangula): You have said that repeatedly, and you do not have to labour it now!

Mr. Shikuku: Ahsante. Kuna mabaki (remnants) ambao mhe. Karua alisema wamebaki huko. Wanajidai eti wao ndio wanawakilisha watu, na hali hawajapigiwa kura. Ni nani aliwapigia kura, Bw. Kibwana, Dr. Kamau Kuria na Bw. Davinder Lamba? Nani aliyempigia kura Bw. Willy Mutunga? Hawa wanasema ni waakilishi wa wananchi wa Kenya. Wanatumia akili yao kundanganya!

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Shikuku, there is no lawyer in this country called Lamba.

Mr. Shikuku: Bw. Naibu Spika wa Muda, siku moja alikuja hapa na kuhudhuria mkutano wa waheshimiwa Wabunge katika County Hall. Nilishangaa na kuuliza Mhindi yule alitoka wapi.

Jambo hilo lilifanywa na waheshimwa Wabunge ambao walijua kuwa mazungumzo ya IPPG yalikuwa ni ya Wabunge tu. Waliwaongoza vijana kuja hapa kutukana na Wabunge na wao wanataka waitwe waheshimiwa Wabunge. Vijana hao waliingia katika County Hall hadi waheshimiwa Wabunge wakakosa mahali pa kukaa.

The Assistant Minister, Office of the President (Mr. Sunkuli): Jambo la ufahamisho, Bw. Naibu Spika wa Muda. Ningependa kumwarifu mhe. Shikuku kwamba sio tu kuwa hawa watu hawajachaguliwa na mtu, bali akili za wengine hazijulikani. Kwa mfano, Prof. Kivutha Kibwana, hata Kikamba hawezi kuzungumza!

(Laughter)

Mr. Shikuku: Bw. Naibu Spika wa Muda, kama ningewajibu, hata waandishi wa magazeti yetu hayawezi kuandika. Jana nilizungumza kwa muda mrefu sana lakini gazeti la the *Daily Nation* halikuandika jambo lolote. Hata hivyo, ninawatakia kheri. Msiandike tena maneno ya mhe. Shikuku, lakini mtaandika matokeo ya uchaguzi mkuu ujao kwa sababu mhe. Shikuku atakuwa ni mshindi na wataandika hivyo. Gazeti la the *Daily Nation* halina kura! Wako huru kuandika barua na jambo lolote linalomhusu mhe. Shikuku katika ukurasa wa kwanza wa gazeti lao, lakini watakuja kuona aibu wao wenyewe. Wananchi wa Kenya si wapumbavu sasa. Ukiwaambia wafanye matata, wao wanakataa. Waandike yote wanayopenda kuandika, lakini wajue kwamba watavuna matunda ya hayo maneno wanayochochea.

Bw. Naibu Spika wa Muda, ninaunga mkono kwa dhati, kamati iliyopendekeza taratibu za kulinda Tume ya Uchaguzi, vyama vya kisiasa na kadhalika. Ni lazima vyama vya kisiasa vilinde utaratibu huu. Huu utaratibu au amri ni lazima utangazwe kinagaga kwa kupitia shirika la KBC, ili wananchi wajue ni jambo gani linatakiwa kufanywa. Hatutaki damu imwagike katika nchi hii.

Bw. Naibu Spika wa Muda, nitazungumza juu ya Judiciary. The IPPG ilipendekeza kwamba tuongeze mahakimu, ili kazi itekelezwe haraka. Hebu tuaangalie historia ya Kenya. Tangu nchi hii ipate Uhuru ni mhe. marehemu Kitili Mwendwa aliwahi kuwa Chief Justice. Kama marehemu Kitili Mwendwa aliweza kuwa Chief Justice wa nchi hii katika miaka ya 1960s, imekuwaje ndiye aliyekuwa mwafrika pekee kuwa Chief Justice? Hii ni aibu, hata baada ya miaka 34 ya Uhuru, hatuna Mwafrika mweusi kama Kitili Mwendwa anaweza kuwa Chief Justice na ilhali tuna mawakili wengi hapa nchini.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Shikuku, Justice Miller was a blackman!

Mr. Shikuku: Bw. Naibu Spika wa Muda, Justice Miller hakuwa mwananchi wa Kenya. Alikuwa mwanakenya baada ya kupata kibali cha uraia. Lakini wewe na mimi, hatukuomba kibali cha kuwa raia wa nchi hii. Hiyo ndiyo tofauti kati yetu na yeye.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I wish to inform hon.

Shikuku that the next Chief Justice Pal is a Kalasinga.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ikiwa huyo ndiye atakayekuwa, basi sishituki kwa sababu nimesema ni aibu kwa nchi inayojivunia miaka 34 ya Uhuru kuwa haina mwananchi ambaye anaweza kuwa Chief Justice. Hata tukiangalia asilimia ya wananchi wetu, tutaona kwamba jamii ya Waesia, Waarabu, Wazungu ni wachache kuliko Waafrika. Je, jamii ya Waesia ni asilimia gani? Huu si usawa wa kugawa mali katika nchi hii. Ikiwa Waafrika ndio wengi, kwa nini watu wa jamii ya Waesia ndio wanakuwa Chief Justice kama vile Justice Miller au Justice Pal? Wao ndio wanakuwa Chief Justice, lakini si Mwafrika.

Tunataka mabadiliko katika nchi hii. Ninasikia kwamba kuna chama cha kupigania haki za jamii hii. Kazi yao ni kuona kwamba watu wao ndio wanaopewa cheo cha Chief Justice, ingawa wengine wao wako chini ya Waafrika.

Bw. Naibu Spika wa Muda, hawa wamepangwa hivi: Sasa tuna Justice Cocker, chini yake Justice Shah na Justice Pal. Sikusema ukabila au nini. Lakini hata Chief Justice mwenyewe ana uwezo wa kujua kuwa Waafrika ndio wengi katika nchi hii. Ni lazima awe na largest share, lakini si wao ambao ni moja kwa asilimia, lakini wanasimamia Judiciary hapa nchini. Tunataka wasikie na wafahamu kuwa hiyo si kuleta usawa kwa mtu mmoja kupewa chakula kingi na walio wengi kupewa kidogo. Hata mali ya nchi hii, ikiwa kuna kabila moja ambalo lina idadi ya watu milioni tatu, basi lipewe chakula cha kutosha watu milioni tatu. Na wale ambao ni milioni moja, wapewe chakula cha kutosha watu milioni moja. Na wala si kuwapa watu milioni moja chakula cha kutosha watu milioni tatu. Jambo hili ndilo linatokea katika Judiciary. Waesia ambao ni asilimia moja wanasimamia Judiciary. Kwa nini? Hii in aibu, hasa kwangu kwa sababu nilikuwa mmoja wa wale walienda Lancaster House kuleta Uhuru. Najuliza nilileta nini? Isipokuwa balaa tu. Tulikuwa na Mhindi mmoja ambaye alikuwa anaitwa Chanan Singh ambaye alipigania uhuru.

Bw. Naibu Spika wa Muda, huyo Pinto alikuja juzi; 1961 ni juzi kwa sisi, tuliokaa kwa siku nyingi. Kwa hivyo, ni lazima walio wengi waangaliwe vizuri. Tuna mawakili waliokomaa huko, na mhe. Mkuu wa Sheria aambie Mtukufu Rais kwamba, kufanyi hivi ni jambo la aibu. Ni jambo la aibu kwamba baada ya miaka 34 ya Uhuru, hatuna Jaji Mkuu Mwafrika.

Bw. Naibu Spika wa Muda, katika hii Limuru document, ningependa kuwajulisha wananchi--- Sijui kama KBC itachukua jukumu ya kuwajulisha wananchi. Sisi tunasema maneno hapa na ni lazima KBC isikie tunasema nini. Tunataka wanachi wajue ni kitu gani wamepata, ili wasidanganyike na kufanya matata na kazi imekwisha. Matakwa ya NCEC yote yametimizwa na hata IPPG imefanya zaidi ya yale NCEC walivyotaka. Katika Katiba, tunaweza kuonyesha kwamba tulifanya zaidi ya yale NCEC walivyotaka. Ni kwa nini watu waende kupigana na wafanye fujo. Ni kwa nini watu wanapewa pesa na kuambiwa wafanye fujo? Tumekuwa na *Kumi Kumi, Tatu Tatu* na kadhalika. Huko kwetu tunasema, kama mmoja ameua mtu, ataua tena, kwa sababu ghost ya yule mtu humjia tena na kumwambia: Muue vile uliua fulani. Na kuna Waheshimiwa hapa wanaopenda kuua watu. Wana magenge ya kuua watu. Haya magenge ni lazima yaue tena na tena, kwa sababu yameshaonja damu.

Dr. Kituyi: Jambo la nidhamu Bw. Naibu Spika wa Muda. Ninamheshimu mhe. Shikuku sana. Amedai hapa ya kwamba waheshimiwa wengine hapa wana magenge ya kuwaua watu. Haya magenge yanastaajibisha na tena yanatisha sana. Inawezekana mhe. Shikuku athibitisha ni akina nani wako na hayo magenge, ili tuwaogope?

Mr. Shikuku: Bw. Naibu Spika wa Muda, nitachukua jukumu hii kusema ukweli. Jana, nilisema tulikuwa na mkutano wa Upinzani katika Uhuru Park na genge la kisiasa lilimfuata yule askari na kumpiga na kumua. Nilikuwako na nikawaona. Nakumbuka mmoja wa wale viongozi wa NCEC, Bw. Munuve ambaye alichukua hatua. Alienda kwa moja wa wale viongozi na kumwambia aeleze wale youth, askari wingers waache kuua mtu. Yule kiongozi hakuchukua hatua na yule askari akauawa. Kabla ya kufa alisema: "Umewacha watu kuniua--- I can identify all of them." That was the last breath na akaanguka. Hilo jambo sitalisahau. Munuve aliambia moja wa wale viongozi. Majina ya wale walioshikwa yaliandikwa na magazeti na walisema walikuwa gengi la nani. Yule aliyetoroka kutoka hapo kortini alikuwa mmoja wa gengi la nani? Alikuwa wa gengi la mhe. Shikuku au la nani? Mhe. Kituyi anaewa alikuwa wa gengi la nani. Sheria za Bunge hili zinasema, hauna haja ya kuthibitisha the obvious. Haya yameandikwa na yako katika Library na hakuna haja ya kurudia.

Pia ninapinga ile hatua ya polisi ya kuwaua watoto wa vyuo vikuu na watu wengine. Hawa washtakiwe. Huu ni wakati wa kuambia Serikali: Tunataka wale waliwaua watoto wa chuo kikuu kule Egerton na chuo kikuu cha Kenyatta, pamoja na wale polisi waliowaua watu wakati wa *Saba Saba* na *Nane Nane* waletwe mbele ya sheria. Pia wale walioua yule afisa wa polisi waletwe mbele ya sheria. Kiongozi yeyote ambaye hawezi kuunga mkono jambo hili ni muaji. Ni lazima waletwe kortini kama wanahusika.

Haya magenge yamalizwe, na kiongozi yeyote yule ambaye ana magenge ya kupiga watu na kuwapigia wengine kelele awe disqualified from running for office kwa sababu akipata hayo madaraka, ataharibu nchi hii.

Bw. Naibu Spika wa Muda, nikimaliza, ningependa kusema hivi: Wale Waheshimiwa waliokuwa wakipiga kelele kwamba wao ndio waakilishi wa watu hawako hapa. Walizungumza na wakaenda. Niliwaambia kwamba

nitakuwa hapa, ili niwaeleze kinaganaga. Nataka wao waeleze wakipewa nafasi, ni kitu gani ambacho kilisemwa kule Limuru ambacho hakijatekelezwa na ni kitu gani kinaweza kufanywa. Ukweli ni kwamba wao walijua. Kama wanajua zaidi, wangukuja katika ile IPPG kuleta yale mawazo mazuri ya kimalaika na tungezumgumza na wao. Wao walishindwa kuzungumza na sisi, na sasa wanaenda kule nje kufanya matusi na kuwatukana Waheshimiwa wengine na hayo mambo hayafai. Mimi sitaki matusi, kwa sababu mimi ni mzee na wao ni vijana. Ukiwa kijana na unatukana wazee, bahati yako ni mbaya. Hata katika Amri Kumi za Mungu, nambari nne, inasema: "Uwaheshimu wazazi wako." Baba yangu Oyondi aliniambia kwamba mtu yeyote ambayo ni rika yake ni sharti nimheshimu. Huu mchezo wa kutukanana na kuwaambia watu uongo na kutumbukiza watu kwenye fujo, ni sharti hawa viongozi waambiwe wauache. Wanasema hawataki matata, lakini hawaleti watoto wao kwenye fujo na wao pia hawataki kuwa mbele. Wakubwa walio na pesa wako na haki gani kuwapa masikini pesa kidogo, ili waende kuuu, na watoto wao wako ng'ambo ambako wanakunywa kahawa nyumbani. Hii si haki na Mungu atawaletea laana katika nyumba zao. Hata wakiwasomesha watoto namna gani na wanachukua watoto wa wengine waende kuwaua. Laana itaingia katika nyumba zao na watoto wao, hata wakiwa na madigri mangapi. Watalaaniwa na hawatakuwa wa manufaa kwao.

Kwa hayo machache, naunga mkono. Kama wao ni wanaume, waje tuonane hapa.

The Minister for Public Works and Housing (Prof. Ng'eno): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to echo the sentiments of those who have spoken before me in supporting this Bill.

Mr. Temporary Deputy Speaker, Sir, I am so happy because we in Kenya have demonstrated to ourselves and to the rest of the world that for once, Africans have been able to sit down and deal with the problems facing their country in a meaningful way; by way of dialogue rather than by way of violence. This is an exceptional event because the world has witnessed Africans killing and driving one another to forests and bushes. We nearly came to that kind of situation, were it not for the IPPG Members who realised that they were leaders elected by people to lead. As a result, they sat down and tackled the problem.

Mr. Temporary Deputy Speaker, Sir, as it has been done before, I would like to recognise the useful work done by Messrs Falana, Achieng'-Onoko, Anyona, Osogo, Otieno, Ligale, Mulusya, Wamae, Ms. Karua and Messrs Kibaki, Wamalwa and Shikuku who are the leaders of Opposition parties, among others. When the history of this country is written, we shall be very proud of the work done by these Members. These were ordinary Members of Parliament. I must also congratulate Messrs Wetangula, Sunkuli and Dr. Godana who contributed tremendously to the IPPG process.

Mr. Temporary Deputy Speaker, Sir, the IPPG saved Kenyans and the dignity of Africans. We had become the laughing stock of the world. As Frantz Fanon puts it, we had been seen as the wretched of the earth; people who are not able to deal with their own problems meaningfully; people who cannot be trusted to lead.

Mr. Temporary Deputy Speaker, Sir, I am not going to discuss this Bill item by item as others have done. I simply want to say that I agree with the sentiments of one hon. Member and also what the Attorney-General said when he was moving this Bill; that this is one of the most comprehensive statute law repeals and miscellaneous amendments that have ever been undertaken since Independence. It goes much deeper than the proposals given by the NCEC.

Mr. Temporary Deputy Speaker, Sir, while the NCEC is being condemned, I would like to say that they tried to make a contribution. They tried to get the ball rolling. It is because of the efforts of the NCEC that we achieved this, although now they appear to be misguided, because they should be actually congratulating the work of the IPPG. Initially, they said that they wanted to see the laws of this country change along the line that the IPPG has recommended. It is quite surprising that they are now rejecting it and trying to back off. We have proved - and I have suspected for a long time - that some of these people are on the payroll of the various intelligence agencies of the developed world. I think we cannot hide that fact when we see someone like Mr. Gibson Kamau Kuria being allowed to go to places like Harvard and we do not even know whether he qualified to go there. They are taken there to be whitewashed and then, they come back here to be used to undermine their own [The Minister for Public Works and Housing]

country and its leaders. I wonder whether they are not on the payroll of a foreign power. I do not know what makes the NCEC members want to continue with the spirit of violence when what they initially wanted to achieve is being achieved, and even beyond their imaginations.

Mr. Temporary Deputy Speaker, Sir, I would also like to thank His Excellency the President because had he not agreed that the IPPG proceeds, we would have been in a quagmire. We would have been stuck in the mud. He created an enabling environment by allowing the IPPG to go ahead, since they are the elected leaders. He was also ready and willing to accept whatever recommendations they made. I would also like to thank His Excellency the President because of his good leadership qualities. It is only yesterday that he told Kenyans to allow hon. Kibaki to go about freely and sell his ideas. This is really what democracy is all about; to sell your ideas in a market place to people. If people buy your ideas well and good, if they reject your ideas, there is nobody to be blamed.

Mr. Nyagah: On a point of information, Mr. Temporary Deputy Speaker, Sir. Whereas I appreciate what the

Minister is saying and what the President said yesterday, and it is that spirit which we would want Kenyans to be in, I would like to inform the Minister that in the district where I come from, there are certain administrators who think they are above the law. There are people who think they can oppose what the President says, because, anybody who attempts to venture into that place, finds it very rough. We are fully behind what the President is advocating for, that we should have free movement in this country. The Provincial Administration in Mbeere District is very biased and this will kill the spirit of the IPPG, if they do not stop what they are doing.

The Minister for Public Works and Housing (Prof. Ng'eno): Mr. Temporary Deputy Speaker, Sir, I would like to thank the hon. Member for that information. I am aware of that because I personally have been subjected to that kind of treatment. You have even read in newspapers an incident where a certain DO was cursing me publicly in my own constituency, but these are things of the past now. We do not have to go to them to get permission to speak. All we are supposed to do is to inform them that we are going to speak and they have to be there to listen. If they do not want to be there, we forget about them and continue.

The Temporary Deputy Speaker (Mr. Wetangula): Prof. Ng'eno, under the new law, you only inform the police!

The Minister for Public Works and Housing (Prof. Ng'eno): Mr. Temporary Deputy Speaker, Sir, that is what I am saying. Under the new law, you simply notify the police. Even if that was the only amendment to be made, I would have been satisfied because I believe, to allow people to speak freely and give their ideas is one of the ways forward in our national development.

Mr. Temporary Deputy Speaker, Sir, it is true that at Independence, many of our leaders who fought very hard for that Independence believed inadvertently or unwittingly as it appears now, that the concentration of power in the Executive would facilitate faster achievement of economic development, national integration, political advancement and so on. It has now turned out that, that was a mistaken view. In fact, in order to advance, we need to create an enabling environment for people to enjoy their human rights, exercise freedom of expression, movement, association and so on, which the IPPG is now facilitating through these amendments.

Mr. Temporary Deputy Speaker, Sir, I think we must congratulate ourselves for really being able to save our country from collapse. As I have said, we must also congratulate ourselves for showing the world that we are mature politically. With what we have achieved, it is now possible for us to look forward.

Mr. Temporary Deputy Speaker, Sir, with what we have done, it is now possible for us to see this country move forward in all directions; economically, politically and so on, because we have managed to create investor confidence. We have shown the world that this country will be peaceful for many years to come because of the tremendous freedom which the people are enjoying, the process of democratisation which prevails, the real implementation of transparency, good governance, predictability and the laying out of a level playing ground. Because of the laws we are passing now, we will be able to enjoy peace and stability for many years to come and Kenya's economy will boom again. The tourism industry will again be a leading foreign exchange earner for this country because many people will want to come to Kenya to see the wild game, to enjoy the facilities at our extended beaches in Mombasa and so forth.

Mr. Temporary Deputy Speaker, Sir, as we approach the end of the year, I hope that we have created the spirit of togetherness through the IPPG package. I wish to commend hon. Dr. Kituyi for the role he played although he used to be a hard nut to crack. He teamed up with other Kenyan leaders on the IPPG negotiations to make Kenya a good place to live in.

Mr. Temporary Deputy Speaker, Sir, I want to leave the opportunity for other hon. Members to also contribute to this Motion, but I felt that I needed to make this statement because in future, posterity will look at the HANSARD to see what I said. I want them to know that I have said that we are proud of ourselves because we have managed to change a very bad situation into a positive and hopeful situation for posterity.

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

Dr. Kituyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to make my modest contribution to this important business of the House. Unlike most of my colleagues who have spoken before me, I do not want to repeat the notions of self-congratulations; a perception that we have achieved miracles, because I do not think that we have done that.

Mr. Temporary Deputy Speaker, Sir, we have made an important contribution mostly relative to the statutes that characterise Kenyan politics for the preceding 34 years. If we look at the IPPG package, modest as it is, it represents a most radical improvement on all legislative development since Independence in this country. Only to that effect, do I consider this as an important achievement. There is something positive that I also could mention. I do not agree with my colleague, Prof. Ng'eno, that we are now discovering that Africans are capable of sitting down to talk, unless he is saying that we have perverted leadership so much, that we forgot how to talk. There is an unbroken line in the history of Africans about consensus building and elders sitting together and resolving issues. What surprises me

most is that it took a multiparty Parliament five years, more than 20 lives, a lot of rubbishing of each other, a lot of inconvenience and undignified conduct before we could sit down, and even start making this tentative step towards the creation of an infrastructure for democracy in our country.

Mr. Temporary Deputy Speaker, Sir, we tend to miss the critical point about the reform process, if we get nosed in self-appreciation and if we forget that this is a modest station on a long journey ahead of us. The most important challenge for us is that we appreciate now that there is a need for radical transformation of the instruments of governance in our country. There is a need for a comprehensive reform of the Constitution of Kenya. There is a need for an overhaul of archaic, dictatorial and draconian rules that govern and remain in the statutory books of this country. Can we develop the goodwill to go beyond the minimum step we have made today and prepare our country for the next millennium without necessarily going to the politics of confrontation? I think that could be the most important challenge for us.

Mr. Temporary Deputy Speaker, Sir, because of the differences in tactics, it has become fashionable for us to be pointing accusatory fingers at our colleagues, but let history be appreciated in its right context. We must all acknowledge the role of the NCEC in setting the stage for the birth of the IPPG. I am proud that I have played the role in the creation and nurturing of the NCEC, and in my view, without the NCEC, there would never have been the IPPG.

That is a historical reality that we must not forget. I am glad that the hon. Prof. Ng'eno associates himself with this sentiment. But the challenge for us collectively is how to look forward, to face the future and to create conditions for viability of the Kenyan enterprise.

In the process of negotiations about the IPPG, there were some very interesting things that were happening. Wananchi learned to write open letters to their leaders. Three-quarters of the letters which came to some of us, had nothing to do with proposals for constitutional and legal reforms. But the people were asking us: "Are you people doing anything about these thieves of public land? Are you people doing anything about the mounting corruption in our country?" There was one touching letter from a person in Mathare which said, "When you finish your reforms, will the Chairman of KANU in Mathare stop having the power to direct to build a kiosk in front of my house?" That to me is a very telling thing. What he is saying to us is that the daily lives of our people, the frustrations that our people go through, have very little to do with their perception of what the laws of the land are. The people live in a political culture which has been perverted by patronage and oppression. Even without any provisions in the law, individuals appropriate the positions of masters and relegate the rest to subservient laws.

If we understand the critical role of political culture in the exercise of democracy, we will understand that making good laws in itself is not sufficient to translate into a good political competition.

Mr. Temporary Deputy Speaker, Sir, you have noticed that sometimes, even to the embarrassment of the senior members of the Government, there are vestiges of dictatorships in the different areas of this country which appropriate dictatorial positions regardless of what authority they have from above. You find a DC celebrating because he has arrested Members of Parliament, and you find a police officer feeling good because he dispersed a meeting. The culture of licence will exist much longer than the provisions for licensing for assembly. It is a collective challenge of leaders in this country to the extent that they feel committed to the need for fair play, that they now have to be the vehicles of a message, to totally reorganise the perception and the practices of players in local level politics and even national politics.

My youthwingers will anticipate approval from me because it is anticipated that to get approval, they must beat those who are perceived to be enemies of their boss. Unless I take the responsibility of educating them about competition without fighting, in my name, my youthwingers will go and kill your youthwingers because they perceive that I will approve of that action. What does that mean in terms of the IPPG package? It means that either the State must now provide the resources for rapid and almost emergency level, re-education of grassroots administrators and police officers before we enter the genuine and competitive campaign phase of the general elections or else substantial time has to be created to nurture the tree of limited liberty in order for it to have any positive impact on the electoral process.

Mr. Temporary Deputy Speaker, Sir, to just pass rules here that stop a chief from arresting me because I am found with *busaa*, is not enough to stop a chief from arresting my supporters when he find them with *busaa*. He does not know and more importantly, they do not know. There will be a lot of citizens in this country who will see a chief coming to their homestead and they will bribe him with a cow so that he does not discover that they have *busaa* in the house, without knowing that he has no authority to disturb them for having that *busaa* in the homestead. We should now appropriate the collective responsibility of educating our people about their rights; of educating the district commissioners, district officers and chiefs about the limits of their authority and of stigmatising oppressive intimidatory behaviour. Unless we do that successfully, however beautiful and however much we may celebrate the package we have attained, it will not positively impact on the electoral process in this country.

Mr. Temporary Deputy Speaker, Sir, the Government has given us their word that they are committed to this

process in a way that will facilitate democratic competition. The Government knows that in the Public Service, there are individuals who are perverted by sycophancy to the extent that they are incapable of being corrected and put on the correct track. For example, if you take Yusuf Haji and you ask him to say that he is neutral between KANU and Opposition, it is easier to train another person to take Haji's job than to train Haji to actually publicly declare that he is not working for KANU. This is the Haji who, in the run-up to the last General Election, informed people who celebrating a public holiday, that they were eating meat and drinking alcohol which came from KANU and that they had a responsibility to reciprocate by voting for KANU. Such persons have been crippled by that sycophancy, they are incapable of being reformed purely through legislative reforms. It would be helpful for this process if he could be re-mobilised as a campaign co-ordinator for KANU in North Eastern Province and his position be taken by another person.

Mr. Temporary Deputy Speaker, Sir, similarly, we have persons like the outgoing District Commissioner of Kakamega, one Mr. Raburu; persons who have soiled the name of the Public Service. You will find them in every scandal. Whether it is the smuggling out of molasses from Mumias Sugar Company, the grabbing of land set aside for squatter settlement in Lugari Forest, fighting with DOs in public meetings, you will find them involved. I am glad that Mr. Raburu's re-deployment to Bungoma has been forestalled, but I request my colleagues who come from Migori District that if he is so bad that we do not want him in Western Province, reject him also, because he is not good for Migori. The Government could help the spirit of consensus building very much if it could weed, from Public Service, such individuals who are incorrigible, who have such a wrong name--- You know, they are like the Minister for Education; once something is bad, it is bad! You lose much less by dumping it and getting something better than whitewashing and placing it in another place.

Mr. Temporary Deputy Speaker, Sir, our country and our people have a much more serious and much more pressing problem today than the minimum reforms that we have undertaken. This is the problem of poverty. There is no way that you can nurture democratic governance, there is no way you can develop a country, however beautiful the political process is---

Mr. Achola: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would not like to disturb hon. Dr. Kituyi, but I am wondering who is there from the Attorney-General's office to take notes on the points he is raising which are vital. Otherwise, we are talking and just wasting our energy.

An hon. Member: But they will answer!

Mr. Achola: Who will answer, if there is nobody representing him?

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Concerning the point of order raised by hon. Achola, surely, there are enough Members from the Government and in the spirit of collective responsibility, we shall answer.

The Temporary Deputy Speaker (Mr. Wetangula): The Solicitor-General is also here.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I appreciate how much of my speech has been understood by the Solicitor-General so far.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, if you live in a society where virtue is profitable, common sense can make you good and greed can make you saintly. But, unfortunately, we live in a society today where greed and lust are more commonly rewarded than fortitude and justice, that it confuses persons about what are the models that they have to look for in leaders. This particularly becomes painful when leadership appears to be rewarded with public resources conspicuously and the people's lot becomes desperately poor. I would say that however good legal and constitutional reforms you may initiate in this country, to the extent that more than 50 per cent of the population is living below the bread line; to the extent that 60 per cent of the population of Nairobi lives below the sewerage line, to that extent, all concerns about the constitutional and legal reforms; about liberties and freedoms of association, is an obsession with bourgeois rights. It is an obsession with middle class conveniences.

Mr. Temporary Deputy Speaker, Sir, a lot of our people have been wondering; we take them to the streets to demonstrate; we take them to the rallies to say that, now reforms are coming. They are waiting to hear how do we explain to them that a poor man buys a packet of milk at Kshs21 and a rich man also buys a packet of milk at Kshs21. Nobody has addressed how we can justify, in the process of liberalisation of our economy, the steady reduction of direct taxation; a taxation which is more class-sensitive and which reduces how much you penalise the income of a low income person in comparison to the deductions from a high income person and replace it with a class-insensitive VAT, which is now blotting the whole system. We celebrate the VAT convenience collection, but VAT is actually crowning the process of class oppression because the poor pay the same level of taxation on direct consumer goods as the rich do and that is no tax to celebrate as a reduction of direct taxation, even if such policy is good for liberal economics.

Mr. Temporary Deputy Speaker, Sir, we are reforming because we want a sustainable society as we go to the next millennium. I have had an occasion to say here that the first 14 years of Kenyan history were a phenomenal period. By 1975, Kenya had the fastest improving infant medical attention in the whole of the Third World. Kenya had the best immunization coverage for children on the basic four killers in the whole Third World. Then what happened? The politics of wrangling, the creation of patronage politics and, obsession with hero worship coincided with the retreat of the State's responsibility in the social reproduction of the people. The State retreated from the funding of public health, education and also from the maintenance and nurturing of social infrastructure. While we celebrate reforms of constitutional and legal apparatus of management of State rule, that is alright at a certain level. But it is inconsistent with long-term national interests, if we do not show similar vigour in dealing with the areas of social decay which are the most serious time bomb that is placed at the feet of this country.

Mr. Temporary Deputy Speaker, Sir, my challenge to my colleagues is that as we go beyond these minimum reforms and as we commit ourselves to a transparent and dignified dialogue about comprehensive constitutional and legal reforms, let us similarly commit ourselves to fighting the social vices that are so much dehumanising and debasing the livelihood of the majority of the population of this country which cannot afford the luxury of exercising the freedom of assembly, let alone the freedom of movement. We are creating a population of persons who are born, grow up and die in Mathare Valley. When you tell them about the freedom to assemble at Uhuru Park, you are talking about superfluous things. This is basic that it should be there but let us reach out to their livelihood.

Mr. Temporary Deputy Speaker, Sir, this is basic but let us also be realistic. Let us reward them because they have stood steadfast with us in nurturing this good country by addressing the direct causes of their problems. How do we rehabilitate their livelihood? How do we return hope into their hopelessness? How do we show that we care about the threatened pastoralists whose limited dry season pasture is the next focus of land grabbing by wheat and barley farmers? How do we re-assure the permanently displaced victims of ethnic clashes that they will never get resettled where they came from? How shall we transcend the obsession of political clashes and think about the concerns of the people who were out there?

Mr. Temporary Deputy Speaker, Sir, I want to finish like this: There have been some Members who have expressed outrage at events of clashes in this country particularly the recent programmes in Kilifi and particularly Kwale District and other parts of Coast Province. We all condemn violence. We all condemn persons who are inciting citizens to break the law and to deny others even the right to life. But there is also something that we are not saying enough. However good a political propagandist may be, he cannot mobilise the common man to go on to the streets and kill other Kenyans unless he is appealing to a certain genuinely felt anxiety. You cannot mobilise the Digo unemployed youth to go and kill Luyias, Kikuyus and Luos unless in your mobilisation you are talking about something that is genuinely felt for. If this society, since Independence, did justice to the people of the Coast by giving them priority attention on the location of the ten kilometre coastal strip; if we gave them their fair share of the benefits appropriated from the tourist industry; if we gave the coastal a sense of belonging that they are Kenyans and they cannot only wait for the day when they will be a jimbo that hopefully will give them a sense of dignity, the divisive message that is causing the violence at the Coast will not so easily be spread.

Mr. Temporary Deputy Speaker, Sir, as we deal with security questions, it is a responsibility of leaders in this country also to say what are we doing about the genuine landlessness of the coastal people. Can we afford to see a tourist industry where the only contribution of Coastal people is to go and dance and imitate that they are doing traditional dances choreographed by officials of the tourist hotel to entertain the tourists who come? It is not a sustainable solution. There is a difference between the absence of war and the presence of peace. Long lasting peace must be founded on justice and a lot of the persons who have been manipulated into clashes in this country have at the core of their being perceived an anxiety because they are not beneficiaries of social justice. These are concerns that should now permeate our heads as we continue celebrating about breakthrough however modest those breakthroughs are, and their concern that should be brought to the forefront in the political competition between parties and in the creation of a collective agenda about the governors of our country in the next millennium.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Boy: Asante sana Bw. Naibu Spika wa Muda, kwa kunipatia nafasi niunge mkono Mswada huu ambao ni muhimu sana. Kwanza ninawashukuru Wabunge walioweka vichwa vyao pamoja na wakaona kwamba kuna umuhimu wa IPPG ambayo ilituletea Mswada huu wa leo. Mswada wenyewe ni comprehensive na ukiwa utapitishwa kama ulivyo kutakuwa matatizo chache. Wasiwasi tulionao ni kwamba kuandika Mswada ni jambo lingine na kutekeleza Mswada huo ni jambo lingine tofauti. Hii ni kwa sababu Mswada hupitishwa na Bunge hili. Jambo linatobakia ni kutekeleza Mswada huo. Wasiwasi ulioko ni huu: Je, process yenyewe imeshaanza vizuri na ina lengo zuri. Hamu kubwa ni kuhakikisha kwamba umetokelezwa mpaka mwisho. Lakini hatutaki utekelezwe nusu nusu au kijuu juu.

Bw. Naibu Spika wa Muda, tunawashukuru Wabunge waliokaa katika kamati tofauti kwa muda mrefu. Mimi

pia nasema kwamba kama NCEC haikuchokorachokora kidogo hatungekuwa hapa ambapo tuko leo. Kwa hivyo, kuchokorachokora kwa NCEC kumeleta mazao ambayo yanaonekana. Mahali ambapo tuna tashwishi ni kule kuendelea bado kwa kupoteza maisha ya watu under the pretext kwamba bado wanataka reforms. Kama reforms hizi ziko tayari, sasa hizo reforms nyingine ambazo zinatafutwa ni zipi? Kuhusu comprehensive reforms, imekubaliwa kwamba baada ya sheria hii kupitishwa tume ambayo itachunguza Katiba itakuwa wazi kwa kila mtu. Hivyo ndivyo ahadi ziko wazi na ni lazima tutimize ahadi hizo.

Bw. Naibu Spika wa Muda, swala hili lilikuwa limewatatanisha Wakenya wengi na baadhi ya Wakenya hawakuwa na raha. Wakaonelea ya kwamba ni lazima swala hili la mabadiliko au reforms lianze kuzungumziwa. Na sisi katika Bunge hili kuna wakati ambapo tuliaacha kazi yetu na tukaja ndani ya Bunge hili na tukakaa kama Wabunge wa KANU, FORD(K), DP na vyama vingine vya Upinzani na ikawa hakuna msimamo wowote. Nashukuru kwa sababu hivi sasa tuko kama Wabunge ambao tunawakilisha wananchi katika Bunge hili. Lakini mbeleni tulikuwa tunaketi hapa kama Wabunge wa vyama tofauti mpaka saa 6.30 p.m. na kutoka hapo usiku unaingia na kuanzia hapo tunakuwa kitu kimoja. Wakati wa hatari ndipo watu wanakuwa kitu kimoja.

Bw. Naibu Spika wa Muda, nikizungumza hapa kama Mbunge kutoka Kwale, nina huzuni kubwa sana juu ya kitendo kilichotendeka katika Kwale na kule Likoni. Mimi nakataa kabisa, kabisa kwamba Serikali haikuwa inajua jambo hili wakati ambapo watu walienda na kuvunja kituo cha polisi. Intelligence ilikuwa wapi? Hii ndilo swala. Isitoshe, shida iliyoko sasa ni harassment ya mtu ambaye hana hatia na kuacha yule ambaye ana hatia akiwa huru. Hatupingi Serikali iwafuate wahalifu. Kuna mtindo mpya sasa katika Kwale. Leo saa kumi na mbili unusu asubuhi, walienda Benyenye, katika lokesheni ya Mwembeni na wakawapiga akina mama. Wakachukua pesa za watu na wakatia baroni karibu vijana 60 wakisema eti wanatafuta bunduki. Swali langu ni moja; G3 ni bunduki kubwa sana. Unamwambia mama atoe suruali ili utafute G3! Ndani ya suruali ya mama unaweza kupata bunduki! Sasa G3 itakaa namna gani ndani ya suruali ya mama? Hili ni jambo ambalo linatendeka kwetu hivi sasa. Kitu tunachosema ni kwamba Kenya hii ina uwezo wa kujua mhe. Dr. Otieno-Kopiyo yuko wapi ili wakamngojea katika uwanja wa ndege. Idara ya Special Branch inajua sana kufukuzana na mhe. Mak'Onayango. Haitaki kujua pahali washambuliaji hawa wako. Hii Special Branch yetu inajua kufukuza watu wa Upinzani tuu. This is what surprises me most! Watu wa kule Kwale tunashangaa sana. Na kama mambo ni hayo, kwa nini wanaenda kwa watu ambao hawana hatia? Hivi sasa wanaweka vijana wenye umri kati ya 18 na 25 na kuwafinya kidogo halafu baada ya siku 14 watashtakiwa kwamba walivunja kituo cha polisi, wameiba bunduki, au wameua askari.

Mara ya kwanza watu 20 walishtakiwa. Halafu watu 19 wakashitakiwa. Juzi, watu 20 walishtakiwa. Kila siku wanashtakiwa, hawaishi. Hili ndilo jambo ambalo linatushangaza. Inaonekana kwamba wale wanaohusika na usalama hivi sasa wameamua kuwanyanyasa wengine kwa kuziba dhambi ambazo wamezifanya wao.

Mr. Mwavumo: Jambo la ufahamisho.

Mr. Deputy Speaker: Bwana Boy, unataka kufahamishwa?

Mr. Boy: Ndio, ninataka.

Mr. Mwavumo: Ningependa kumjulisha mhe. Boy kwamba kuna watu 33 katika mtaa wa Bongwe, ambao mpaka sasa hawajulikani wako wapi. Licha ya hayo, watu zaidi ya 100 ambao ni vijana hawajulikani wako wapi.

Mr. Boy: Mnamo tarehe 13.8.97, kituo cha polisi cha huko Likoni kilivamiwa, na sisi hatukubali ya kwamba Serikali haikujua. Tarehe 18.8.97, askari walikwenda Kayabombo. Askari hawa walijumuisha AP, Jeshi, pamoja na polisi wa kawaida. Wakakutana na kikundi cha wavamizi wanaojitua "raiders", na wakapigana kwa muda wa saa moja na nusu, kisha, askari wakarudi waliposhindwa. Mnamo tarehe 18.8.97, hawa GSU na wavamizi walikutana huko Kayapungu, wakapigana kwa saa moja na nusu, na GSU wakashindwa. Baada ya masaa matatu, walirudi na kuwatia watu kwenye malori na kuwapiga ovyo ovyo.

Isitoshe, maofisa wa Flying Squad walifika mahali panapoitwa Ng'ombeni. Wavamizi walishambulia Ukunda alhamisi, nao Flying Squad wakaja Ijumaa. Walipofika Ng'ombeni, waliwapata watu wakicheza mchezo wa draft. Walipita, wakazunguka na kurudi. Waliondoka wakiwapiga watu risasi hapo kwa hapo. Nilipopinga jambo hili na kubishana nao, walinitisha na kuniambia kuwa ninachunguzwa. Lakini bado ninataka kusema ya kwamba wale watu waliouawa walikuwa watu wasio na hatia. Msimamo wangu bado ni huo tu.

(Applause)

Ni kitendo ambacho kilitendeka, kinaonekana na kujulikana. Nikatishwa, ikatangazwa kwa redio na kuandikwa kwa magazeti ya kwamba kuna Mbunge mmoja wa Kwale ambaye anachunguzwa. Yote haya ni kwa sababu ya kusema kwamba waliouawa hawana hatia. Watu wakawaambia polisi kwamba wavamizi wako chaka kile. Polisi hawakuenda katika mtaa huo ila walihama kutoka kule wavamizi walikuwa, wakaingia vijijini, wakawapiga watu na kuwanyanyasa wanawake, haswa kuwanajisi. Inaonekana wanawapenda sana wanawake wa Kwale.

Hii shida ambayo imetokea Likoni haituhusu sisi watu wa Kwale. Sisi watu wa Kwale tunaishi kwa amani na

makabila yote. Huko kuna Wakamba karibu 30,000, na hakuna hata mmoja aliyeguswa. Aliyeanzisha mambo haya ya uvamizi alijua anachofanya. Kinachonishangaza ni kuwa, tangu uchunguzi uanze mpaka leo, Serikali haijatuambia ni nani aliye nyuma ya mambo haya. Mbona hawajatuambia wamehoji watu wangapi na ni nani aliyesababisha mambo haya? Mbona hatujaambiwa ni nani kiongozi wa watu hawa, ni nani anawalisha na kuwapa risasi? Kila siku ukizungumza kama vile ninavyozungumza hivi sasa, nitatishwa kesho. Nitaambiwa Juma Boy amekuwa mhalifu na anapinga Serikali. Kama kupinga uvamizi wa Wadigo ni kuwa mhalifu, tutasema; potelea mbali, nendeni muendako!

Mimi niko hapa kwa sababu ya kura za watu wa Kwale. Kama kusema kuhusu shida za watu wa Kwale ni kuwa mpinzani wa KANU, nitasema leo, kesho na kesho kutwa. Mambo yanayotendeka si haki. Ni dhambi kuuwa watu wasio na hatia, kwa madai kwamba unatafuta majangili. Sisi tuna Special Branch, CID, na polisi katika kila mkoa.

Mr. Shikuku: Jambo la ufahamisho, Bw. Naibu Spika wa Muda. Jambo la mauaji ni jambo bovu. Mtu yeyote, awe Muislamu au Mkristo, hapendi mauaji. Lakini ningependa kumjulisha Mbunge anayezungumza angalie hili jambo kwa sababu nimepata habari nyingine. Yeye anaongea juu ya Special Branch lakini atakuta kwamba wale maofisa wa Special Branch waliokuwa huko walitolewa huko na kupewa uhamisho na kumeletwa wengine, tena wa dini fulani - dini yake.

Maofisa hao hawaleti ripoti ya kweli. Wakati umefika kwa Serikali yetu kuambiwa kwamba, sisi Wabunge hatufurahii vifo vya watu. Inafaa maofisa hao wote wang'olewe na wengine wapelekwe kule, kwa sababu wao ndio---

Mr. Badawy: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Maneno anayoeleza mhe. Shikuku ni mazito sana, na hasa aliposema kwamba maofisa wa Special Branch waliotumwa kule walikuwa Waislamu. In a way, he is implicating the Muslim community in crime. Kwanza, ningependa hakikisho kwamba maofisa wa Special Branch waliokuwako waliondolewa na kukatumwa maofisa Waislamu. Ikiwa ni kweli maofisa Waislamu walitumwa huko, hii ina maana kwamba Waislamu wanahusika katika uvunjaji wa sheria? Maneno yenywe ni mazito sana.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ningependa kueleza niliyoyasema. Nilisema kwamba Waislamu na Wakristo hawapendi mauaji.

(Laughter)

Nilisema kwamba maofisa waliokuwako waliondolewa. Sikusema kwamba Waislamu wanapenda mauaji. Unaweza kuwa Muislamu au Mkristo na uwe muuaji. Hata nimesema kwamba hapa kuna Wabunge wenye makundi ya kuua watu. Kwa hivyo, sikusema kwamba Wakristo hawawezi kuua. Lakini tunataka tujue ni kwa nini wale waliokuwako mbeleni wameondolewa, na wengine wakatimwa kule. Hata British Broadcasting Corporation (BBC) ilitangaza kwamba kuna watu ambao hawataki ukweli ujulikane.

Mr. Boy: Bw. Naibu Spika wa Muda, haya ni maswali ya kujibiwa na Serikali. Mimi kama Mbunge wa eneo hilo, nina wajibu wa kumlaani mtu yeyote aliyehusika na mambo hayo. Ninawalaani watu wote ambao bado wanaendelea kuwatesa watu wasio na hatia. Wilaya ya Kwale ina watu 500,000. Kitu kikifanywa na watu wawili au watatu, au 1,000, hii haimaanishi kwamba watu 200,000 au 400,000 wanahusika. Ni lazima uchunguzi ufanywe ili tuweze kueleza ni nani anayehusika na jambo hili.

Kitu kinachotushangaza ni kwamba kituo cha polisi cha Ukunda kilivamiwa mchana saa kumi. Kituo hicho cha polisi kilivamiwa Alhamisi saa 4.00 p.m. na majambazi ambao walibaki katika eneo hilo hadi Ijumaa, walipoanza kuwaua watu ovyo. Polisi walipofika siku ya Ijumaa, waliwataka watu kutoa bunduki. Kina mama waliamrishwa kuvua suruali ili maofisa wa polisi watafute bunduki. Maofisa hao wa usalama walikuwa wapi kutoka Alhamisi hadi Ijumaa?

Hili ndilo jambo linalotuma sana sisi viongozi na watu wa sehemu hiyo. Polisi waliingia kule Maganyakulo, Waa Location, wakiwa katika malori manne. Walikuwa maofisa wa GSU. Wauzaji mbaazi na hata watu waliokuwa wakipiga mswaki walishikwa, lakini watu waliojitetea kwa kutoa hongo ya Kshs200 waliachiliwa. Ningependa Waziri anayehusika alichunguze jambo hili. Hatujui kama operations hizi ni za kulipiza kisasi, au kuwaonea watu wasio na hatia! Serikali ina ndege za helikopta zinazoweza kutumiwa kufanya upelelezi katika sehemu za Kaya.

Sasa inafaa Serikali iwaeleze Wakenya ukweli. Was it aware of this issue? Wamepatikana waliohusika na ghasia hizo? Where are the 24 guns? Vijana hao waliiba tani ngapi za risasi? This is the issue that we want the Government to clean up. Did the Government have a plan to reduce the population of the Digo, or something like that? Did it have a plan to reduce the population of the Digo in Kwale? Nobody is talking about the daily indiscriminate killing of the people by the GSU. Mwishowe, maofisa wa GSU walipoonyeshwa kwangu na kuagizwa wasipashambulia, walikishambulia kijiji kizima mpaka watu wakahamia nyumbani kwangu. Siku hiyo, zaidi ya watu 1,000, ambao walikuwa wametoroka mashambulizi ya polisi, walilala nyumbani kwangu. Mbona maofisa wa Special Branch wanajua kuwapiga Wabunge katika mkutano lakini hawajui kuwatafuta majambazi?

Sisi tunasema tu hatuungi mkono. Lakini polisi wanapelekewa habari kwamba majambazi wako sehemu

fulani, na hawaendi huko. Kilichobakia sasa ni kutisha viongozi. Wale wakora wadogo wadogo wamechukua fursa ya hali hii ya kuzoroteka kwa usalama kuzambaza makaratasi. Haya ni mambo ambayo yanaumiza wananchi kwa jumla katika Wilaya ya Kwale. Kesho kutwa, mnahitaji sisi tukawaambie nini watu wa Kwale? Leo mnawapiga kutoka mkono wa kulia, kushoto, katikati, mashariki, kaskazini, magharibi na kadhalika.

Katika sehemu ya Makondeni, mama alipatwa na GSU watatu. Wakamwambia wamekuja kutafuta bunduki. Wakamwambia avue nguo. Mama akatoa nguo. Wakamwambia avue sindiria. Mama akatoa sindiria. Wakamwambia avue suruali. Mama akavua suruali. Yule mtoto wa mama wa kike akagundua kwamba wale GSU wakimaliza na mama, watakuja kwake na ndipo alipiga nduru. Wakati alipopiga nduru na wanakijiji kufika, suruali ya mmoja wa wale GSU ilikuwa imefika kwa magoti! Eti anatafuta bunduki! Wale askari walipopolekwa kwenye parade, yule mama alimtambua askari aliyemfanyia vile. Mpaka leo, hakuna hatua imechukuliwa.

Mr. Mutani: Jambo la ufahamisho, Bw. Naibu Spika wa Muda. Kutokana na yanayotendeka huko Pwani, Mbunge mmoja wa sehemu ya Pwani ambaye anaitwa mhe. Katana Ndzai, amenielezea kwamba kuna kiapo ambacho kimekuliwa kule Pwani. Wazee wanaopeana hicho kiapo wameshikwa na kufungiwa. Sasa, lazima wazee hawa wawachiliwe ili "wawaoshe" waliokula kiapo hicho ili kiishe. Kama jambo hilo halitafanyika, wakati askari wanapowafuata wanaowaua na wafike katika sehemu fulani, hawawaoni tena. Hata ikiwa wanafuatwa na helikopta, ikiwa juu, inawaona wakiwa chini. Lakini ikitua chini, haiwaoni tena! Sasa mhe. Boy, kwa vile wewe ni mkazi wa huko, si utuelezee ni kitu gani kinachofanyika huko?

Mr. Musyoki: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ikiwa Mbunge wa sehemu hiyo anaweza kudhibitisha kwamba mama aliweza kutambua askari "aliyemtumia bila idhini yake", na kama tunavyofahamu sasa kuna hatari ya "mdudu" yaani UKIMWI, kwa nini askari huyo hakushikwa na kupimwa ikiwa ako na "mdudu", ili tujue ikiwa maisha ya huyo mama yatakuwa sawa?

The Temporary Deputy Speaker (Mr. Wetangula): Mhe. Musyoki, huu siyo wakati wa maswali! Lugha sanifu ni "kunajisi" na siyo "kutumia bila kukubali"!

Mr. Boy: Bw. Naibu Spika wa Muda, tukirejea swala linaloulizwa na mhe. Musyoki, askari waliofanya kitendo hicho walitambuliwa, na tukaiachia Serikali ichukue hatua.

Kuhusu swala la kiapo, vile mhe. Mbunge alivyosema ni kweli. Swala ni moja: Je, Serikali ilielezwa au haikuelezwa? Kulingana na maoni yangu, Serikali ilielezwa kwamba kuna kiapo kinachoendelea na mambo mengine.

Ndio maana tunataka Serikali itueleze ikiwa ilijua jambo hili. Walielezwa ama hawakuelezwa! Ukweli wa mambo ni kwamba si ukweli kabisa, na ndipo tuko na taswishi. How serious is the Government in solving this problem? Are they serious? Kama wako serious, wangeachana na watu wasio na hatia na badela yake wafuate majangili. Sisi viongozi tuliieleza Serikali kinagaubaga kwamba kama kuna wazee ambao walipeana kiapo hicho, kuna njia ya kukitua. Mpaka sasa, tunaambia Serikali hakuna kitu kisichowezezana. Sisi zote tunajua kwamba kama kuna mahali pamelishwa kiapo, kinaweza kutolewa. Taswishi na shaka yetu ni kwamba tuondoe siasa. Mafikira yetu sisi wengi ni kwamba mambo haya yanatokana na kiapo. Katika mawazo yetu sisi, Kwale hakuna watu wa bara. Katika mawazo yetu sisi, wanaoumia wengi katika Kwale ni watu wa Pwani. Siasa hizi zinazotushinda, zinatoka wapi? Zimeanzishwa mahali gani? Ndiyo maana tunaposema tunahitaji Serikali itueleze wazi wazi nia na madhumuni yake, na vipi swala hili litakwisha. Kuna bunduki 24 ambazo ziko katika mikono ya majangili mpaka sasa. Lazima Serikali itueleze. Ikiwa wewe unampiga mtu, unamnajisia mamake na dadake, wamwibia mali yake na wamhitaji mtu huyo huyo ashirikiane na wewe, ushirikiano utatoka wapi? Umenipiga, umeniweka ndani kwa siku 14, umenifinya kila mahali, halafu unaniambia tushirikiane! Tatizo lililoko tunasema kwamba Serikali lazima iwe serious kutatua tatizo hili. Tunasema lazima vyombo vya upelelezi vitueleze ukweli. Kuhusu wale ambao wameshahikwa mpaka sasa tuambiwe ukweli. Watuambie ukweli wa mambo na ni nani ameanzisha mambo haya. Hii ni kwa sababu kupanga kikundi cha vijana 200, lazima uwe uliwaweka mahali, ukawafundisha, ukawapa vifaa na usafiri mpaka wakafika wanapokwenda. Hii ndiyo shinda.

Nikimalizia, tunaenda katika swala la uchaguzi. Mswada huu ambao tumejadili kwa kirefu, mambo ya utawala, mambo ya kufikira tu bado tutawapa watu ultimatums, mambo ya kuwachukulia watu vivi hivi, ukweli usemwe wakati huo umekwisha kitambo sana. Mtu yeyote ambaye anafikiria bado wakati huo upo anaota ndoto ya mchana. Ni afadhali ndoto ya usiku, ambayo huenda ukaambiwa ulioteswa na roho. Ndoto ya mchana ni urongo wa moja kwa moja. Wengine bado wanakaa na kuota ndoto za mchana. Swala hilo ni lazima liondoke.

Bw. Naibu Spika wa Muda, wakati wa uchaguzi, tabia ya polisi kuwasumbua viongozi na wananchi ni lazima ikome ikiwa ilani ya kufanya mkutano imewasilishwa. Pengine katika Kwale ambako kwa wakati huu ni maeneo ya usalama, sheria ya Public Order Act, inaweza kutumiwa kuwasumbua viongozi wengine hasa wale wanaoteta sana. Swala hili ni lazima lielezwe wazi ili polisi wafahamu kwamba wakati huo ni mwingine. Na wakati ule ambapo machifu walitumia Public Order Act kuwasumbua watu sasa umekwisha.

Kwa hayo mengi, Bw. Naibu Spika wa Muda, ninaunga mkono.

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

*[The Temporary Deputy Speaker
(Dr. Lwali-Oyondi) took the Chair]*

Mr. Badawy: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii.

Bw. Naibu Spika wa Muda, nina hamu ya kuchangia Mswada huu hasa kwa sababu nilihusika sana katika mojawapo ya kamati tatu zilizoshughulikia mambo haya. Nitatoa pongezi nyingi kwa wanakamati na waheshimiwa Wabunge wote kwa kuonyesha moyo wa kuelewana na kudhihirisha kwamba tunaweza kuweka maslahi ya nchi hii mbele ya yetu binafsi na tamaa zinazowaongeza wanasiasa wengi.

Bw. Naibu Spika wa Muda, labda watu wengi wanafikiria kufaulu kwa mazungumzo haya ya IPPG kwamba yamekutanisha waheshimiwa Wabunge wa Upinzani na wa Serikali. Lakini mtasitaajabu nikiwaambia kwamba ilikuwa ni furaha kwa baadhi yetu sisi ambao tuko Serikalini kwa sababu pia yalitupa nafasi ya kukaa na wenzetu ambao si kawaida kukaa nao. Tulijisikia nasi kumbe tuko!.

Bw. Naibu Spika wa Muda, jambo ambalo litawashangaza ni kwamba hata ijapokuwa fahari na sifa zilikwenda kwa watu wengine, lakini mambo haya yote "yalinyakuliwa" na mhe. Falana kutoka kwa mhe. Ireri Ndwiga, mhe. Leshore na mhe. Badawy. Tulikata shauri kuwa tungeweza kukaa namna hii. Kisha tukampa mhe. Falana mambo haya aliyeyapeleka kwa wakubwa wetu na sisi hatukuyaona tena hadi yalipoletwa katika kikao cha IPPG. Hata hivyo, tuna furaha. Furaha yetu ni kwamba mambo haya yote yamefaulu. Yametuweka pamoja waheshimwa Wabunge wa pande zote mbili na hata tunaweza kuongea na Mawaziri wetu ambao hapo mbeleni walikuwa hawataki kuzungumza nasi ijapokuwa tuko Serikalini pamoja. Wakati mwingine tuliona wivu tukiona wakikaa na waheshimiwa Wabunge wa Upinzani na kuzungumza kwa muda mrefu na huko hawana nafasi ya kuzungumza na akina Wabunge kama mhe. Badawy.

Bw. Naibu Spika wa Muda, jambo ambalo ningewasihani wanakamati wa kamati zote tatu, kama walivyosema wazungumzi wengi, huu ni mwanzo tu. Tunajadili Mswada huu na Miswada mingine ambayo italetwa hapa na kupitishwa, lakini utekelezaji ndio jambo muhimu sana. Jukumu kubwa sana liko kwetu, waheshimiwa Wabunge, hasa wanakamati wa kamati tatu. Wengi wetu, hasa wanakamati wa legal and constitutional reforms committee, hawakufurahia yale mambo yaliyosemekana yalitokea na mengine hayakutokea - kwani mhe. Kibaki alieleza wazi - karibu yatugawanye. Wengine wetu tuliona kama tumendanganywa, wengine walisema mambo haya yote ni ya KANU. Lakini tulionyesha ungwana, ubinadamu, ukakamavu na kubelehe kwetu kisiasa na tutakaa tena na kusema hata kama mambo haya yalifanyika kweli ni wajibu wetu kuyarekebisha. Hivi ndivyo tulivyofanya kwa sababu katika kuchangia jambo ni lazima kuwe na uaminifu.

Bw. Naibu Spika wa Muda, mwanasiasa anaambiwa ni mwongo wakati wowote, lakini kuna wakati mwingine ambapo uwongo wa kutafuta kura unafaa kuwekwa kando. Sina budi kuwataja watu fulani ambao wamedhihirisha ukweli wakati ambapo mazungumzo haya yamekwisha na labda yangeharibika. Mfano, mhe. Kibaki jinsi alivyoondosha ile tashwisi ambayo ilikuwa imeingia kwamba Serikali ilikuwa inabadilisha msimamo wake kuhusu Mswada huu. Mhe. Kibaki alifanya uaminifu ambao umeokoa taifa hili. Pia nastahili kumpongeza Rais Moi kwa kutangaza uhuru wa kila kiongozi kuomba kura katika kila sehemu ya nchi na kusema hakuridhishwa na yaliyotokea katika weekend iliyopita.

Bw. Naibu Spika wa Muda, mafanikio haya ni yetu sisi sote na wala si ya mtu mmoja, Serikali au viongozi wa Upinzani walionyesha ushujaa kwamba wao haja yao ilikuwa ni ukweli na mwongozo wa haki, ila ni yetu sote. Iwapo kiongozi mmoja akiona katika utekelezaji ya mazungumzo haya kuna unyanyasaji wowote au ukeukaji wa yale yote tunayotekeleza hapa, basi hastahili kurudi nyuma kwa sababu jambo hili linatuhusu sote jambo hili linamhusu yeye kama vile linamhusu mhe. Shikuku, mhe. Prof. Saitoti na sisi sote. Kwa hivyo, hakuna haja mtu kufanya hasira na kusema kwamba tunadanganywa kwa sababu hakuna mwanambebe zaidi katika jambo hili. Kama kuna watu walioanzisha katika NCEC au walioanzisha mfumo wa IPPG na kadhalika, leo tunajadili jambo hili baada ya kulikubali katika plenary, basi haistahili mtu yeyote kurudi nyuma kwa hasira. Akifanya jambo kama hilo atatutia wasiwasi na kutufanya tuamini kuwa labda tangu mwanzo hiyo ndiyo ilokuwa nia yake.

Bw. Naibu Spika wa Muda, ningependa kumpongeza sana mhe. Shikuku kwa ufafanuzi na utatuzi wake wa kulinganisha mambo ya NCEC na ya IPPG. Mhe. Shikuku anastahili sifa kwa kufanya jambo hilo. Mhe. Shikuku ameeleza vizuri kutoka mwanzo wa kubadilishwa kwa kifungu cha 2(A) mwaka wa 1981 na kadhalika. Kwa hivyo, yote aliyoyafanya, nina hakika wale wengine ambao hawakuja hapa - walikimbia kwa sababu mhe. Shikuku anazungumza lakini pengine wameyasoma. Na kama hawakuyasoma wataambiwa. Nao kama wanaume wanastahili kuja hapa kutueleza badala ya kungojea kesho *Kumi Kumi* ili kuimiza watoto wa watu. Wangekuja hapa na kupata nafasi kutueleza leo. Kwa hivyo, baada ya ufafanuzi na ulinganishi uliyofanywa na mhe. Shikuku, sioni haja ya

kuingilia nukta moja moja na kufafanua ni kama kupoteza wakati.

(Applause)

Hata hivyo, kila mmoja wetu hakosi yale anayoyaona kuwa ni muhimu yatiliwe nguvu. Katika mambo ya sheria kuna mambo mengi ambayo labda tuliyaruka lakini tulikubaliana tuangalie yale ambayo yalikuwa ni muhimu zaidi kuliko mengine. Tulisema ni sawa huyaache kwa sasa. Lakini ikiwa kuna makundi yoyote yaliyokuja baadaye na ambayo yameshiriki na hata kama yalikuja baada ya mwamko wa IPPG yakaona nayo yana haki kutoa maoni yake na kuasilisha maoni ya watu wengine, IPPG na hili Bunge, wana haki kusikiliza maoni kama yale. Ikiwa yanaweza kupenyeshwa ili kuridhisha kila mtu katika taifa hili ajisikie kwamba amehusishwa na amepatiwa kitu katika minimal reforms katika kutayarisha uwanja wa haki, usawa na bila mapendeleo katika uchaguzi, basi kuna haja kuwafikiria.

Bw. Naibu Spika wa Muda, miongoni mwa wale waliyojitokeza dakika ya mwisho ni wenzangu Waislamu. Niliwaandea nilipochaguliwa katika kamati moja. Nilijua kwamba Waislamu wanajihusisha na mambo haya ya constitutional process ya mabadiliko ya Katiba. Lakini naungama kama Muislamu wa kweli kwamba hawakuwa tayari kushiriki katika mambo haya. Lakini baadaye walikuja na kumwona katibu wa IPPG, Mkuu wa Sheria na sisi waheshimiwa Wabunge waislamu. Jambo ambalo linawatia tashwishi ni sheria ya makadhi - Kadhis Act.

Ningeomba kwamba maoni ya Waislamu yaangaliwe, kwa sababu hawajesema watafanya fujo au watahudhuria mkutano wa *Kumi Kumi*. Hata yule anayejita Sheikh, na ajulikane kama Sheikh anayetetea Waislamu, huyo hana maarifa ya Uislamu na hajui chochote kuhusu dini ya Kislamu. He is not a theologian and has not done any Muslim jurisprudence. Watu wanapenda kumtumia tu, kama kikapu na hata wale waliomtumia wameanza kumwacha. Nafikiri mnajua mimi nazungumza juu ya nani. Ningeomba Mkuu wa Sheria afikirie sana juu ya Kadhi's Act, katika zile minimum reforms. Ijapokuwa sisi tunazungumzia hizi sheria, ningependa tuyape umuhimu sana mapendekezo ya Peace and Security Committee. Sijui ni kwa nini hatutekelezi mambo ya Administrative Reforms na Repeal of Acts na kadhalika. Hata kuna mambo mengine tunafurahia na tunampongeza Mkuu wa Sheria na Msajili wa Vyama, kwa kutekeleza kulingana na mapendekezo ya IPPG. Lakini kuna haya mambo ya Peace and Security ambayo kila mhe. aliyezungumza tangu tuanze mjadala huu alitaja. Tukisoma mapendekezo ya Peace and Security Committee, tunaona kwamba Committee yenyewe imeeleza kwamba mambo yote yale, kama uvunjaji wa sheria, maonevu na uhalifu yameletwa na matatizo yaliyotambuliwa na IPPG kama chanzo cha insecurity.

Bw. Naibu Spika wa Muda, ningependa kuwapongeza Peace and Security Committee, kwa kutambua tatizo moja ambalo limenisumbua kwa muda. Hilo tatizo linatokana na strict control of granting of citizenship. It must be implemented in order to prevent Kenya have citizens of undesirable and unqualified aliens. Kitu kimoja ambacho ni lazima tuseme ni kwamba katika Bunge hili, tumesema mambo mengi na yako katika rekodi za HANSARD. Sisi wengine hatukuja hapa kuzungumza ili tuwe kwenye rekodi za HANSARD na kuingia kwenye historia ya nchi hii. Haja yetu, kulingana na umri wetu ni kuona mambo yakitendeka hivi sasa. Yale yanayoandikwa kwenye HANSARD, yatakuja kusomwa na watoto wetu na labda wataona kama ni mambo ya upuzi. Tumezungumza juu ya mambo mengi sana Mawaziri wakiwa hapa, na maofisa wao wakiwa pale na kila mmoja wao akishugulika kuandika, lakini tunashangaa ni kwa nini mambo hayo hayatekelezwi?

Bw. Naibu Spika wa Muda, moja ya haya maneno ni ile ya kutoa uraia na work permits. Kama hii liberalisation inafika kiwango kama vile Waziri wa Wafanya kazi alisema hapa juzi, kwamba hata wapishi waruhusiwe waje hapa ili wapewe kazi, basi, hiyo liberalisation haina maana na sisi. Ni ya upuzi tu. Vile Dr. Kituyi aliongea ni ukweli. Uchumi wa watu wa Pwani ni Utalii. Vile mambo yalivyo sasa hivi, utalii umekwisha kabisa. Mungu aufufue. Lakini hata kabla ya mambo kuwa vile yako leo huko Malindi, kuna wageni ambao wako na work permit zaidi ya 200. Hawa watu wamepewa zile kazi duni kabisa ambazo zinaweza kufanywa na watoto wetu ambao utashangaa ukiwasikia wakiongea Kiitaliani, Kijerumani kuliko Kiingereza, ambao wamesomea zaidi ya miaka 16 shule. Kazi ambazo watoto wetu wanaweza kufanya kule Malindi na sehemu nyingine, zinapewa watu ambao wamepata work permits kwa njia ya udanganyifu. Mtu anatoa bank statement ya uongo kwamba anakuja kufanya investment fulani and he ends up doing all sorts of things. He becomes a master of all professions in Malindi. Anaweza kuwa na garage, bicycle repairs au carpentry workshop nyumbani kwake. Katika kazi za hoteli, utapata kwamba animators pia ni wageni. Utapata Muiltaliano anatembeza Muiltaliano mwingine huko Sabaki, kwenye national park na pahali pengine. Haya ni mambo ambayo yanaleta frustrations kwa watu wa Malindi.

Bw. Naibu Spika wa Muda, yale mambo yaliyo Pwani sasa hivi, yamesababishwa na frustrations za aina hii na zingine. Kama hiyo siyo chanzo, tu yanatilia nguvu mambo hayo. A frustrated mind can easily be manipulated na yule mtu anataka kuiharibu kabisa. Wakipewa Kshs200 za kwenda kula chapati na supu, watafanya jambo lolote watakayeambiwa kufanya, kwa sababu hakuwa na nafasi ya kufanya kazi ya maana. Hii ni kwa sababu work permits zimekuwa nyingi sana. Mimi nilikuwa nikikanushwa kwamba hakuna mambo ya mafia kule Malindi. Lakini mwezi uliopita, mmoja wa wale watu ambao wamepatiwa resident permits, na hana kazi yoyote ya kufanya--- Kuna

Muitaliano moja ambaye anakaa katika bar fulani inayoitwa Barbar kule Malindi kutoka saa mbili asubuhi mpaka saa kumi na mbili jioni, halafu anaenda casino. Mwezi uliopita alimkamata kijana wetu mmoja anafanya kazi kwa Muitaliano mwingine kwa sababu ya wivu. Huyo anaamini kwamba yeye ndiye anastahili kufanyia Muitaliano mwenzake kazi kule Malindi. Yeye anaitisha protection fees. Yeye husema eti anawakilisha Idara ya Uhamiaji, Special Branch, Office of the President na anaweza kupata kazi yoyote ambayo Muitaliano anahitaji Kenya hii. Yeye yuko na class L ya work permit. Anaitisha protection fee na juzi, alikamata kijana wetu na kumfungia, mpaka tajiri yake akaenda kumkomboa. Hii ni kwa sababu anaamini kwamba huyo kijana ndiye aliyesababisha yeye kukosa ile protection fee. Anaishi namna hiyo kwa watu wengi. Kijana alienda kuripoti na security committee kule Malindi walisema hakuna ushaidi. Aliwekewa kisu kwenye shingo na kuambiwa aulize tajiri yake atoe zile pesa zake. Vile alienda kupiga ripoti kwa polisi, uchunguzi haukufanywa na ukweli haukupatikana. Huyo Muitaliano alienda scot-free kwa sababu polisi walisema hakuna ushaidi wa kumpeleka kortini. Ni sharti mtu kama huyo achunguzwe. Yeye anafanya nini kule Malindi? Mimi nimepiga ripoti kwa idara zote za Serikali. Kwa hivyo, ninawapongeza wanakamati hii, kwa kuangalia jambo hili, na utoaji wa work permit ni lazima ichunguzwe hasa kwa zile kazi duni ambazo watoto wetu wanaweza kufanya. Kama ni investment, watu waje kufanya investment ya maana na siyo kuja kuuza pasta na juice. Nimechoka kuongea hayo maneno hapa. Hata ninajuliza, tukiendelea kuzungumzia mambo kama haya, itatuletea faida gani? Labda sasa itaingia katika hili wimbi la IPPG.

Bw. Naibu Spika wa Muda, jambo lingine ambalo kamati hili lilizungumzia ni swala la ardhi. Tumeshazungumzia jambo hili mara nyingi sana. Hata leo tumeongea juu ya ardhi kule Pwani. KWS leo hii imeanza kupima ardhi ya watu kule Pwani arbitrarily. Na hawa wametetewa na Waziri wa Ardhi hapa. Wanakata futi 100, ati kwa environment au kwa ajili ya maslahi ya taifa hili. Lakini hakuna sheria. Tunazungumza hapa lakini KWS inaingia katika mashamba ya watu na wanagawanya ardhi za watu bila notification au compensation. Hata kuna investment moja ya Kshs70 milioni ambayo imesimamishwa kwa sababu ya wivu tu. Maofisa wa Serikali wanatumia na investors wengine kuangamiza wenzao kwa sababu ya wivu.

Bw. Naibu Spika wa Muda, Waitaliano wengine hutumia ofisi za Serikali kuwatatiza wanabiashara wengine. Kuna hoteli inayoitwa New Star Hotel ambayo haiwezi kuanza kazi kwa sababu eti, ilijengwa futi mia moja juu ya water mark. Nimejaribu kutafuta sheria hiyo kutoka kwa Wildlife Management and Conservation Act na hakuna sheria kama hii. Nimeangalia katika national gazette ment ya marine national parks na hakuna sheria kama hiyo. Kwa hivyo, haya ni maoni ya Dkt. Western. Wazungu wa Uingereza waliostaafu wakijaribu kujenga hoteli mbele ya nyumba yake, anazuilia isijengwe. Inafaa mambo kama haya yaangaliwe.

Bw. Naibu Spika wa Muda, kuhusu matatizo ya ardhi, Dkt. Kituyi amezungumza juu ya maneno haya hapa. Yeye siye wa kwanza kutetetea watu wa pwani, hata sisi wenyewe tumejaribu kujitetea kabisa. Labda hili wimbi la IPPG mara hii litatusaidia. Kuna ardhi zinazoitwa Chembe Kibabanche na Jimba. Kila siku tunaambiwa kwamba letters of offer zinakuja baada ya kuondolewa. Na tukienda Ardhi House tunaambiwa kwamba bado kuna embargo zinachunguzwa. Ukweli wa mambo ni kwamba, hata wakubwa wengine ambao wako katika Bunge hili ndiyo wenye ardhi hizo. Labda wanangojea Bunge livunjwe ili wazirudie tena. Kwa sababu, waheshimiwa kama mimi hatutakuwepo kuzitetea tena.

An hon. Member: Tetea kwa mara ya mwisho!

Mr. Badawy: Bw. Naibu Spika wa Muda, kwa hivyo tumeongea juu ya mambo ya ardhi mara nyingi na tumetetea kesi fulani. Za Malindi zinajulikana na Wizara ya Ardhi ambapo maskwota wanangojea title deeds na mpaka leo hawajapata. Ukweli ni kwamba ardhi za Serikali katika Mkoa wa Pwani zimemalizwa kabisa. Hakuna ardhi ya Serikali. Labda sasa ardhi iliyobaki ni ule ufuu wa bahari, viwanja vya mpira na mahospitali. Lakini ardhi ya kutumiwa kwa maslahi ya watu kwa lengo la kuwapatia maskwota hakuna. Inafaa Serikali iangalie jinsi ya kuingiliana na wale wanaomiliki mali kibinasfi; ardhi ya kibinasfi wanakoishi maskwota. Lazima tuwe na mpango maalum wa kuwatafutia maskwota suluhisho la haki. Hata kama ni kununa ardhi kutoka kwa watu binafsi, hasa wale absentee landlords wa yale mashamba ambayo hayatumwiwi. Kwa nini sheria kama zile zisitekelezwe?

Bw. Naibu Spika wa Muda, juzi wakati wa kuadhimisha siku ya Habitat, nilifurahi kusikia kwamba mitaa ya mabanda ya Nairobi itapewa title deeds. Lakini inafaa tutambue kwamba, mabanda yako katika kila mji, hata Malindi. Siku nyingine nilieleza Bunge hili kwamba, kuna mtaa ambao ulichomeka. Ardhi hiyo ni ya mtu binafsi, lakini bidii yoyote niliyoifanya kuleta mapatano na uelewano baina ya mwenye ardhi, wale wanaoitumia na Serikali haikufua dafu. Watu wameanza kujenga upya tena. Kwa hivyo, katika kupeana mashamba kwa wale wasio na mashamba, inafaa Serikali iangalie mijini, hasa miji ya Pwani ambako ardhi zote ni za watu binafsi. Zile ardhi zilioko katikati ya mji ni za watu binafsi kutoka wakati wa Sultan.

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

*[The Temporary Deputy Speaker
(Dr. Lwali-Oyondi) took the Chair]*

Bw. Naibu Spika wa Muda, kwa hivyo, inafaa Serikali iangalie njia ya kununua ardhi ile ili iwapatie wananchi makao. Cha kusikitisha ni kwamba, hata katika ardhi ya mabaraza - na ningependa Waziri Lotodo anisikilize - wakati mwingine kunakuwa na ukaidi sana. Sehemu ya ardhi moja ambayo ingeondosha matatizo ya makao Malindi ni ile ambayo ni mali ya baraza la Malindi M3, M3A yenye ekari 300. Wakati nilipokuwa diwani tulipitisha kwamba ardhi hiyo iwekwe kwa squatter settlement schemes. Ajabu ni kwamba, baada ya kufanyiwa mpango, ilivamiwa na wakubwa wa Wizara ya Serikali za Wilaya, watu wa Provincial Administration, wanasiasa na kadhalika, kiasi cha kwamba, kilele cha tatizo hilo, hata roho zilitoka pale. Mkubwa fulani aliyekuwa anatumiwa kuenda kumuonyesha tajiri mwingine ardhi ambayo alimuuzia, ilibidi atumie askari wake wa utawala, na hata raia mmoja aliuawa hapo akitetea ardhi yake, haki yake, na nyumba yake. Ningependa kuomba Waziri wa Serikali za Wilaya atusaidie kumaliza tatizo la mabanda huko Malindi kwa kuliambisha baraza la Malindi litatue tatizo la kunyakuliawa ardhi hii. Yeye alitoa amri miaka miwili iliyopita na maofisa wake wamekataa kutekeleza amri yake kabisa.

Bw. Naibu Spika wa Muda, kule Watamu kulifanywa uharamia mwingi sana. Hivi sasa nina vyo zungumza, kuna wazee waliozaliwa pale ambao wana makao yao, nyumba zao na kadhalika.

The Minister for Local Government (Mr. F.P.L. Lotodo): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ingekuwa jambo la busara kama mhe. Badawy angetaja majina ya wale watu walionyakua ardhi ambayo ilikuwa imetengewa wananchi; kama M3 na M3A.

Mr. Badawy: Bw. Naibu Spika wa Muda, nimefurahi sana kwa moyo huu wa IPPG. Waziri huyu ananipenda sana na ni mmoja wa Mawaziri wanaonitambua kama Mbunge ama mwakilishi wa watu. Orodha ni kubwa na ilikuwa siyo rahisi kuipata mpaka nilipouliza swali hapa Bungeni, ndipo Wizara yake ikaleta orodha ya watu zaidi ya 300. Miongoni mwa hao, ni watu 22 pekee waliokuwa maskwota. Kwa hivyo, kuna tatizo. Hata sehemu hiyo ingenufaika na ule mpango wa World Bank wa kurekebisha barabara na taa katika mji wa Malindi. Lakini, kwa sababu ya ukaidi wa maofisa wake, jambo hili halijawezekana.

The Minister for Local Government (Mr. F.P.L. Lotodo): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mhe. Badawy anaweza kueleza ikiwa ni mimi ndiye nilitoa jibu hilo, ama ni yule Waziri aliyekuweko mbele yangu?

Mr. Badawy: Bw. Naibu Spika wa Muda, nadhani nikisema Waziri, huwa nimetosheleza. Lakini wakati nilipouliza hilo swali, hakuwa katika Wizara hii. Wala ardhi hiyo haikuchezewa na kuporwa wakati huu. Yeye amejaribu kusaidia sana na ninamshukuru.

Bw. Naibu Spika wa Muda, watu kule Watamu baada ya kuomba Provincial Administration na kukataa mambo ya kuwafukuza watu kutoka kwa mashamba yao, kulingana na amri na kujali kwa maslahi ya kiongozi wa Taifa hili - Hivyo anavyotuambia akija Pwani kuwa itakuwaje mtu amepanda mnazi katika ardhi ya Serikali na umeanza kumea, ana nyumba yake, ana wajukuu na amenzika babu yake pale, ardhi ile iende ikapatiwe mtu mwingine, na kesho yake atumie korti, DO au DC na wamwambie aondoke? Mambo hayo hayajakoma. Kule Watamu mjini, kuna sehemu moja inayoitwa New Watamu Township. Hiyo ilifanyiwa alienation. Planning haikupitia kwa baraza la Malindi. Mambo yenyewe yalifanywa kienyeji na Physical Planner na District Surveyor wa Kilifi. Wakapitisha na Registrar of Lands, Mombasa akapeana title deeds hata kabla ya gazetteement kufanywa. Kuna haja ya kurekebisha mambo kama haya.

QUORUM

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House and yet we are discussing a very important Bill. I can see they are moving to close the debate when we have not spoken.

The Temporary Deputy Speaker (Dr. Lwali-Oyondi): Ring the Division Bell!

(The Division Bell was rung)

*[The Temporary Deputy Speaker
(Dr. Lwali-Oyondi) left the Chair]*

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Members! We have a quorum

now. You may proceed, Proceed, Mr. Badawy.

Mr. Badawy: Bw. Naibu Spika wa Muda, miongoni mwa mapendekezo yaliyotolewa na Kamati ya Amani na Usalama ni mambo yanayohusu ardhi iliyotengwa kwa minajili ya shughuli za umma. Kama mambo haya mengine yanayohusu ardhi yanachukua hatua ndefu kwa maana yana matatizo ya kisheria, ardhi zilizotengewa shughuli za umma kama vile uwanja wa michezo wa Malindi na uwanja wa maonyesho wa Malindi, ni mojawapo kati ya mambo ambayo tungependa kuona hatua zinachukuliwa kutatua shida zilizopo kulingana na moyo wa mapendekezo ya IPPG. Kama mambo mengine yanatekelezwa, vile vile haya yatekelezwe pia. Ninarudia tena na kutilia mkazo maneno yangu kwamba dhuluma na ile fikira kwa Mwakenya kujihisi kwamba ananyanyaswa au hapati haki yake ama hata kama anataka kufanya kazi, hapati nafasi ya kufanya kazi kwa sababu kazi zinapatiwa watu wageni ni mambo ambayo yanasababisha kutoelewana na kumpa mtu kichwa cha kufanya vile anavyotaka. Tumejitolea kuwakilisha watu wetu na kuwatafutia kazi na maisha mazuri.

Mimi kama Mwislamu, ningependa Bunge hili na nchi nzima ielewe kwamba, katika taifa la Kenya, tuko Waislamu milioni tisa. Singependa Mkuu wa Sheria au mtu mwingine yeyote atilie shaka kwa mambo yetu na kuyaita kasumba ya Waislamu. Hapana. Kwanza hilo neno "fundamentalism" sijui maana yake. Kama "fundamentalism" ni Mwislamu kusali mara tano kwa siku vile tunasali, kufunga Mwezi wa Ramadhani na kwenda Makka kuhiji, mtu kutetea haki na heshima yake kwa njia halali, na kusema kwamba sharia zinazohusu hali yake zilindwe, basi, kama "fundamentalism" ni hiyo, basi, ieleweke kwamba ni "fundamentalism". Lakini kama kasumba ni kurusha mawe, kuwatusi watu, kuitisha vita kama vile Balala anafanya, basi, ikiwa hiyo ndiyo "fundamentalism", iwe ni hiyo na Uislamu unalaani mambo kama hayo. Uislamu ni amani, uvumilivu na kuishi pamoja na watu wengine wote. Hiyo ndiyo sisi tunatambua; Waislamu wa Kenya. Hata tukionekana vile tulivyo watulivu mpaka tukachukuliwa kwamba sisi ni watu wa kujaliza kwa maana Waislamu wa Kenya tunachukuliwa kuwa watu wa kujalizajaliza. Ukisikia chama hiki kinatutaka, kujaliza na nidyo sababu wanapata mtu kama Balala. Na mtu huyo akiwa hana maana, anatumiliwa mbali. Waislamu wengine kama Badawy hawashughulikiwi kabisa kwa sababu hawachochei---

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Badawy in order to attack a very respectable Muslim preacher like Sheikh Balala who is not here to defend himself in this Parliament?

(Laughter)

The Temporary Deputy Speaker (Mr. Wetangula): Those are voices of disapproval!

Mr. Badawy: Bw. Naibu Spika wa Muda, ningependa sana kumjibu mhe. Mbunge kwa Kiingereza kwa sababu sidhani kama anaolewa Kiswahili changu, lakini Kanuni za Bunge zinanikataza. Mhe. Mbunge hauelewi Uislamu na hii ndiyo hali ya kutoeleweka iliyopo. Hata sisi wengine kina Badawy na Waislamu wengine watiifu, wapenda amani, wale ambao tunatambua kuishi pamoja na wenzetu, tunaonekana kama wajinga kwa sababu watu kama mhe. Dkt. Otieno-Kopiyo wanaona Uislamu ni ule wa Balala wa kukosa shukrani. Huo sio Uislamu.

(Dr. Otieno-Kopiyo pointed a finger at hon. Badawy)

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Badawy explain to Kenyans---

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, Dr. Otieno-Kopiyo! There is no provision for you to point at any hon. Member, just address him through the Chair.

Dr. Otieno-Kopiyo: Thank you, Mr. Temporary Deputy Speaker, Sir. Could the hon. Badawy explain to us who burnt the properties of the Kamba people in Malindi, if he is a man who loves peace? Was it Balala or himself?

The Temporary Deputy Speaker (Mr. Wetangula): That is a question and not a point of order.

Mr. Badawy: Bw. Naibu Spika wa Muda, simjui mtu aliyechoma mabanda ya Wakamba katika jiji la Malindi kwa sababu sichochei wala si kazi yangu kuchoma mabanda. Lakini kama mhe. Mbunge anamjua aliyefanya hivyo, ana haki kueleza. Ningependa kumwambia mhe. Dkt. Otieno-Kopiyo kwamba nimeishi sana na Wakamba na hata hivi sasa niko mbio kuwasaidia. Hata nilimwambia Rais Moi alipokuja Malindi kwamba Wakamba ambao wanataka kufukuzwa hapo, wasifukuzwe. Huenda ikawa kuna watu wanaotaka ploti nzuri hapo ndio labda wamewachomea Wakamba mabanda yao. Nimewatetea Wakamba na wataendelea kuishi Malindi. Ikiwa mhe. Dkt. Otieno-Kopiyo anamjua yule anayehusika katika uchomaji huu apige ripoti kwa polisi. Sijasema ni Balala na sijui ni kwa nini anababaika.

Hon. Members: Mimi ni mmoja kati ya wale waliopanga njama hiyo!

Dr. Otieno-Kopiyo: You have grabbed all the public cemeteries in Mombasa.

(Dr. Otieno-Kopiyo pointed a finger at hon. Badawy)

Mr. Badawy: Bw. Naibu Spika wa Muda, mhe. Dkt. Otieno-Kopiyo asinionyeshe kidole. Ninataka ajue kwamba nina uwezo wa kufanya kile anachofanya na asinichezee kabisa. Kama anataka kuongea kama mhe. Mbunge, asimame kwa Hoja ya nidhamu au asubiri nafasi yake azungumze. Kama ana mambo mengine, tafadhali angoojee tutoke tukitoka hapa. Tena mhe. Dkt. Otieno-Kopiyo hawezi kunibaibaisha, nitaongea juu ya yale mambo ambao ninataka kuzungumzia kwa makini.

Bw. Naibu Spika wa Muda, Waislamu milioni tisa hapa Kenya, tunakubali kuishi pamoja na watu wa dini nyingine, isipokuwa makafiri kama Dkt. Leakey. Juzi nilishangazwa na Mwislamu mwenzangu, mhe. Farah, akijinaki kwamba chama chao cha SAFINA, ambacho hakijasajiliwa eti ni chama cha kitaifa kwa sababu yeye ni Mwislamu, mhe. Muite ni Mkristo na Dkt. Leakey ni kafiri---

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think hon. Badawy is flouting the rules of the House. If he wants to discuss the conduct of hon. Farah or any other person, he knows the rules. This is not an excuse for grabbing the---

The Temporary Deputy Speaker (Mr. Wetangula): He has not discussed hon. Farah, but he made reference to what hon. Farah said.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, Standing Order No.73 is very clear and you know about it---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Dr. Otieno-Kopiyo! The Chair knows these Standing Orders very well. Hon. Badawy is making reference to what hon. Farah spoke on the Floor of the House. That is not discussing an hon. Member.

Mr. Badawy: Bw. Naibu Spika wa Muda, ninajua mhe. Mbunge haelewi Kiswahili!

(Laughter)

Anataka kumfurahisha mhe. Farah akija. Nitamwambia kwamba mhe. Dkt. Otieno-Kopiyo alimtetea sana juzi. Ningependa Bunge hili na Serikali ielewe kwamba Waislamu wa Kenya wamekubali na wanatambua na wanathamini umuhimu wa kuishi pamoja na jamii zingine. Hii ndiyo sababu tunaunga mkono hatua ya Serikali kukataa kusajili vyama ambavyo vitakuwa na mipangilio ya kidini. Tunaamini kwamba ni lazima tuishi pamoja na ndiyo sababu Waislamu wako katika vyama mbalimbali vya kisiasa kama vile FORD(K), KANU na kadhalika. Ninataka mhe. Dkt. Otieno-Kopiyo aelewe kwamba siku moja huenda tukawa katika chama kimoja, kwa hivyo, aache hamaki zake.

Bw. Naibu Spika wa Muda, Waislamu wa Kenya tunataka tueleweke kwamba tunapozungumza mambo ya Katiba na Sharia, hatujasema wala hatatusema kwamba nchi hii iendeshwe na Sharia, wala hatujasema kwamba Waislamu wawe na sheria zao na wasiokuwa Waislamu wawe na sheria zao. Lakini kuna mambo mengine hasa yale yanayohusu hali ya Mwislamu, kama vile mambo ya ndoa na talaka, urathi na ulezi wa watoto ambayo Mwislamu yeyote ambaye amekubali kwamba hakuna Mwenyezi Mungu anayefaa kuabudiwa kwa haki isipokuwa Allah na kwamba Mtume Mohammad ndiye mjumbe wake, akikubali kuhukumiwa na sheria nyingine hasa juu ya mambo haya manne, basi, yeye hana imani ya Uislamu. Ijapokuwa hatujazungumza juu ya mambo ya sheria, ningependa ile roho ya maelewano na kusameheana idumishwe. Waislamu tumegawanyika katika vyama mbalimbali. Tumependa kila mtu na tunapendwa na kila mtu. Ningependa kusema kwamba unapofika wakati wa kujadili mambo haya kwa undani, mambo haya yapewe umuhimu sana na yataweza kufikiwa kile kiwango cha kisheria tunachokitaka Waislamu wenyewe wakishirikishwa kikamilifu. Kwa hivyo, kuna haja katika afisi ya Mkuu wa Sheria ya kuweka wanasheria ambao wanaelewa Sharia ya Waislamu.

Sisi Waislamu hatukuridhishwa na ule Mswada wa Watoto, yaani, The Children's Bill. Mswada huo haukupata utaalumu wala ushauri hata kama makadhi hawahitimu kukaa na Mkuu wa Sheria na wanasheria katika ofisi ya Mkuu wa Sheria--- Lakini hakuna sababu, kwa vile tume, The Law Reform Commission, na tume kadha wa kadha za kisheria ambazo zimeundwa hakuna sababu tusishauriwe sisi Waislamu; wakatikana wale wajuzi na tukafanya mchango wetu sisi Waislamu kulingana na zile sheria ambazo hazitamgusa mtu mwingine. Mimi Badawy nikihukumiwa pamoja na mke wangu juu ya kuoana au kuachana kwetu, tukikata shauri kuachana, jambo hilo halitamdhuru Christopher na John. Hayo ni mambo yetu mimi Badawy na mke wangu. Kwa hivyo, kusiwe na taswishi kwamba, sisi Waislamu tunataka kitu cha ziada. Hatuwezi kushawishiwa katika jambo hilo. Sheria katika Uislamu ni jambo ambalo yafaa liangaliwe na tunaiomba Serikali itambue umuhimu wa kumhusisha Mwislamu katika tume ya aina yeyote, lakini haifai kumchukua Mwislamu yeyote, tu sababu Waislamu wanazidiana kwa ujuzi. Isionekane kwamba ni mkufunzi wa chuo kikuu au Professor, maadam anaitwa Badawy, basi huyu anaweza kuchangia

katika tume hio. Mambo ya sheria za Kiislamu ni mengine. Kwa hivyo, tungeomba tupatiwe nafasi ya kutoa mchango wetu kulingana na ujuzi, na hilo lingepatikana kwa kushauriana.

Bw. Naibu Spika wa Muda, ningependa kuchukua nafasi hii tena kufanya ufafanuzi kwamba yafaa iondoke ile fikira kwamba, kila Muislamu ni mchochezi na ana siasa kali. Isionekane kana kwamba kwa vile Waislamu wengine tunaondoka Bunge na kwenda kusali, sisi ni watu wa siasa kali. Tukianza kutoa maoni yetu katika kutetea watu wetu kulingana na sera yetu ya Kiislamu, tusionekane kana kwamba sisi ni Waislamu wa siasa kali. Uislamu ni unyenyekevu, kukubali kuishi na watu wengine sawa sawa na kuwaheshimu; isipokuwa yule asiye na dini kama yule Mzungu! Hiyo ndiyo sababu nilikuwa nikisema, nilipokatizwa na mwenzangu kule kwamba, ni aibu na haikubaliki katika sheria za Kiislamu Mwislamu yeyote kushirikiana katika mipango yoyote hasa kuhusu mambo ya umma, mtu ambaye hakubali kwamba kuna Mungu. Mwislamu anakubali, kukaa na kushirikiana na yule ambaye ni mtu wa vitabu; mfuasi wa vitabu. Lakini mtu kama Leakey ambaye hana dini ni aibu na kosa kwa Muislamu kushirikiana naye.

Kwa hivyo, kwa kumaliza, ningependa kwamba tusitilie mkazo kwa kutekelezwa kwa mageuzi ya utawala na sheria peke yake, lakini mapendekezo yote, hasa yale ya Kamati ya amani na usalama ambazo nimeyagusia, yafaa yatekelezwe ili ipatikane haki, usawa na maelewano zaidi. Yafaa tuendelee katika moyo huu wa maelewano, kupendana na kadhalika. Hivyo ndivyo tunavyofundishwa sisi Waislamu.

Kwa hayo machache, ninaunga mkono.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think this particular Bill has been exhaustively discussed and, I move that the Mover be now called upon to reply.

Dr. Otieno-Kopiyo: Ndugu yangu!

(Question, that the Mover be now called upon to reply, put and agreed to)

(Dr. Otieno-Kopiyo stood up, threw papers at the Chair and walked out)

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you notice that Dr. Otieno-Kopiyo left the House without bowing to the Chair? That is disgraceful. We want to "name" him!

An hon. Member: And he threw up the papers! He should be named!

The Temporary Deputy Speaker (Mr. Wetangula): You have no seconder!

The Assistant Minister for Finance (Mr. Keah): Oh! I second that! Mr. Temporary Deputy Speaker, Sir, it is absolutely diabolical for any Member to walk out through that door without bowing and again, throwing papers at the Chair. Fortunately, those papers did not get to you, but we saw quite clearly that those papers were hauled there in a manner which is most despicable.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not think that the House should be misled. The fact is that, hon. Otieno-Kopiyo threw the papers in anger, but when he got here, he actually bowed, and I saw him bow.

Hon. Members: No! He did not!

The Temporary Deputy Speaker (Mr. Wetangula): The benefit the Chair has is that, it is looking right past your back, and hon. Dr. Otieno-Kopiyo did not look back!

(Question, that hon. Dr. Otieno-Kopiyo, be named, put and agreed to)

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister, hon. Keah, used the word "diabolical". Is that Parliamentary language, given that the Member for Rongo was taken to court for using the word "Satan"? Is it Parliamentary to use the word "diabolical" in this House?

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I realise that the word "diabolical" is unparliamentary and I withdraw it unreservedly.

The Temporary Deputy Speaker (Mr. Wetangula): Yes, in fact, I had not finished with Dr. Otieno-Kopiyo and, I was going to come to that. Hon. Keah, you used a very unparliamentary term, and you are ordered to withdraw and apologize.

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I am very sorry, I

withdraw unreservedly.

The Temporary Deputy Speaker (Mr. Wetangula): The effect of hon. Dr. Otieno-Kopiyo being named I understand this is the first time he has been named in this House and in this Session. So it means that he misses Parliament for three days.

Mr. Aluoch: Under which Standing Order?

The Temporary Deputy Speaker (Mr. Wetangula): This is under Standing Order No.91. Mr. Attorney-General, you can proceed.

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

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Gatabaki, I will not allow you; I have given the Floor to the Attorney-General, and the matter of hon. Dr. Otieno-Kopiyo is now closed.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, it is my great honour to reply to this debate which all the hon. Members will confirm that it was very stimulating. Both views were heard about the IPPG proposals. I would like to thank each and every Member who contributed to this debate. I would, particularly like to thank the Secunder of the Motion who gave a good history of all the Acts that were being repealed or amended and how they were introduced, the context in which they were introduced and how they have been oppressively used.

Mr. Temporary Deputy Speaker, Sir, these proposals came mainly from the IPPG. As we have stated before and, as hon. Shikuku did state, the IPPG helped Kenya to move away from a disaster which was looming and which threatened the very basis of our society.

Mr. Temporary Deputy Speaker, Sir, that reminds me of what a famous journalist and spiritualist by the name of Malcom Mabridge did state about the state of the world generally that:-

"This generation of men who have all the capacity to pursue their well-being and who are advantageously placed, technologically and in many, many ways to attain the well-being of men, yet with all those positive features and advantages and with seeming deliberation, this generation appears to take the opposite direction towards chaos instead of order, towards breakdown instead of stability, towards death, destruction and darkness instead of life creativity and life."

Mr. Temporary Deputy Speaker, Sir, I can say that the spirit generated by the IPPG where Members of Parliament from both sides of the House met as elders and agreed on these issues was to propel this country to order from chaos, to stability from breakdown, to life creativity and light, from death, destruction and darkness. Most of the contributors accepted that the reforms have been there but they nevertheless questioned the sincerity of implementing them. I recall, particularly, the hon. Member for Kangema, Mr. Michuki, Mr. Muite and the rest who said that okay, these are reforms. We accept them but we doubt the sincerity of the Government or KANU or can the Government or KANU be trusted? Therefore, they are adopting what one may call a wait-and-see policy to see how it will work out.

Mr. Temporary Deputy Speaker, Sir, I can assure this House that the Government is serious in implementing to the letter the spirit of the reforms. You may recall that none other than the head of state himself about two days ago, asserted the right of candidates irrespective of political affiliation to peacefully campaign throughout the country. You may recall that again two days ago, the Vice-President and Minister for Planning and National Development who also doubles up as the Leader of Government Business in this House also gave such an assurance to this House.

Mr. Temporary Deputy Speaker, Sir, the IPPG spirit which has begun must be kept going not only now but also in future. When I moved the Bill, I did mention that one of the matters we lacked during the last few months, as a lesson in the history of this country was that even in a multi-party state, the democratic values of our traditional culture where elders sat down and freely discussed and reached a consensus on matters affecting the society can be applied. This is an experience which cannot be lost sight of. It is an experience which must be jealously guarded now and in future. Consequently, we cannot wait for the passage of this Bill to start experiencing the hope of its promises. As, I believe, hon. Martha Karua stated in her contribution that we should now start seeing the changes in attitudes on the part of everybody be they civil servants, political youth wingers or anybody who is any way involved in the public life of this nation. We should start seeing the changes in attitudes generated or arising out of the spirit of IPPG, out of the laws that we are going to reform and amend by the passage of this Bill.

Mr. Temporary Deputy Speaker, Sir, let there be no doubt that the reforms are here to stay and, therefore, it beholds every person in Kenya and every public official to adjust and conform to the reform spirit. Everybody must internalise or rather in other words, it must become part of you. That is part of your blood and system that every Kenyan whether public and private must internalise and act in accordance with the spirit of these reforms. These reforms must be reflected in the discharge by the public officials of their duties and I can inform this august assembly that already an Inter-Ministerial Committee has been formed under the Office of the President which will ensure that not only all administrative reforms which have been recommended are properly addressed to but the letter and spirit of the law is adhered to by all public officers be they particularly the provincial administration and the law enforcement officers who are more than any other department of Government concerned with the reforms that we have undertaken.

Mr. Temporary Deputy Speaker, Sir, the already existing Government policy statements will be enforced strictly and where necessary new circulars are going to be issued to all the public officers in implementation of these reforms and the changes in law that have been brought about and that are going to be brought about by the enactment of this Bill. Consequently, I cannot overemphasise the fact that all civil servants must note that the reforms are here to stay. They must know that this is but the first stage of the reforms and that the reform train has entered into the first gear and, therefore, they must make it a duty to not only know the details of the changes in the law and the details of the administrative measures to be taken but with that knowledge they must also henceforth implement and discharge their duties taking into account that changes in the law and the administrative reforms.

Mr. Temporary Deputy Speaker, Sir, I can say that civil servants anywhere in the world particularly in Parliamentary democracies are trained to adjust quickly to the changes in the law and in policy. That is part of their training and that is part of the heritage of our civil service system here from the common law system in England that civil servants are there. In fact, that is why we call Permanent Secretaries that they are forced to be there irrespective of the changes in Government because theirs is not to initiate policy but to implement and execute the policies of the Government of the day.

Recently, we had the Labour Party voted into power in Britain. They had been in the wilderness for over 18 years. The same civil servants continued serving the Labour Party. They adjusted very quickly and in a flash of a moment, they adjusted to the new policies of the Labour Party Government. They are in the forefront of bringing the changes in the law to take into account the Labour Party Manifesto.

The same can be said in countries like France and elsewhere. Civil servants, by their nature of their training, are people who can adjust very quickly. Therefore, to me, it is not that civil servants can take a long time in adjusting. They can take six months or one year in adjusting. I know that civil servants can take a day or two in adjusting. All they need to know is the new law and the administrative reforms, and they will execute the policies. Therefore, let no civil servant say that he is not aware of the legislation that we are passing, or they are not aware of the administrative reforms that we are passing. Let them not say that. Let them consider it, and it is their duty to become aware of the changes in the law. They should also become aware of the administrative laws and the new context in which the Civil Service will operate. The context of Kenya being a multi-party state.

It will be no defence on their part for them to say that they do not know the law. This is because, as we all know, ignorance of the law is not a defence. It will not be a defence on their part to say that they do not know the administrative reforms. It is their duty to know the administrative reforms. If they do not know the administrative reforms, then they are not worthy to be called civil servants.

As I said earlier, the Inter-Ministerial Committee will, in addition to issuing guidelines, directives and so on to all civil servants, and I know that once they get them, they will implement them. This is because that is their function. Their function is to implement the laws of the day and policies of the Government of the day. Those policies are the policies adopted by this Parliament, when they adopted the IPPG recommendations and resolutions.

Therefore, those Members who say that it may take a long time, I do not think so. It can take a very short time, and it is their duty to know and become aware of those reforms. The Government is putting in place the machinery for them to become aware of those reforms. The Government is doing its part.

May I take this opportunity to appeal to the Press, because I think the Press has a very important role to play in this regard, to do its best. I do not want to repeat that much criticisms have been levelled at the Press. Recently, we heard the leader of Democratic Party (DP) hon. Kibaki himself, correcting the misleading reports on his meet-the-people tour in Keiyo District. We must see less of that kind of reporting because that type of mis-reporting undermines the spirit of reforms in this country. Therefore, to you members of the Press, heavy responsibilities lie on you, to ensure that factual, fair, impartial and objective reportage of news. You also, as I recently stated, have an important role to play in the process of creating the right democratic culture and, in particular, in promoting peace. This is because it is only in peace that democracy can flourish and we can have a free and fair elections, with an even playing field. Therefore, I would like to appeal to you not to unwittingly become agents through distortion of facts or through biased propaganda or stifling the wish of many Kenyans of having reforms in an orderly and peaceful manner.

As a number of Members of Parliament stated when they contributed to this Motion, I think, it is also your duty to publicise the reforms that we are now---

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have really been taking it very patiently, but the Attorney-General is addressing the Press directly and not through the Chair. He is saying "your duty is like this; you must now do this". I think he should address the Press through the Chair!

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Attorney-General, did you do that?

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I did not. In fact, when I was saying that and you confirm it, I was looking right into your eyes because I was addressing you. I was addressing the Press through the Speaker.

Mr. Temporary Deputy Speaker, Sir, let them not unwittingly, as I stated, become agents of confusion through distortion of facts, biased propaganda or stifling the wish of many Kenyans of having reforms in an orderly peaceful manner.

Mr. Temporary Deputy Speaker, Sir, through you, let me appeal to the Press that actually it is their duty, particularly during this important time, to publicise the reforms which are going to be effective when this Bill is publicised. They should highlight so that every Kenyan knows, whether they are in public sector, private sector, farmer or a peasant, when this Bill is enacted, what are the important points that have been brought about by this Bill.

Mr. Temporary Deputy Speaker, Sir, they should publicise the fact that under the Public Order Act, no longer will the Provincial Administration be involved in the implementation of that Act. That the Provincial Administration is no longer the implementor of the Public Order Act and that the Public Order Act is now being implemented by the police officers. They should also publicise the fact that the licensing requirements have been deleted and only a mere notification; just a three days' notice of notification that you are going to have a public meeting is what will suffice. They publicise that fact for every Kenyan to know.

Mr. Temporary Deputy Speaker, Sir, through you, I appeal to the Press also to publicise the fact that the Police Force now is mandated to carry out its duty in an impartial and objective manner. In all political matters, it should not accord different treatments to different persons on the basis of their political unions. They should publicise that so that wananchi know that this is now a duty of the police officers to perform. They should publicise the fact that the police officers are now specifically under duty not to torture any person and, if they do so, it is an offense under our laws.

Mr. Temporary Deputy Speaker, Sir, through you, the Press, should highlight so that everybody knows that we now have a code of conduct for the chiefs. The chiefs are forbidden now to engage in activities of any political party or act as an agent of any such party. The chiefs are also forbidden to torture any person and, if they do so, it is an offence under our laws. They should highlight the fact that the chiefs can no longer get donations as precondition for any services they render as chiefs.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Obwocha in order to call hon. Kamotho, "teachers enemy number one"? He is out of order!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, is hon. Kamotho still in the Cabinet? I thought he had been sacked!

The Temporary Deputy Speaker (Mr. Wetangula): Order, Dr. Misoi! I did not hear that remark and so, I cannot comment on it.

Carry on, Mr. Wako.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I am outlining this because, one of the mischievous that we will try to cure by these amendments, is the involvement of the Provincial Administration and the law enforcement officers in the political process. This has been subject of comments not only by politicians, but also commentaries in the various newspapers. Therefore, it is their duty to highlight the fact that when this Bill is enacted into law, a chief or a police officer will no longer be allowed to engage in partisan politics. When we say this, we are actually referring to the whole of the Provincial Administration. When one complains about a DO, DC and PC, it means one is complaining about the Chiefs' Authority Act. With the removal of this and the enactment of this Bill into law, under the Chiefs' Authority Act, the Provincial Administration will no longer be allowed to engage in partisan politics.

Mr. Temporary Deputy Speaker, Sir, under the Kenya Broadcasting Corporation Act, they should highlight the fact that they are now under a statutory duty to keep a fair balance in their reportage, and in particular, between different political viewpoints. They should highlight the fact that during the elections, there will be an allocation of free airtime to all registered political parties participating in the elections. That arrangement will be arrived at by the Kenya Broadcasting Corporation, in consultation with the Electoral Commission of Kenya which will carry out consultation under the necessary committee, with all the registered political parties participating in the elections.

Mr. Temporary Deputy Speaker, Sir, they should also highlight the fact that for the first time, we are going to have an electoral code of conduct in which all the parties participating in the elections and all the candidates must subscribe to, if they have to participate. They should also highlight the fact that under that electoral code of conduct, it is forbidden for any party or their agents, to engage in activities involving violence or intimidation. In fact, there is a duty for all the political parties to ensure that their candidates, office bearers, members and their supporters understand this code and obey it. So, when we complaint about Provincial Administration and the law enforcement officers interfering in elections, I have shown that with the passing of this Bill, the law will forbid that. When it comes to the activities of political youth wingers, under this code, their activities in so far as it may lead into intimidation, coercion and violence, are expressly forbidden under this Act. They should highlight these things, so that even the youth

winger, when carrying out his activities, knows that he is bound by the electoral code and if he persists in that conduct, it may very well lead to his political party being barred from participating in that election.

Mr. Temporary Deputy Speaker, Sir, it is the responsibility of the leaders to inform the youth wingers of the political organizations.

Mr. Temporary Deputy Speaker, Sir, through you, I would like to appeal to the Press also to ensure that this is publicised so that the youth wingers are aware of their obligations under this Act. We shall be making amendments to the National Assembly and Presidential Elections Act which will make the Electoral Commission in, a very direct way, have an obligation not only to act, but to be seen to act, which is also important. It is important, not only to act fairly, but also to be seen to act fairly. There will be amendments to the National Assembly and Presidential Elections Act so that the Electoral Commission and any individual member thereof is seen to act independently of any public officer, organ of Government, political party or any candidate. There will also be an obligation specifically to say, that no person employed in the public service shall openly campaign or canvass for support or oppose any political party or candidate participating in any election.

Mr. Temporary Deputy Speaker, Sir, through you, I appeal to the Press to highlight these facts, because you very well know that particularly when public officials go to their homes, even if they do not want to be involved in politics, wananchi will ask them all sorts of questions and so on and they will be seen to be participating in the election. If they know that the public officers are not supposed to do this, then, at least it will relieve some of us who are public officers when we go home. The people will not come to us and find out how they will vote and do this and that. They will know that the Attorney-General or any public officer is not supposed, in any way, to be seen to be campaigning, canvassing or supporting any candidate. The Press can help us educate them. The Press should be able to publicise some of the achievements we have through the enactment of this Bill.

Mr. Temporary Deputy Speaker, Sir, after all those general comments, I would like to say that, on the whole, the comments were very positive and even those who doubted were able to say: "Yes, the IPPG, in fact, when it comes to the legislative reforms, did far much more than the legislative reforms recommended by the NCEC". Therefore, there is need to capture the spirit of the IPPG so that in future, through such discussions, we can even achieve far much more by way of reforms.

Mr. Temporary Deputy Speaker, Sir, this was but just the first of the first stage. We are looking forward to the second stage when we shall now carry out more comprehensive reforms both on constitutional and legal matters. In fact, a number of comments that were made, were more addressed to the long term. In other words, they were not part of the minimum reforms required, but they were part of proposals, that when the comprehensive reforms come, please look into it. When I talk about long-term, I am not talking about 10 or 20 years, I am talking about the next three to four years.

Mr. Temporary Deputy Speaker, Sir, for example, hon. Murungi mentioned and asked the Attorney-General to have a look at the Penal Code in its entirety because he says, that there are some sections there which have outlived their purpose and which are outdated.

Mr. Temporary Deputy Speaker, Sir, I can inform this august House that this is, in fact, already happening. As you know, we have a task force on the Penal Laws and Procedures which has a mandate to review the entire Penal Code and the entire Criminal Procedure Code. In fact, the entire system from the time a crime is reported at the police station, when that is investigated, when it is heard by the court, if found guilty, when the convicted person goes to prison and when he is discharged, is being looked at by the task force on Penal Laws. I am sure that in the next term, they will come up with new recommendations on Penal Code and Criminal Procedure Code.

Mr. Temporary Deputy Speaker, Sir, hon. Mulusya did mention in his contribution the need for the Economic Crimes Bill. I can assure this House that the task force is currently drafting a comprehensive Bill which will deal with the economic crimes. Therefore, what we have proposed in this Bill, The Kenya Anti-corruption Authority, which creates an independent authority which will investigate criminal cases and institute civil cases to recover the money lost as a result of corruption and theft and so on, is but an interim measure. We shall be coming to the task force on the Penal Laws with a more comprehensive legislation which will deal with the economic crime as a whole.

Mr. Temporary Deputy Speaker, Sir, I believe it was hon. Raila who said that he is not happy with the proposed amendments to Section 16 of the National Assembly and the Presidential Elections Act which says; "People who have been found guilty of an election offence by the election court should only be barred from standing for election during the remainder for the life of Parliament". He quite correctly did quote the case of the Minister for Commerce and Industry and his opponents which was decided just before the general elections were called. Therefore, by implication, the phrase "remainder for the life of Parliament" was rendered nugatory. As I explained, it is true that the hearing of election petitions have tended to take very long because it has required three judges to hear them. Also, it has required election petitions to be heard in Nairobi and so on.

Mr. Temporary Deputy Speaker, Sir, with the passage of this Bill, the election petitions will be heard very

expeditiously because they will only require one judge to hear the election petitions and, in accordance with the IPPG recommendation, one judge can sit closer to the place where the elections petitions were heard. So, if a Member of Parliament from South Nyanza has an election petition, it can be heard in Kisii or Kisumu. This will save him a lot of expenses in maintaining a number of witnesses here in Nairobi day-in-day-out. So, with the passage of this IPPG Bill, the election petitions will be heard very expeditiously and, therefore, the phrase "for the remainder of that period of Parliament" will have meaning. It will not be nugatory.

Mr. Temporary Deputy Speaker, Sir, the other issue was that of registration of political parties which the Registrar of Societies has dealt with. Of course, there were suggestions that the whole issue of registration of political parties should be moved away from a mere public official to the Electoral Commission. I was quite surprised a bit, but quite happy when the Member of Parliament who said this, gave as an example, of the registration of political parties in Tanzania. He said that this is something we should emulate.

Mr. Temporary Deputy Speaker, Sir, I was amused because when the Government published the Registration of Political Parties Bill, those very Members of Parliament vehemently opposed it. But now I could hear, in this House, that they praised that Bill. So, the Registration of Political Parties Bill, which was drafted some time back, can form a basis for discussion in the next Parliament on the type of Bill that we should have, to govern the political parties.

Mr. Temporary Deputy Speaker, Sir, I do not want to go into much detail, except to say that, on the passage of this Bill, we can have free and fair elections with an even playing field. On the passage of this Bill, the enjoyment of human rights by Kenyans has been enhanced, particularly in respect of those very fundamental freedoms of expression, association and of assembly. On the passage of this Bill, one can now look ahead with some vision and see how comprehensive reform process will now take off because it shows that Kenyans, both the leaders and the led, are ready for the comprehensive constitutional and legal reforms that will take place immediately after we have passed all these Bills.

Mr. Temporary Deputy Speaker, Sir, with those few remarks---

The Temporary Deputy Speaker (Mr. Wetangula): Are they few?

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, they are very few. I have replied to the debate on the Statute Law (Repeals and Miscellaneous Amendments) Bill No.18. Thank you.

An hon. Member: You had better move!

The Temporary Deputy Speaker (Mr. Wetangula): You should move the Bill.

The Attorney-General (Mr. Wako): I have accordingly moved. I am just trying to see whether there is any point I left out, but I think---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Attorney-General, you probably will have to look at the Title of the Bill. You said that you were making minor amendments to the Statutes Law (Repeals and Miscellaneous Amendments) Bill, but actually, these are major amendments. I think, at Committee Stage, you might think of amending to delete the word "minor" and inserting "major".

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, they are not minor, they are major.

Thank you very much for correcting me. As I said, this is the most comprehensive Statutes Law (Repeals and Miscellaneous Amendments) Bill, that we have had since Independence; as I said, advisedly so, maybe since an entity called "Kenya" came into existence sometime at the turn of this century.

I beg to move.

(Question put and agreed to)

(The Bill was accordingly read a Second Time and committed to a Committee of the whole House tomorrow)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 14th October, 1997, at 2.30 p.m.

The House rose at 6.30 p.m.