

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 31st May, 2006

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### QUESTIONS BY PRIVATE NOTICE

**Mr. Deputy Speaker:** Hon. Members, we begin with Questions by Private Notice. The first Question is by the hon. Member for Kisumu Town East, Mr. Sungu.

#### HIKING OF MINISTERS'/ASSISTANT MINISTERS' ALLOWANCES

**(Mr. Sungu)** to ask the Minister of State, for Public Service:-

(a) Is the Minister aware that allowances for Ministers and Assistant Ministers have been increased?

(b) If the answer to "a" above is in the affirmative, when was the National Assembly Renumeration Act amended to allow for such increases?

**Mr. Deputy Speaker:** Is Mr. Sungu not here? He is absent and, therefore, the Question is dropped.

*(Question dropped)*

The next Question is by the hon. Member for Masinga.

#### NON-REMITTANCE OF FPE FUNDS TO ISYUKONI PRIMARY SCHOOL

**Mr. Mbai:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that Isyukoni Primary School in Ekalakala Zone has not received monies for the years 2004- 2005 and 2005/2006 to support the Free Primary Education programme?

(b) What steps is he taking to ensure that this school receives its allocation?

**The Assistant Minister for Education (Mrs. Mugo):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Isyukoni Primary School in Machakos District did not receive two disbursements in Account One, which is a tuition account, and a total of four disbursements in Account Two, which is a general purpose account as shown below.

Account One, Kshs358 per pupil in December 2004 and Kshs350 per pupil in January

2006. Account Two, Kshs185 per pupil plus Kshs60,000 for July 2004, Kshs185 per pupil for March 2005, Kshs185 per pupil for April, 2005 and Kshs185 per pupil for August 2005.

(b) The error has since been corrected and a total of Kshs598,805 for the two accounts will be credited to the school's Free Primary Education (FPE) programme accounts at the Kenya Commercial Bank (KCB), Matuu Branch, through electronic funds transfer by or before 13th June, 2006. I apologise for this mistake.

**Mr. Mbai:** Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for her answer and the apology. What is she doing to streamline her Ministry's operations to ensure that money is sent to schools at the right time? Many schools are suffering because of delays in sending them money.

**Mrs Mugo:** Mr. Deputy Speaker, Sir, I did not get his question.

**Mr. Deputy Speaker:** Mr. Mbai, could you repeat the question, please?

**Mr. Mbai:** Mr. Deputy Speaker, Sir, I am saying that I thank the Assistant Minister and also accept her apology. My question is: What is she doing to streamline her Ministry's operations so that money is sent to schools at the right time?

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, we have had some problems in disbursing money to schools, mainly when the money is sent to some accounts and it comes back. But this problem is less severe now. We were calling it a teething problem before. We are streamlining our operations. What happened here was that when the updating of records was being done, somebody somewhere left out this school. There is duplication of records in some areas, leading to same names of schools and accounts overlapping.

I assure the hon. Member that we are trying everything possible to make sure that this problem is avoided.

**Mr. Waithaka:** Mr. Deputy Speaker, Sir, this problem has been recurring in many schools. The problem we are experiencing is that when we raise our complaints with the Ministry, it takes a lot of time for it to sort out the problem. So, what is the Ministry doing to hasten the process of rectifying errors? We appreciate that the Assistant Minister has apologised for the error. But it has taken her too much time to rectify this error!

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, we are doing everything possible to rectify this error. We have over 18,000 schools which need funds to be sent to them directly. We have improved a great deal compared to when the money used to be sent through the District Education Boards and never reached schools. I think we have done quite well, because instances of money not reaching schools have reduced. But, sometimes, things beyond our control happen. We keep on asking banks why money has not been transmitted to schools. They usually say that there is some error in their accounts or in the name of some schools. I will take note of the sentiments by the hon. Members, and I assure this House that we are working on this all the time. My hope is that it will be a thing of the past. If it occurs again, we will rectify it as soon as possible.

**Mr. Mbai:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House how soon she will release this money?

**Mr. Deputy Speaker:** I thought she did that! She even gave the date! There is no point in repeating what has been captured in her response.

Next Question, the hon. Member for Gwassi, Mr. Syongo.

CEDING OF BROADCASTING AIRTIME  
TO CHINA RADIO STATION BY KBC

**(Mr. Syongo)** to ask the Minister for Information and Communications:-

(a) From what date and under what terms and conditions has the Kenya

Broadcasting Corporation ceded broadcasting airtime hours to the Chinese-Government-owned China Radio Station (CRST)?

(b) How much broadcasting airtime has the KBC television and radio ceded to the Chinese media house to date?

(c) what steps is the Minister taking to ensure that Kenya gets equal access to broadcasting airtime in China to promote our export trade and investments in the Chinese market?

**Mr. Deputy Speaker:** The hon. Member for Gwassi, Mr. Syongo, is absent; so, the Question is dropped.

*(Question dropped)*

### ORAL ANSWERS TO QUESTIONS

#### *Question No.095*

#### PROVISION OF ART TO BUTULA HEALTH CENTRES

**Mr. Deputy Speaker:** Hon. Members, we are now on Ordinary Questions. I have a request from the Minister for Health to delay the Question asked by hon. Prof. Mango until the end of Question Time. So, can we have the next Question by hon. Ojaamong!

#### *Question No.166*

#### REHABILITATION OF BUSIA AIRSTRIP

**Mr. Ojaamong** asked the Minister for Roads and Public Works:-

- (a) if the Minister is aware that Busia Airstrip falls under Teso District;
- (b) if the answer to "a" above is in the affirmative, why the money which was meant for the rehabilitation of the airstrip was sent to Busia District; and,
- (c) when the rehabilitation of the airstrip will be completed.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the Busia Airstrip falls under Teso District.

(b) In the year 2004/2005 Kshs3.5 million was sent to Busia District for the repair and maintenance of the airstrip. The airstrip is one kilometre from Busia District headquarters and within Busia Municipal Council. It is 25 kilometres away from Teso District headquarters. This was meant to reduce administrative and supervisory costs by the Ministry.

(c) There is no rehabilitation work going on at the moment. However, my technical officers are currently preparing the necessary information for all airstrips in the country including Busia Airstrip for funding and implementation in the next financial year, that is, 2006/2007.

**Mr. Ojaamong:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell us how much was spent on the administrative and supervisory costs? In my view, 25 kilometres and one kilometre are almost the same.

**Eng. Toro:** Mr. Deputy Speaker, Sir, this is how the money was spent. Out of the Kshs3.5 million, Kshs360,000 was used for bush-clearing; Kshs415,000 was used for grading the runaway; Kshs50,130 was used for pothole patching on the runaway; Kshs2 million was used for fencing the

airstrip; Kshs81,355 was used for the construction of a sentry house and a pit latrine; and the balance of Kshs593,505 was used to buy fuel and pay casual workers and watchmen. It was also used to grade the approach way to the airstrip.

**Mr. Mwandawiro:** Bw. Naibu Spika, Wizara ina mipango gani halisi ya kukarabati viwanja vyote vidogo vya ndege kote nchini kukiwemo kile cha Voi ambacho ni muhimu sana?

**Eng. Toro:** Mr. Deputy Speaker, Sir, could he repeat the question, please?

**Mr. Deputy Speaker:** There must be a problem with the public address system because this is the second time Ministers are asking for questions to be repeated. The Clerk should take note that something is wrong with the public address system.

**Mr. Mwandawiro:** Bw. Naibu Spika nimeuliza hivi: Je, Wizara ina mipango gani ya kukarabati viwanja vidogo vya ndege kote nchini kukiwemo kile cha Voi ambacho ni muhimu sana?

**Eng. Toro:** Mr. Deputy Speaker, Sir, during the last financial year, it is only Kshs25 million that was allocated for the maintenance of airstrips countrywide. However, this time round, the Ministry is assessing all the airstrips in conjunction with the Kenya Airports Authority to determine how much is needed to take care of the airstrips. We are also recommending that we have a gradual programme of putting bitumen on the airstrips so that they can last longer and be safer than they are currently.

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, airstrips and aerodromes in Kenya, which used to be under the Ministry of Transport and Communications, have been neglected. When you go to Kitale Airstrip, you will realise that people cultivate around it and also clear the bushes around by burning them with fire. If the Ministry is seriously demolishing houses along the road reserves why has it been reluctant to remove the fence around the runaway of Kitale Aerodrome which caters for Class III facilitated aircrafts?

**Eng. Toro:** Mr. Deputy Speaker, Sir, the Ministry is specifically mandated to maintain the airstrips where the landing takes place. Anything surrounding airstrips and which pertains to the safe landing of aircraft falls under the Kenya Airports Authority (KAA) which is under the Ministry of Transport. So, our role is basically to make sure that the airstrips are in good condition for landing and take-off of aircrafts. With regard to ensuring safety around areas surrounding the airstrips, that falls within the Ministry of Transport.

**Mr. Ojaamong:** Mr. Deputy Speaker, Sir, from the breakdown that the Assistant Minister read to us, he said that Kshs360,000 was used for bush-clearing while Kshs415,000 was used for grading the airstrip. I want to tell this House that there was no grading that was done. He also said that Kshs2 million was used for fencing, but actually the fencing was done partially and in a shoddy way. Could the Assistant Minister confirm that this is just an eating arrangement between the Ministry officials in Nairobi and those who are at Busia District headquarters? The engineers in Busia say that they are not concerned about that airstrip because it falls under Teso District. So, the Ministry has just imposed this work on them and what they are doing now is to eat with the Ministry officials here in Nairobi.

**Eng. Toro:** Mr. Deputy Speaker, Sir, I dispute that there was an eating arrangement between the Ministry's headquarters and the Ministry's officers in Busia. However, if there is any shoddy work that was done, it is better that the matter be brought to our attention. As far as I am concerned the work that was done in 2004/2005 cannot be in the same state because of tear and wear.

I am prepared to look into the issue of the fence to determine whether or not it was done in a shoddy manner. However, the fact is that we used Kshs2 million to do the fencing.

CONTRACTING OF WORKERS BY  
NYAYO TEA ZONES CORPORATION

**Mr. Gachagua** asked the Minister for Agriculture

(a) if he is aware that Nyayo Tea Zones Development Corporation contracted workers in Mathira Constituency, between 1986 and 1987, to clear land and tea bushes;

(b) if he is further aware that the said workers were not paid after their contract was terminated in 1987;

(c) when they will be paid; and,

(d) if the Minister could ensure that they are paid compensation for the delay.

**The Assistant Minister for Agriculture** (Mr. Kembi-Gitura): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that casual workers were engaged to clear land and plant tea bushes in the initial establishment of Nyayo Tea Zones Development Corporation in Mathira Constituency between 1986 and 1987.

(b) I am also aware that a group of people made a claim for outstanding payment dating from 1986 to 1987.

(c) The corporation will process payment of the workers as soon the workers furnish the corporation with the following details: The names of the officers who engaged them and the duration that they worked; the rates of payment agreed upon; and copies of signed agreement stipulating the terms and conditions of the contract.

(d) Since the corporation does not have records of payment or contract with the workers, compensation for delayed payment, therefore, does not arise. Meanwhile, the workers are requested to furnish the corporation with enough details to facilitate payment of their claims.

**Mr. Gachagua:** Mr. Deputy Speaker, Sir, this is a very unfortunate situation. The Assistant Minister concedes and accepts that the casual workers were actually engaged and that they did some work. It is not fair for the Assistant Minister to now ask the workers to bring contracts of agreement and so on. This matter came up last year and I was given this same reply. The Assistant Minister should confirm whether these workers, who do not have any agreement signed between them and the corporation, will lose their wages.

**Mr. Kembi-Gitura:** Mr. Deputy Speaker, Sir, we have been very reasonable. We have asked the hon. Member and the lawyers that those people have hired to give us the full details of their claims. We cannot make payments in abstract. As soon as we get the information, we will verify whether any payments are due. Those are claims dating back to 1986. There is something called a statute of limitation. Most of those claims have been statute barred in terms of limitations. Those are matters of contract. The question regards the contract. So, once we have the details - without any admission of liability - we shall find out whether any payments are due and payable.

**Mr. Mukiri:** Mr. Deputy Speaker, Sir, Parliament is not a court of law. When an hon. Member asks a Question, he expects the Minister or Assistant Minister to go and investigate whether what he or she is asking has some sort of fairness. What has the Assistant Minister found out from his own investigation? Was the work done valued and paid for? Sometimes, contracts are not signed in that nature of work!

**Mr. Kembi-Gitura:** Mr. Deputy Speaker, Sir, I reiterate that the corporation will not make any payments in abstract. In matters of contract--- I agree with Mr. Mukiri that Parliament is not a court of law. He is a lawyer. It is the duty of the person who makes a claim to stipulate and lay terms of what he or she is claiming. As you will notice, all these claims may be statute barred and

the corporation, as a legal body, is not going to make *ex-gratia* payments just because somebody has made a claim. A claim must be well founded in law and in facts.

**Mr. Deputy Speaker:** Last question, Mr. Gachagua!

**Mr. Gachagua:** Mr. Deputy Speaker, Sir, that is very disappointing! Is the Assistant Minister telling Kenyans that, if they are engaged to carry out some work through the District Commissioner's office without any contract, the Government can turn around and say that the workers will not be paid? The Assistant Minister should confirm whether that is slavery because he has said they are statute barred. That amounts to slavery and the Assistant Minister should confirm it loud and clear. He is also aware that those people are unable to engage the Government in law suits. They are not able to go to court. Since he has confirmed that they worked, he should look for ways to pay them. He should not dwell on legalities and deny those people their earnings.

**Mr. Deputy Speaker:** You know the Assistant Minister is a lawyer. Maybe, that is why he is engaging in legalities.

**Mr. Kembi-Gitura:** Mr. Deputy Speaker, so is the hon. Member who is asking the Question. The hon. Member knows very well that the corporation wrote to him on 8th June, 2004. We were requesting for details of what was being claimed. The claimant went to see a lawyer. The lawyer also wrote to the corporation claiming Kshs22.3 million. We have written to that lawyer asking him to furnish us with the details of the claim. No details have been forthcoming. Whereas Parliament is not a court of law as Mr. Mukiri has said, it is not a place to lay claims without showing what they are based on. I want to say the following in good faith: As soon as my Ministry and the corporation gets the details of the claim--- It is not the wish of the Government, our Ministry or the corporation to deny any person what is due to him or her. We are going to settle claims. But we must reiterate that the claims must be well founded. We must get all the details that we require to settle such claims.

**Mr. Deputy Speaker:** There you are Mr. Gachagua! It is over to you.  
Next Question, Mr. Khamisi!

*Question No.133*

DEVELOPMENT OF LARGE-SCALE  
BEEF RANCHING IN NYIKA PLATEAU

**Mr. Khamisi** asked the Minister for Livestock and Fisheries Development what plans he has for developing large scale beef ranching, especially in the Nyika Plateau, which stretches from the southern Kenya/Tanzania border to the north western Tana River District.

**Mr. Deputy Speaker:** Minister Munyao!

**The Minister for Livestock and Fisheries Development** (Mr. Munyao): Mr. Deputy Speaker, Sir, I like it when you call me Mr. Munyao. I was just waiting for you to call me that.

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

My Minister is currently implementing several key interventions aimed at supporting the development of beef industry in the Nyika Plateau. Those interventions include:-

(i) Through the on-going Arid and Semi-Arid Lands (ASALs) based Livestock and Livelihood Support Project supported by the African Development Bank (ADB), we intend to provide technical advice and training to ranch managers and management committees and rehabilitate the infrastructure for extension services for livestock production. The project will also improve skills of livestock personnel to assist in ranch management and preparation of appropriate ranch plans.

(ii) My Ministry will ensure an enabling environment for ranch owners to access credit facilities from the Agricultural Finance Corporation (AFC) and other financial institutions.

(iii) On a wider scale, the Ministry has created incentives to livestock producers by re-opening the Kenya Meat Commission to help livestock farmers to access markets for livestock products within the region and Middle East. It is also strengthening animal disease control measures, including the establishment of livestock disease free zones.

(iv) Finally, my Ministry is in the process of securing title deeds for holding grounds. Together with the Ministry of Lands, we are working out a plan for the improvement of land tenure system in the Nyika Plateau region with a view of improving commercial beef rearing.

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, the Minister has spoken of a grandiose programme which, he knows very well, that the Government will not implement. That is because, if the Government was serious enough, it would have implemented that programme in the last four years, because we have been making a lot of noise about it. Could the Minister tell this House how much the project will cost, how long it will take and when it will actually start?

**Mr. Munyao:** Mr. Deputy Speaker, Sir, it is really unfair for the hon. Member to blame the Government for failing to act within four years! Can I remind him that this is our third year? We have an ADB project among others. We have got about Kshs2.7 billion and part of that money will be spent on diseases, training management and opening up new markets. I assure the hon. Member that Nyika Plateau is included.

**Maj-Gen. Nkaiserry:** Mr. Deputy Speaker, Sir, the Question is very clear. The hon. Member is asking the Minister: What plans does the Government have to develop the livestock industry in the Nyika Plateau? That is, actually, a very important area. We were expecting the Minister to tell us about serious plans like water provision, digging boreholes, constructing dams, buying animals and how they are going to develop livestock in that area. So, what plans does the Ministry have for that expansive area?

**Mr. Munyao:** Mr. Deputy Speaker, Sir, I do not know what language I can use because I have already covered all that! I have said that the Government is ready to finance farmers. It has opened financial institutions like AFC and encouraged farmers to borrow money. It is re-training farmers to handle and manage diseases to sustain livestock rearing in those areas.

**Mr. Bett:** Mr. Deputy Speaker, Sir, beef and dairy farming is very crucial for the welfare of our people and the country.

**Mr. Deputy Speaker:** Order, Mr. Bett! Could you move closer to the microphone.

**Mr. Bett:** Mr. Deputy Speaker, Sir, I was saying that beef and dairy farming is very crucial for the welfare of our people and the economy. In the recent drought, we lost many animals in northern Kenya, Kajiado, Samburu and other places. What plans does the Minister have to assist farmers to re-stock their animals in those areas?

**Mr. Munyao:** Mr. Deputy Speaker, Sir, it is my Ministry's plans to help communities that had lost their livestock by restocking them. We have already established the number of persons affected in between eight to 12 districts. We are only waiting for finances from Treasury and immediately we get it, we will restock. We are seriously concerned about it.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, we have a problem in this House in the sense that the microphones are not working very well. Can there be an improvement on the audibility of the microphones?

While that is being done, I have a question for the Minister. The Minister, who is a good friend of mine, is being asked a very important question. I would want him to respond to the General's question because he asked a very specific question. What plans does the Ministry have in the Nyika Plateau, which is an important beef producing area? There is a big problem in the

Ministry in terms of livestock improvement. The Ministry has a deficiency in vaccine development. Could it consider building a research station on the Nyika Plateau for vaccine development and improving stock?

**Mr. Munyao:** Mr. Deputy Speaker, Sir, I do not know what to say. I could identify the problems with the General, but with the Professor, I do not understand. I have explained that my Ministry is seriously involved and concerned about multiplicity of animals. We have gone out to talk to farmers because the biggest problem has been financing since land is already available.

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Deputy Speaker, Sir. Being seriously concerned is not planning. You can be seriously concerned and do nothing. The point is, if you are seriously concerned---

**Mr. Deputy Speaker:** Order, Professor! What is your point of order?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, is the Minister in order to refuse to answer the question by the General and to say that being seriously concerned is equivalent to planning? You can be seriously concerned and plan nothing. What are you planning to do on the ground?

**Mr. Munyao:** Mr. Deputy Speaker, Sir, you sit there all the time to arbitrate. Either I do not understand or the Professor does not understand. I have explained myself clearly. But perhaps, I need a few lessons with the Professor. Can I invite him to come to my office? We are serious on what we are saying.

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, the Minister knows very well that most of the ranches in the Nyika Plateau are actually moribund because of inadequate water, mismanagement as well as lack of market outlets. The Minister is also aware that there is an invasion of wildlife in those ranches, as well as the destruction of the ranches. Could he tell the House what measures he intends to take to stop the wildlife from invading the ranches and also stopping livestock from Somali from invading the ranches?

**Mr. Munyao:** Mr. Deputy Speaker, Sir, I totally agree with the hon. Member. These ranches were mismanaged about three years ago. Now, new and retrained officers have been posted in the ranches. One of the facilities to be extended is water provision through dams and boreholes.

*Question No.064*

RELOCATION OF NORTHERN WATER  
BOARD HEADQUARTERS

**Mr. Bahari** asked the Minister for Water and Irrigation:-

(a) whether he is aware that the location of the headquarters of Northern Water Board is geographically inappropriate for purposes of centralised and efficient service delivery;

(b) who represents the Board from Isiolo; and,

(c) whether he could consider relocating the headquarters to Isiolo Town and ensure fair representation from all areas.

**The Assistant Minister for Water and Irrigation** (Mr. Wanjala): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the location of the headquarters of the Northern Water Services Board is geographically appropriate for the purposes of centralised and effective service delivery to the region. The decision to locate the headquarters at Garissa was arrived at during the first meeting of the Board after giving due consideration to geographical location, infrastructure development and fairness in distribution of regional bodies dealing with water resources management and



development.

(b) Isiolo District is represented in Northern Water Services Board by the Clerk to Isiolo County Council, Mr. Ali Apindi.

(c) My Ministry has no plans to relocate the headquarters of the Northern Water Services Board from Garissa to Isiolo. The office has been operating smoothly for the last one and half years. Representation to the Board is considered fair as members were appointed in accordance with the provisions of the Water Act, 2002.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, I am surprised by the answer given by the Assistant Minister. I know the Chair personally has the benefit of knowing where Garissa is by virtue of coming from Mwingi South. You know very well that the Northern Water Services Board represents districts like Moyale, Marsabit, Samburu and Isiolo, including all the districts in North Eastern Province. The Assistant Minister wants to convince this House that when they located the headquarters in Garissa, among other things, the issue of centrality was taken into account in terms of geographical location. Could the Assistant Minister reconsider his answer and give an appropriate answer to this House? Everybody knows in this House that, that answer is not correct, that Garissa is geographically appropriate in terms of centrality. This is how resources of this country are wasted.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, I agree with the hon. Member that the Northern Water Services Board (NWSB) serves all the districts he has mentioned. They include Moyale, Marsabit, Samburu, Laikipia, Ijara, Mandera and Wajir. But during the first meeting that was held in Isiolo, the NWSB members agreed that they were going to locate the headquarters of the NWSB in Garissa Town. Geographically, Garissa Town is considered central as it is easily accessible from all the district headquarters in the region, especially Mandera and Wajir. So, the distance from the district headquarters to Garissa is generally less than that to Isiolo Town. Isiolo Town is actually on the edge of the region. However, we have established a sub-regional office of the NWSB in Isiolo.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, I want to kindly ask the Assistant Minister to produce the resolution of the NWSB that actually deliberated on this matter and relocated headquarters to Garissa Town.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, I do not have it here, but I undertake to table it.

**Mr. Deputy Speaker:** Very well. Could you table it on Tuesday, next week?

**Mr. Wanjala:** Yes, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Next Question by the Member of Parliament for Makadara!

*Question No.008*

COST OF PRINTING REPORT OF  
COMMISSION OF INQUIRY INTO  
ILLEGAL PUBLIC LAND ALLOCATION

**Mr. Ndolo** asked the Minister for Lands whether he could state how much money the Government spent to print the Report of the Commission of Inquiry into Illegal Allocation of Public Land in June, 2004.

**The Assistant Minister for Lands and Housing** (Mr. Kamama): Mr. Deputy Speaker, Sir, I beg to reply.

The Commission spent Kshs153,000 for the first publication that was presented to the Head of State. The reprint was done by the Government Printer on commercial terms. The publication is, therefore, accessible at the Government Printer at a cost to the Government agencies, private organisations and individual citizens.

**Mr. Ndolo:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. However, he is misleading this House about the figure of Kshs153,000. Could he produce the cheque number and the exact number of copies for the first publication, so that we confirm what he is telling this House is the truth?

**Mr. Kamama:** Mr. Deputy Speaker, Sir, I just want to inform the House that the Commission of Inquiry into the Illegal and Irregular Allocation of Public Land was appointed by His Excellency the President vide Gazette Notice No.4559 of 30th June, 2003. It was published on 4th July, 2003.

Mr. Deputy Speaker, Sir, I want to give the breakdown of the expenditure. Yes, a sum of Kshs153,000 is peanuts because the total expenditure was about Kshs75 million. This includes allowances for the people who participated---

**Mr. Deputy Speaker:** Just to make sure that we understand, the Question asked about how much money the Government spent to print the report. Now, Mr. Kamama, are you giving us the cost of the entire Commission?

**Mr. Kamama:** Mr. Deputy Speaker, Sir, the hon. Member was asking for the cheque number for the Kshs153,000. But the entire cost is about Kshs75 million. If he is interested in the details, I am ready to provide them for each expenditure incurred.

**Mr. Karaba:** Mr. Deputy Speaker, Sir, we reckon that very many reports of inquiries have been put in place, but we have not had any of them tabled here in this House. Could the Assistant Minister confirm that the report of this inquiry and all other reports related to land matters will be tabled in this House for us to discuss them?

**Mr. Kamama:** Mr. Deputy Speaker, Sir, this report, at this point in time, is in the public domain. If the hon. Member is interested in getting a copy, he should just walk to the Government Printer, pay some money and he will get it.

**Mr. Twaha:** Mr. Deputy Speaker, Sir, when the Goldenberg scandal inquiry was in place, the people who were adversely mentioned were given an opportunity to come up and give their side of the story. The same thing happened with the Public Accounts Committee (PAC) evidence on the Anglo Leasing scandal. The people who were adversely mentioned were given the courtesy of appearing and giving their side of the story. Why did the Ndung'u Commission deny people this piece of natural justice?

**Mr. Kamama:** Mr. Deputy Speaker, Sir, that is a good question. I want to inform the hon. Member that the Commission gathered information on the illegally or irregularly acquired land. The next stage was to actually form what we call the Land Titles Tribunal to executive its recommendations. We need to amend the Land Act Cap.280 in this House, so that it can form this Tribunal. Again, we have formed an Advisory Task Force that comprises of many Ministries. This task force can only execute its duties on the basis of the recommendation of the Land Titles Tribunal. So, when this is done, we will give the public a chance to air its views.

**Mr. Deputy Speaker:** Last question, Mr. Ndolo!

**Mr. Ndolo:** Mr. Deputy Speaker, Sir, the first publication which was produced was destroyed because some of the names of prominent hon. Members who are in this House were included. That is why the expenditure was so high. We know 100 copies of the report cost more than Kshs1 million. Could the Assistant Minister confirm or deny that each copy which was produced cost about Kshs10,000? Why was the first publication destroyed?

**Mr. Kamama:** Mr. Deputy Speaker, Sir, I just want to confirm to the hon. Member that no copies were destroyed. That is hearsay! I also want to confirm that the Commission Report was not diluted in any way. So, it is still comprehensive and intact. For the information of all hon. Members, if they want to get copies, they can go to the Government Printer, pay some money and get them. The report is voluminous. It is about two copies and a bit of an executive summary.

Mr. Deputy Speaker, Sir, lastly, I want to call upon all hon. Members and Kenyans in general to surrender any illegally acquired land to our office because, if they do not do so, the law will catch up with them.

**Mr. Cheboi:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member who asked the Question made some very serious allegations. He said that some documents were destroyed. He seems to have some information which is not within the domain of the rest of us. Could he substantiate and give us those names which he is talking about?

**Mr. Deputy Speaker:** Order, Mr. Cheboi! The hon. Member asked the Assistant Minister to confirm or deny, and he has denied. Now, if he had information as you are claiming, he would not have asked the Assistant Minister to confirm or deny. So, I do not really find any basis in that point of order. Therefore, I order that we move to the next Question by Mr. Ngozi!

*Question No.342*

MEASURES TO ENSURE VOTING BY PUBLIC  
SERVANTS MANNING POLLING STATIONS

**Mr. Ngozi** asked the Minister for Justice and Constitutional Affairs:-

- (a) whether she is aware that some police officers and civil servants manning polling stations do not vote during general elections; and,
- (b) if the answer to "a" above is in the affirmative, what plans the Government has to ensure that the officers exercise their right to vote.

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that some police officers and civil servants manning polling stations do not vote during general elections.

(b) The Electoral Commission of Kenya (ECK) has introduced measures to allow civil servants and police officers in charge of polling stations to vote as was the case during the referendum which was held in November, 2005. Both the civil servants and police officers manning polling stations were allowed to vote in shifts as they were registered voters in polling stations where they were deployed.

**Mr. Ngozi:** Mr. Deputy Speaker, Sir, as much as I agree with the Minister's answer, I wish to differ with her response to part "b" of the Question. There are some police officers who man polling stations located between 30 and 40 kilometres away from the polling stations where they are registered as voters. How do they get time to travel back to those polling stations to vote?

**Ms. Karua:** Mr. Deputy Speaker, Sir, I have said that they were allowed. That does not mean that all voted. Not all registered voters vote during election. What is important here is that the ECK is aware that officers manning polling stations, by nature of their duties, may be denied the right to vote and has, therefore, made arrangements to accommodate them. This was the first time. I believe that by the time the forthcoming general elections are held, the ECK will have looked at the merits and the demerits of the system and strengthened it.

**Mr. Munya:** Mr. Deputy Speaker, Sir, it is the right of every citizen to be given an opportunity and facilitated to vote. That is the right of not only police officers, but also that of other Kenyans who work, say, in foreign missions, who are not able to vote because one has to vote at a polling station he is registered. What is the Ministry doing to ensure that Kenyans who work abroad and others who are not able to physically move to the polling stations are enabled to vote, like other countries do?

**Ms. Karua:** Mr. Deputy Speaker, Sir, those are issues that will be taken care of as we continue to develop and strengthen our electoral system. The issue of people voting from wherever they are is a very easy one. Where all the polling stations are computerised, one is able to vote from where one is. As I have said, these issues are being looked into. We believe that at the end of the day, it will be possible for every Kenyan, wherever he is, to vote. However, I cannot give a time frame within which this will be effected.

**Mr. Ngozi:** Mr. Deputy Speaker, Sir, is it possible for the Government to consider handing over security issues to private firms during elections instead of denying public officers and civil servants the right to vote?

**Ms. Karua:** Mr. Deputy Speaker, Sir, may I remind the hon. Member that security firms are also manned by Kenyans. He seems to suggest that persons working with security firms would rather be sacrificed. We are looking at the matter holistically to enable everybody who wishes so to exercise his right to vote.

**Mr. Deputy Speaker:** Very well! Let us go back to Prof. Mango's Question.

*Question No.095*

PROVISION OF ART TO BUTULA  
HEALTH CENTRES

**Prof. Mango** asked the Minister for Health:-

- (a) whether she is aware that the HIV/AIDS infection rate in Butula Constituency is 35 per cent; and,
- (b) what plans she has to provide Anti-Retroviral (ART) therapy in health centres to arrest the situation.

**Mr. Deputy Speaker:** Prof. Mango, the Minister for Health was here earlier, but you had said that you would be late. So, she has requested that the Question be deferred. The Question is, therefore, deferred to Tuesday next week.

*(Question deferred)*

For the information of the Minister for Labour and Human Resource Development, Question No.264 by the Member for Kilome is deferred indefinitely because the hon. Member is out of the country. We do not know when he will be back in the country.

*Question No.264*

DISMISSAL OF MR. JOSEPH M. NGULA

*(Question deferred)*

**Mr. Deputy Speaker:** Hon. Members, that brings us to the end of Question Time.  
Next Order!

**MOTIONS**

ESTABLISHMENT OF SELECT COMMITTEE  
TO REPORT ON PERFORMANCE OF

## ANTI-CORRUPTION INSTITUTIONS

THAT, noting with concern the misappropriation of funds and the endemic corruption that has pervaded both the public and private sectors; in view of the commitment of the Government to curb this vice; and considering that a number of agencies have been put in place to investigate and collate evidence on the rampant misuse of public resources; this House resolves to establish a Select Committee to report on the performance and output of the anti-corruption institutions and make such recommendations as will be necessary to facilitate zero-tolerance to corruption and related economic crimes; and that the following be appointed as Members of the Committee:-

The Chair, Public Accounts Committee;  
The Chair, Public Investments Committee;  
The Hon. Capt. Davies Nakitare, MP;  
The Hon. (Dr.) Sammy Rutto, MP;  
The Hon. Daniel Khamasi, MP;  
The Hon. (Prof.) Ruth Oniang'o, MP;  
The Hon. G.G. Kariuki, MP;  
The Hon. Jayne Kihara, MP;  
The Hon. Omingo Magara, MP;  
The Hon. Gonzi Rai, MP;  
The Hon. (Dr.) Abdulahi Ali, MP;  
The Hon. Zaddock Syongo, MP;  
The Hon. Ochola Ogur, MP;  
The Hon. Nyiva Mwendwa, MP; and,  
The Hon. Katoo ole Metito, MP.

*(Mr. G.G. Kariuki on 3.5.2006)*

*(Resumption of Debate interrupted  
on 3.5.2006)*

**Mr. Deputy Speaker:** Hon. Members, I am informed that Mr. Kipchumba concluded his contribution before debate on this Motion was interrupted. There is still a balance of one hour and fifteen minutes for this debate. So, the Motion is open for debate. Who wants to contribute?

Mr. Wamwere!

**The Assistant Minister for Information and Broadcasting** (Mr. Wamwere): Ahsante sana, Bw. Naibu Spika. Ninaomba kutoa mchango wangu kwa Hoja hii inayopendekeza tutafute namna nyingine ya kuimarisha vita dhidi ya ufisadi katika nchi hii.

Ningependa kusema kwamba mpaka sasa, vita dhidi ya ufisadi vimekwama. Ninasema hivyo kwa sababu, ukiangalia hali ilivyo, utaona kwamba hakuna chochote kinachoendelea. Kwa kweli, ni kama tumepoteza vita dhidi ya ufisadi. Serikali, mahakama na Bunge, pamoja na wananchi, wamepoteza vita dhidi ya ufisadi. Kwa hivyo, tunakubali kwa moyo mkunjufu msaada wowote ambao tutapata kutusaidia katika vita hivi.

Bw. Naibu Spika, ufisadi ni "ukoma" mbaya kuliko ule ugonjwa wa ukoma, kama tunavyojua. Wafisadi ni wagonjwa wa ukoma. Katika Biblia, tunaambiwa kwamba, katika enzi za kale, wagonjwa wa ukoma walitengwa kutoka wa jamaa zao. Hawakuruhusiwa kuishi na jamii. Lakini ukiangalia katika nchi hii, utaona kwamba wafisadi wanakubalika sana. Ningependa

kuwaomba wale wanaohusika na shughuli ya kuunda Kamati mpya za Bunge wasiwateue watu waliohusika na ufisadi, ama wale waliotajwa kwenye kashfa za ufisadi, kuwa wanachama wa kamati hizo. Nchi za kigeni zimeanza kupiga marufuku Wakenya ambao wamehusishwa na visa vya ufisadi wasitembelee nchi zao. Serikali za nchi hizo zinapiga marufuku watuhumiwa wa ufisadi wasizitembelee nchi zao kwa sababu wanaogopa kwamba wakienda huko watawaambukiza watu wao ukoma wa ufisadi. Lakini katika nchi hii, wafisadi wanatembea huru kama ambao hawana dosari. Kwa sababu tumeweza kufikia kiwango hicho, ni wazi kwamba tumepoteza vita dhidi ya ufisadi. Ni kana kwamba Wakenya hawaogopi kuambukizwa ufisadi. Hatuwanyanyapai wafisadi hao. Hatuwatengi, hatuwabagui ama kuwaogopa. Badala yake, tunakula na kunywa pamoja nao. Tunalala nao na kuzaa nao. Tunazaa ufisadi zaidi.

Katika nchi hii, wafisadi hugombea viti vya uwakilishi Bungeni. Hawana aibu. Utaona kwamba mtu ametajwa katika hujuma ya ufisadi, lakini bado anagombea kiti cha uwakilishi Bungeni. Wengine wanagombea kiti cha Urais. Ukiona mtu aliyetajwa kwenye kashfa ya ufisadi anathubutu kugombea kiti cha Urais na hakuna mtu wa kumkemea, ni thibitisho kwamba nchi yenyewe imeungua. Katika nchi hii, wafisadi wanagombea uongozi wa vyama vya kisiasa. Pia wanaenda Ikulu ya Rais. Tunashindwa kufahamu wafisadi hao wanaenda Ikulu ya Rais kufanya nini. Ikulu ni pahali patakatifu; sio pango la walanguzi. Inawezekanaje mtu aliyehusishwa na ufisadi kumtembelea Rais katika Ikulu? Anaenda huko kufanya nini? Tuko na kasoro kubwa!

**Mr. Ndolo:** Jambo la nidhamu, Bw Naibu Spika. Ningependa Waziri Msaidizi atuambie ni watu gani ambao wamehusika na ufisadi ambao wanampelekea Rais maombi yao katika Ikulu?

**The Assistant Minister for Information and Communications (Mr. Wamwere):** Bw. Naibu Spika, nimeongea kuhusu watu ambao wamehusishwa na ufisadi. Sikumtaja mtu yeyote. Kama mhe. Ndolo hawajui, mwenye macho haambiwi "tazama".

Uoga wangu mkubwa ni kuwa Rais anawaruhusu watu ambao wamehusishwa na ufisadi kumtembelea katika Ikulu. Watamuweka dosari. Ni lazima Rais siku moja asimame hadharani aseme: "Ikulu ni pahari patakatifu. Siyo pango la walanguzi. Sitaki kuona mhalifu yeyote akikaribia hapa". Watu ambao wametajwa katika ripoti za kamati ambazo zinachunguza ufisadi na waliopendekezwa kutoshikilia nyadhifa za umma, wanaendela kufanya hivyo. Hapa kuna kasoro kubwa. Wafisadi wamejaa Serikalini; kwa mfano, wako katika polisi na katika utawala wa mikoa.

Bw. Naibu Spika, katika mashambani, ufisadi umejaa tele. Uchumi wetu, siasa na utawala zimetekwa nyara na ufisadi. Kila pahali, ufisadi unatawala. Huduma zinacheleweshwa kwa sababu ni lazima watu watoe hongo ili wapate huduma hizo. Hata makanisani, ufisadi umejaa. Ufisadi unaripotiwa kwa Kenya Anti-Corruption Commission (KACC) lakini hakuna hatua ambayo inachukuliwa. Walanguzi wanaendelea na ufisadi na huku tunapigana na ufisadi. Ni kama tunaogopa kuwafunga watu ambao wamehusika na ufisadi. Serikali ya NARC iko karibu kumaliza kipindi chake, lakini sijui itasema nini kama haitakuwa imewahukumu watu ambao wamehusishwa na ufisadi?

Waliokulia sahani ya ufisadi na waliofaidika kutokana na ufisadi sasa ndio mabingwa wakubwa wa kupigana na ufisadi. Wanazunguka kote nchini wakisema vile ufisadi ulivyo mbaya. Tukifikia kiwango ambacho watu ambao wamehusika na ufisadi wanajifanya mabingwa wa kupigana na ufisadi, hiyo ni ishara kwamba tumevipoteza vita dhidi ya ufisadi.

Bw. Naibu wa Spika, watu wengi wanafikiria kwamba kupigana na ufisadi ni kile Waswahili wanakiita "lele mama". Ni maoni yangu kwamba kama vita vya wenyewe kwa wenyewe havijatanzwa katika nchi hii, hatupigani na ufisadi wo wote. Vita vya kuondoa ufisadi sio mchezo. Ni vita ambavyo vitatingiza nchi hii. Kama nchi hii bado hajatingizika, vita vya kuondoa ufisadi bado havijaanza. Sijui ni nani atavianzisha vita hivi.

Ufisadi umeshinda katika nchi hii. Kilele cha ushindi huu ni namna ambavyo wananchi wanavyotambua wafisadi kama mashujaa wao. Ukihudhuria mkutano wa hadhara, uwe wa siasa au

mazishi, utaona kwamba watu ambao wamehusishwa na ufisadi wakisimama, wanapigiwa makofi kwa deremo. Wafisadi wamekuwa ndio mashujaa wa raia. Kila siku tunasema kuwa tunapigana na ufisadi lakini wafisadi wamekuwa mashujaa wa wananchi. Tutapigana vipi na ufisadi kama wananchi wanashangilia wafisadi? Kuna kitu ambacho kimeenda kombo. Wananchi hawawezi kuwatambua wafisadi kama mashujaa kama hatujapoteza vita vya kuondoa ufisadi. Tumepoteza vita vya kuondoa ufisadi na wananchi wanawafuata wafisadi ili wawapatie watakachowapatia.

Bw. Naibu Spika, tumo katika hali baya. Ni lazima tushinde vita hivi kama nchi hii itaweza kupigana na umaskini na kujikomboa kwa kila hali. Ufisadi hauadhiri tu maendeleo. Unaadhiri pia siasa. Ni lazima tukumbali kwamba ufisadi umepiga hatua kadhaa mbele ya wale ambao wanapigana nao. Ni lazima tukumbali kuunda Kamati hii ili iongezee nguvu katika vita vya kumaliza ufisadi katika nchi hii.

**Mr. M'Mukindia:** Mr. Deputy Speaker, Sir, I rise to support this Motion. As hon. Wamwere has said, the institutions that we have set up in this country, do not seem to be effective. We, in Parliament, must stand up to be counted against this evil of corruption.

There are so many national institutions that have progressively in the last 30 years collapsed, not because they could not function properly, but because they were "killed" by corruption. A lot of our people have been impoverished. Many have lost jobs. The economy has suffered simply because we allowed corruption to get into the roots of our society. I am aware that there are many anti-corruption institutions which have been set up to fight corruption under the Executive arm of the Government.

Mr. Deputy Speaker, Sir, we are disappointed that up to this point in time, those institutions do not seem to be very effective. We are disappointed, as has been said by other contributors to this Motion, because we have not seen any action being taken against corruption. Recently, the Minister for Justice and Constitutional Affairs said that we have a problem in fighting corruption. She had admitted that. Therefore, if the Minister has admitted that, we in Parliament, as the representatives of wananchi, must come out strongly to create a specific watch dog committee or a select committee to ensure that these institutions under the Executive actually perform their duties. The moment the Executive is over-seeing itself in this respect, that is not enough.

Mr. Deputy Speaker, Sir, corruption is a cancer. It is such a terrible thing in society. If Parliament wants this country to be secure; if it stands for *wananchi*, if it cares about the political stability and economic development of this country, it has no other way than to stand up and be counted against that evil.

Mr. Deputy Speaker, Sir, we can mention so many institutions that were there in the past. Look at the Kenya Farmers Association (KFA) which used to serve farmers! It "died"! Look at the Kenya National Assurance Company (KNAC) which catered for the insurance needs of *wananchi*! It "died"! People have suffered! Look at so many banks where *wananchi* have lost their deposits! We allowed that and impoverished our people! We have brought down economic development because we have allowed corruption to take root in our country! We must stand up and say: "No! No more!"

Mr. Deputy Speaker, Sir, I want to thank Mr. G.G. Kariuki for bringing this Motion to highlight corruption. How can we be sure that this country is secure, when drug cartels are slowly creeping into our society? There is no way we can control those drug cartels, which are targeting our youth. If the youth die, where is Kenya? Kenya will be dead! How are we going to control the problem of drugs? It cannot be controlled because corruption has permeated the very institutions that are supposed to stop it. To me, the issue of drugs is the most dangerous thing facing our society. If we do not stand up and stop corruption, drugs are going to destroy Kenya and Africa. We are not different from South America. We will end up having a major civil war in this country.

The issue of corruption is not a simple thing. It is very dangerous! It actually undermines

the institution of the State. If we do not stand up now as Parliament, then we do not care what happens tomorrow. If our youths become drug addicts in schools, what will happen to this country in future? If our police and security forces along the coast are compromised--- Several containers of drugs come to this country and they disappear! Nothing happens, and yet the people know who is doing that. Will Parliament stand up to be counted? This gives us a chance, as people's representatives, to stand up and say: "No more!"

I would like to urge my colleagues to stand up and tell the respective arms of the Government: "Yes, we know you are trying to do something! Yes, we understand that we are coming from a very difficult history. But what you are doing is not enough! This country is in danger. Our youths are in danger. The stability of Kenya is in danger. The security of this country is in danger!"

*(Applause)*

If we do not trust our security agencies and administrators, who are we going to trust? Who is watching over Kenya today? Is it the Ministers, the police or the army? We are exposed! It is corruption that has exposed us. We must stand up and say: "No!" While we accept that we are very much exposed in all ways, I would like to remind the Ministries concerned that our police and security agencies require to be properly equipped. It is not possible to fight corruption without the tools to do it.

For example, whether the issue of forensic laboratories was mishandled in the past the fact remains that we need them immediately. Otherwise, we will not be able to track down crimes and prosecute criminals in court. The fact that there was controversy in the past should not stop us from moving forward.

Mr. Deputy Speaker, Sir, if you look at our security agencies, like the Kenya Army, Kenya Air Force and Kenya Navy--- We need to improve their equipment. We need to increase the equipment that they have so that they can properly patrol our borders. Just because there was a problem with a navy ship in Spain does not mean that Kenya does not require one. If anything, we need more than one naval ship. We need three or four. Again, we need to do those things immediately. Therefore, I would like to encourage the Government to move forward and ensure that we are properly equipped to fight, not only general insecurity, but also crimes of corruption.

Mr. Deputy Speaker, Sir, to give other hon. Members a chance to contribute. I wish to stop there and beg to support.

**Mr. Deputy Speaker:** Hon. Members, I know that we have been on the Government side twice, but the Government now wants to respond. I promise that, after the Minister for Justice and Constitutional Affairs responds, I will give two chances to the Opposition side immediately thereafter!

Madam Minister, you may now respond!

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Deputy Speaker, Sir, I rise to oppose this Motion. With due respect to the Mover, the Motion is well intended but totally misguided.

Mr. Deputy Speaker, Sir, when one looks at the Motion, it seeks to establish a Select Committee to report on the performance and output of all anti-corruption institutions and make recommendations to facilitate zero-tolerance to corruption and related economic crimes. Which are those anti-corruption committees?

Firstly, we have the Kenya Anti-Corruption Commission (KACC). It was set up by the Anti-Corruption and Economic Crimes Act. Section 37(6) of that Act is quite clear. That institution reports directly to Parliament. To which Committee of Parliament does that institution report? That



institution reports to the Departmental Committee on the Administration of Justice and Legal Affairs. Why then would we need to superimpose a Select Committee on a Departmental Committee which, by an Act of Parliament, is mandated to report to Parliament?.

What other anti-corruption institutions do we have? The other one is the National Commission on Human Rights. It also reports directly to Parliament through the Departmental Committee on the Administration of Justice and Legal Affairs. That is why I am saying that the Motion is misguided, although well intentioned. There already exists a reporting structure for all anti-corruption institutions. There is a Departmental Committee in this Parliament which audits all those institutions. Are we saying that the Departmental Committee has failed? If it has failed, why do we not change the membership? Why should we create another committee? Why should we superimpose a committee on top of another?

Mr. Deputy Speaker, Sir, the KACC has been in existence for only one year. So, the Departmental Committee is now looking at its reports. It should be getting ready to report KACC's achievements, or lack of any, to Parliament. Why can we not give the Departmental Committee a chance?

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. M'Mukindia) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, I would like to remind hon. Members, and also the Mover of this Motion, that every hon. Member of Parliament is entitled to approach any of the Departmental or Parliamentary Committees even when you are not a member to give your ideas. Therefore, the Mover and any other hon. Member who feels that they have ideas which could help in the war against corruption in this country can and should approach the relevant Committees of Parliament, give their ideas and read the reports that these Committees are giving to Parliament and enable us to move forward in this war against corruption. In other words, I am simply saying this: This proposed Select Committee will not add any value. Though well intentioned, it will just duplicate what is already being done by other committees of Parliament.

Mr. Temporary Deputy Speaker, Sir, look at its proposed membership. One of them is the Chair of the Public Accounts Committee (PAC). Why do you want to take a very busy Chair of the PAC to sit in yet another committee? We know that the Chair of the PAC and his team are doing sterling work, including work that is helping in the fight against corruption. We remember recently they gave us a report on the Anglo Leasing affair. Now that the Minister for Finance has given the Auditor and Controller-General's report on the 18 related contracts, we expect the Chair of the PAC and his team to be very busy looking into those matters so that they may report to Parliament. Is it fair then to start asking the Chair of the PAC to go to another committee duplicating the very work that his committee does?

Mr. Temporary Deputy Speaker, Sir, I would say the same of the Public Investments Committee (PIC). They too make their report to Parliament. When you ask a busy Chair of the PIC to then be a key member in a committee that is duplicating its work, are you adding value or creating bureaucracy? I want to appeal to hon. Members that we appreciate everybody's feeling of frustration that we are not covering as much ground as we should in the war against corruption, but I want every hon. Member and Kenyan to ask themselves: What have you contributed yourself to this war? Are you just lamenting that the Government is doing nothing while you, yourself, are perpetuating corruption? Are you one of those who are obstructing corruption trials in the courts of law? Are you one of those who are encouraging people with illegally acquired land not to surrender

it? Are you one of those who are claiming that when one is put under investigation, that they are being harassed? Are you one of those demanding or giving bribes? When you say that the war on graft is not moving and yet we are not moving at a good speed, it is because you as an individual and a member of this august House have not made your contribution. If we all make a concerted effort we shall realise the results that we want.

Mr. Temporary Deputy Speaker, Sir, I am, therefore, saying that the answer does not lie with unnecessarily creating too many bureaucracies and layers of institutions of committees superimposing a Select Committee on top of several existing Departmental Committees dealing with the issue. That is totally unhelpful. What will be helpful is each hon. Member of this House and each Kenyan becoming committed in the fight against corruption, and all of us pooling our efforts together.

Mr. Temporary Deputy Speaker, Sir, I want to repeat that any hon. Member of Parliament wishing to contribute to the efficiency of the anti-corruption institutions can do so either directly or through the existing Departmental Committees, starting with the Departmental Committee on Administration of Justice and Legal Affairs, PAC, PIC and any other forums, but it will not help at all to create unnecessary tiers of committees other than encouraging waste of the very public funds we are talking about. Another committee will not only duplicate efforts, but will also utilise even more money instead of being helpful in the war against corruption. It would also create confusion. To whom will the institutions fighting against corruption be reporting? Are they going to cease reporting to the Departmental Committee on Administration of Justice and Legal Affairs and now start reporting to the new Select Committee? This is adding confusion instead of strengthening the war against corruption.

Mr. Temporary Deputy Speaker, Sir, I want to remind hon. Members that this very Motion had been brought to Parliament last year in 2005, and it was defeated. The Motion has come in exactly the same form. I am urging hon. Members to be guided by the good sense that guided them when this Motion was defeated and throw it out, not because we do not as a Parliament support the war against graft, but because we will be admitting that Parliament already has a dynamic committee dealing with the issue which we all as hon. Members can take our views to, and that there are other two committees, the PIC and PAC which also do similar work.

Mr. Temporary Deputy Speaker, Sir, I want to admit that there is more that we can do to help the war against graft. Some of the measures we can take as Parliamentarians is agreeing to have a citizen's charter; a sort of code of regulations where we, Parliamentarians, commit ourselves that this is the manner in which we shall conduct ourselves in service delivery, because I want to say that without revocation that Parliamentarians, being part of this society, we too are affected by corruption and corrupt practices. Who is going to watch over Parliament? Let us put our House in order. Let us make suggestions of ridding corruption out of Parliament and then we can be a better watchdog and be able to look after other institutions. Those are some of the measures that hon. Members can contribute to. It does not need any law. It just needs a resolution by hon. Members that we agree to adopt a charter of a minimum set of rules and regulations that we must observe as hon. Members of Parliament. This will enable us to---

**Mr. Khamisi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister in order to suggest that this House and its hon. Members are not serious in the war against corruption when she knows very well that we passed the Public Officer Ethics and Conduct Bill in this House?

**The Minister for Justice and Constitutional Affairs (Ms. Karua):** Mr. Temporary Deputy Speaker, Sir, the hon. Member, who has just come in apparently, may not have been listening. I have not said hon. Members of Parliament are not serious. I, as an hon. Member of Parliament and the Minister for Justice and Constitutional Affairs, I am giving my views on how

we can strengthen the war against graft. Unless the hon. Member is suggesting that there is nothing more we can do to improve, then he would not be objecting to what I am saying. There is nothing good in my view that is incapable of being improved.

Yes, this Parliament has facilitated the creation of a legal framework for the fight against graft by passing the Public Officer Ethics and Conduct Act, the Anti-Corruption and Economic Crimes Act, and I know also, the Public Procurement and Disposal Act. I know this Parliament has made its contribution, but there is more that can be done by this Parliament, each individual hon. Member, each Kenyan and the Government. We are trying our best to improve and be innovative on a daily basis because we realise the war against graft is not something that can be won easily without daily attention and improvement of the strategies, and without collective and collaborative effort. I am, therefore, calling upon all hon. Members to join hands to treat this as a bipartisan issue, so that we win this war. I would like to emphasise that the way to win the war against graft is not by creating unnecessary bureaucracy and super-imposing committees on top of existing committees, but it is by seeing where we can tighten and strengthen what is happening.

Mr. Temporary Deputy Speaker, Sir, the reports of this House over the last decade, especially those of the Public Accounts Committee (PAC) and the Public Investments Committee (PIC), have recommended that many people should not hold public offices. However, the same individuals have found their way as hon. Members of Parliament. We, therefore, must wonder: If Parliament can recommend, in its resolutions, that certain individuals should not hold public offices, and those individuals end up being hon. Members of Parliament, perhaps, instead of this Motion, we should be passing a law on how to implement recommendations of those committees to ensure that those who are barred from holding public office never find their way to leadership positions. That is one of my suggestions on how to help the war against graft, rather than create a committee that will duplicate three other existing committees.

Mr. Temporary Deputy Speaker, Sir, I would like once again to emphasise that there is a lot we can do. However, is this the best way to do it? My answer is "no". I want to persuade the Mover, who is my very good friend, and knowing the Motion is well intended, that this is not the best way of aiding the war against graft. We, as Parliament, should sit together to see how best we can strengthen the existing committees.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to urge all hon. Members with ideas, to kindly take them to the relevant Departmental Committees. Let us, as Parliament, come up with concrete measures to strengthen the war against corruption.

Mr. Temporary Deputy Speaker, Sir, with these very many remarks, I beg to oppose this Motion.

**Mr. Ndolo:** Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii niunge mkono Hoja hii. Hii ni kwa sababu swala la ufisadi limekita mizizi katika nchi yetu. Hoja hii imewasilishwa wakati unaofa.

Waziri wa Haki na Maswala ya Kisheria alisema jana kuwa ufisadi ni swala nyeti katika nchi yetu. Pia Serikali ilisisitiza kwamba ni lazima kuwe na tume maalum ya kushughulikia maswala ya kuchunguza na kupeleka kortini mashtaka ya ufisadi. Ni jambo la kushangaza sana ikiwa Serikali wakati huu inageuka na kusema kwamba kamati ambayo tunataka kubuni hapa leo itakuwa inakariri kazi ya Kamati zingine za Bunge na tume tofauti zilizoundwa kushughulikia ufisadi nchini. Ikiwa Serikali inataka kubuniwa kwa tume ya kuchunguza ufisadi, kwa nini leo inapinga Hoja hii na kusema kamati hii itakariri kazi ya kamati zingine? Bunge hili ndilo kitovu cha kutunga sheria katika nchi yetu. Kwa hivyo, inafaa mambo ya ufisadi yachunguzwe vilivyo na Bunge hili.

Bw. Naibu Spika wa Muda, vita dhidi ya ufisadi vinahitaji sisi sote kushiriki. Si Bunge tu, wala Serikali pekee, bali wananchi wote kwa jumla, kupitia kwa Wabunge wao. Ni lazima sote

tutilie maanani jambo hili. Jambo la kustaajibisha ni kwamba watu ambao wanachunguza ufishadi nchini hawalipwi vizuri. Lakini watu wanaohusika na visa vya ufishadi wana pesa nyingi zaidi. Je, inawezekanaje mtu ambaye anapata mshahara wa chini kuchunguza visa vya ufishadi? Je, mtu huyo atachunguza ufishadi bila kuhongwa? Uchunguzi utafanyika vipi? Kwa hivyo, ningependa kuunga mkono kabisa Hoja hii na kusema kwamba ni lazima kamati hii ibuniwe ili tuone kwamba wafisadi wote wamechunguzwa na kuchukuliwa hatua madhubuti. Hii ndio sababu wanapinga Hoja hii kwa sababu sisi tunawajua wafisadi wote.

Bw. Naibu Spika wa Muda, ni kweli tuna Kamati za PIC na PAC. Lakini ni wafisadi wangapi ambao wametajwa katika ripoti hizo wamefikishwa kortini? Hakuna hata mmoja ambaye amefikishwa kortini. Wenye kufikishwa kortini ni wale ambao wameiba kuku na pesa za thamani ya chini. Hao ndio tunaoambiwa ni wafisadi. Wafisadi wanaohusika kwa kuiba pesa nyingi wanashirikiana na viongozi kuona kuwa swala la ufishadi halitashughulikiwa kikamilifu na Serikali hii.

Bw. Naibu Spika wa Muda, ninamuunga mkono Waziri wa Haki na Maswala ya Kisheria kwa kazi yake nzuri. Itakuwa ni aibu sana ikiwa yeye atapinga Hoja hii. Hoja hii itamsaidia kupambana na visa vya ufishadi nchini. Ikiwa Waziri ataungana na watu ambao wanataka kuona ufishadi ukiendelea, basi itakuwa ni hatari sana. Tutarudi nyuma kimaendeleo na hatutaweza kuwapeleka kortini wafisadi.

Bw. Naibu Spika wa Muda, siwezi kusema kwamba hakuna wafisadi katika Bunge hili. Waziri amesema ufishadi umekita mizizi katika nyanja zote za nchi. Ni kweli vita dhidi ya ufishadi ni vigumu sana. Kwa hivyo, ni lazima Bunge hili lijishughulishe na swala hili la ufishadi kikamilifu. Hii ni kwa sababu swala hili limekita mizizi katika Bunge na Serikali yetu.

Wakati Serikali ilibuni tume ya KACC inayoshughulikia maswala ya ufishadi, nilienda kortini kupinga uteuzi wa Jaji Ringera. Hii ni kwa sababu yeye alikuwa ameshtakiwa kuhusika na visa ya ufishadi. Nilisema hastahili kusimamia tume ya kupambana na ufishadi nchini. Tukiendelea kufanya kazi kwa njia hii, hatutaweza kufaulu dhidi ya ufishadi. Ningependa kumuomba Waziri arudi nyuma afikirie juu ya swala hili na aunge mkono kubuniwa kwa kamati hii. Kuna watu wanaodhani kwamba watakaoteuliwa watajifaidi wenyewe. Hiyo si kweli. Ninaunga mkono mhe. Mbunge ambaye aliwasilisha Hoja hii kwa sababu ana roho nzuri ya kusaidia nchi hii katika mambo ya ufishadi.

Bw. Naibu Spika wa Muda, ninaiunga mkono Hoja hii kwa dhati. Ningemwomba Waziri atusaidie na aunge Hoja hii mkono ili kamati hii ibuniwe ili imalize ufishadi hapa nchi.

**Mr. Sambu:** Thank you, Mr. Temporary Deputy Speaker, Sir. I do not agree with this Motion. As for my friend, Mr. G.G. Kariuki, I am sorry, but I do not agree with him. The Motion does not serve any purpose at all. We have enough committees and investigative powers vested in the Kenya Anti-Corruption Commission (KACC) and the---

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, please protect me from hon. Members who have vested interests in this Motion because their names are listed in the proposed committee.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Mr. Sambu, you should be allowed to continue without any interruptions.

Proceed!

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, we have two audit committees of Parliament; the Public Accounts Committee (PAC) and the Public Investments Committee (PIC). I hear that the committees have produced many reports based on what the Controller and Auditor-General recommends. I have been a Member of the PIC for two consecutive years. I know that the

Committee, which investigates or looks into the recommendations of the Controller and Auditor-General makes recommendations year in, year out and asks the Attorney-General to investigate and prosecute or recover the funds misappropriated by the concerned individuals. Those concerned could be heads of parastatals, among other people. No action has been taken to carry out the recommendations. We have not seen the Attorney-General acting upon the PIC or PAC recommendations. Although it is a Constitutional body, I think it is time the current Attorney-General's Office was discussed here regarding contempt of Parliamentary recommendations. The PAC recommends that the House adopts its recommendations. Once the House has adopted the report of either the PAC or the PIC, then it becomes a resolution of the whole House. If the resolution is that the Attorney-General should investigate and prosecute, then why does he not do anything about it? There are very many reports and, in fact, as the previous contributor to this debate has said, there are two sitting hon. Members whom the two committees have recommended should not hold public offices. However, those hon. Members continue to hold public offices.

**Capt. Nakitare:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard what the hon. Member has said. He said that there are two hon. Members who are mentioned in the reports as being barred from holding public office. Could he name them? **Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, that is not a point of order. People should take their time to go to the library and read the PIC and PAC reports. They are very many. It is not up to me to come to this House and tell you about them. It is up to the Attorney-General and not Capt. Nakitare to act upon them. If he does not do so, I will bring a Motion of censure against the current Attorney-General for sitting on the reports. That is why corruption continues, because people know that the cases will not go anywhere.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, we have seen reports of committees which have recommendations from the Controller and Auditor-General saying that some people should not hold public offices. Those people, however, continue to hold the same positions in the same corporations. Therefore, they continue looting the same corporations they have been working for. Instead of forming a new committee, the Attorney-General should act upon all PIC and PAC reports which have been adopted by this House, with immediate effect.

Secondly, we want the Government to expedite the corruption cases in court. We should not have people going to Constitutional courts to seek protection where there is evidence, particularly on abuse of office. The Government should help us to expedite such matters.

I want to end my brief contribution by saying that we, as Parliamentarians, should not form committees for the sake of it. Some of our colleagues are in four to six committees. We cannot allow the formation of committees so that individuals can hold more positions in them.

With those few remarks, I beg to oppose.

**The Assistant Minister for Roads and Public Works** (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, I stand to oppose this Motion. I think what the previous contributor and the Minister for Justice and Constitutional Affairs have said is very clear. This Motion, although well-intentioned, is misplaced. Let us address the problem from where it is. As hon. Sambu has said, the problem of prosecution of corruption cases is not in this House. The problem lies with the Attorney-General.

The Attorney-General has failed to prosecute corruption cases. The courts also have been misused by those who are corrupt, by filing constitutional issues. Instead of the cases taking a few months to be concluded, they take very many years. Why do we not, as a House, address the main problem? If the problem is with the Attorney-General, we should see, as a House, what to do with

him. The Attorney-General cannot continue frustrating this House. Hon Members of this House bitterly debated on the Anglo Leasing and the Goldenberg scandals, and said that they wanted those people who were involved to be investigated and prosecuted. The buck stops with the Attorney-General. This House should get a solution to what is happening at the Attorney-General's Office. As hon. Sambu said, the courts should not be used to frustrate the fight against corruption.

With those few remarks, I beg to oppose.

**Mr. Boit:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could you call upon the Mover to reply?

**The Temporary Deputy Speaker** (Mr. M'Mukindia): We still have time.

Proceed, Mr. Katuku!

**The Minister for Water and Irrigation** (Mr. Katuku): Thank you, Mr. Temporary Deputy Speaker, Sir for giving me an opportunity to contribute to this Motion. I would like to say that I oppose the Motion. The arguments being advanced by both sides of the House, and by hon. Members who are opposed to the Motion, are credible. I have previously served in the PIC for a long time. We made recommendations and went into depth of issues related to corruption. However, my frustration, as I stand here, is that the recommendations were not implemented. We want to have a Motion geared towards implementation and not investigations. Investigations are done by relevant bodies like the National Audit Office, among others.

Mr. Temporary Deputy Speaker Sir, conclusions are reached that some people should be prosecuted. We should be looking into how we can strengthen the prosecution aspect of our institutions. I want to agree with the Minister that establishing this committee would be a total duplication and confusion and it will cause confusion in its operations. I want to appeal to the Mover of this Motion to look into ways of strengthening the PAC and the PIC and how we can tackle the implementation process in terms of prosecutions. This Motion needs to be placed where it belongs; by way of defeating it. I want to appeal to the Mover to withdraw it before we do so.

I have heard comments from colleagues that if we do not pass it, we would be sending wrong signals to the public out there. I want to disagree with that. We, as a Government and Parliament, must work together in order to fight corruption. We are not sending wrong signals by defeating this Motion. Who are we sending wrong signals to? We have the right bodies; that is, the Public Accounts Committee (PAC), the Public Investments Committee (PIC) and Mr. Aaron Ringera's team, which are all doing a good job. Maybe the Attorney-General needs to be pushed to do his work. When I talked to him recently, he said that he did not have enough staff. I think this is an area where we need to facilitate the Attorney-General or, maybe, come up and ask him what the problem is.

Mr. Temporary Deputy Speaker, Sir, we experience a lot of frustrations in our courts of law, with cases being delayed for years and people not getting judgement. Of course, justice delayed is justice denied. So, the issue is how we can improve the performance of our courts. If we are required to amend the laws to increase the number of judges to handle the cases in our courts, we may need to do that as a Parliament in order to give the Chief Justice, or the institution, more room to appoint more judges so that they can handle corruption cases speedily. I would want to see a situation where a case is taken to court today and it is determined within two weeks. That is the only way we can fight corruption. But this business of somebody going to court and using the same money earned from corruption to frustrate the legal system cannot take us far. We must oil the system, and that is the only way forward.

Mr. Temporary Deputy Speaker, Sir, I would want to appeal to those who have been mentioned in the PAC or PIC to own up and go home, if they are in this House.

With those few remarks, I beg to oppose.

*(Applause)*

**Mr. Kajwang:** Mr. Temporary Deputy Speaker, Sir, I beg to oppose the Motion.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, corruption is an extra-ordinary phenomenon. If we are going to deal with it, we need extra-ordinary measures. This is not an extra-ordinary measure because we have established many anti-corruption institutions. For example, we have the Kenya Anti-Corruption Commission (KACC), we have another one run by a reverend, we have two watchdog Committees in Parliament; we have the Controller and Auditor-General himself and the Efficiency Monitoring Unit (EMU), which are all supposed to deal with corruption. So, we have many bodies dealing with corruption but nothing is happening. Why is that so? We also have the institution of the Attorney-General himself, who is also supposed to deal with corruption. Why is it that nothing is happening? It is not because of the lack of bodies like these. In fact, we should reduce them. It is the will to do what we know we should do to deal with corruption that is lacking.

If you asked me about those extra-ordinary measures which we should undertake to deal with corruption, I know them and I can name one of them. We are not going to deal with corruption using institutions which are themselves corrupt. The High Court, subordinate courts and the Court of Appeal are not bodies to deal with corruption. If you look at them, they are themselves corrupt, and they have accepted that fact. There is a report which has been authored by the Chief Justice himself which says that the entire system is corrupt. So, how are we going to use a corrupt institution to deal with corruption? What are we going to do? That is the question.

Mr. Temporary Deputy Speaker, Sir, at one time, when we discussed the issue of how to deal with corruption here, somebody suggested that we should even have special courts to deal with corruption. We resisted that move because we thought that we were a civilized country and we should not have courts which are outside the normal court system and we should not have court martials. But corruption is a primitive institution and to deal with it, you need primitive institutions. Until we have the courage to establish courts which will deal with corruption within 12 hours in which we have heard the evidence and jailed the culprit for 25 years, we are not going to deal with it. The culprit should appeal when he or she is in jail. By the time he or she comes out, he or she will never try it again. We might say that is cruel and primitive, but that is the only way to deal with corruption.

Mr. Temporary Deputy Speaker, Sir, we are not going to teach the people to stop corruption when they see its benefits. When you see a man who was poor yesterday get into an office and become a millionaire and women sing praises to him; he is voted into an office of a party and then to Parliament--- People praise him and songs are sung in his name. How do you deal with such a man? When you arrest him, the whole of his clan goes to court to say that their man is being finished. They are bitter and they shed tears. How do you deal with such incidents? Until we make the public know that if they are corrupt, they will be jailed and stripped of all that wealth, then the public can shun them. Unless we do that, corruption will continue to thrive in our country. What are we talking about? How many bodies shall we form? We are wasting our time!

Mr. Temporary Deputy Speaker, Sir, we must now be radical! My friend, the former Minister for Justice and Constitutional Affairs, talked of radical surgery. He was just joking. If you mean "radical", be radical enough and do something extra-ordinary. We must shake the minds of Kenyans to believe that corruption is wrong. Are we not talking of dealing with Goldenberg? Are we not fighting it? Are we not threatening people that we are going to take them to court? Are they not taking tea with the President? So, what are we talking about?

Mr. Temporary Deputy Speaker, Sir, we should forget this Motion! Let the Government change its mind and become serious and radical enough to change the thinking of Kenyans first; that this thing is destroying the fabric of our country. I respect the hon. Member who has moved this Motion, but this is not the way to deal with it. We should ask the Minister for Justice and Constitutional Affairs to go and think seriously about some radical measures that this Parliament must take to deal with corruption. We are ready to pass very serious laws here. Let us have anti-corruption tribunals outside the court system which will deal with corruption swiftly and, within one year, there will be no corruption in this country.

Thank you, Mr. Temporary Deputy Speaker, Sir.

I beg to oppose.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Mr. Abdirahman, you have three to four minutes.

**The Assistant Minister for Trade and Industry** (Mr. Abdirahman): Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to oppose this Motion with very genuine reasons which, I think, will be important. This particular Select Committee, as far as I understand, will in no way be different from any ordinary task force that is sent to compile a report. Our intention is not to send a small team just to go and collect a report, but to act. We have sufficient institutions in this country that have been created to deal with corruption. Parliament, as we all know, has an oversight role and as it has been clearly stated by those hon. Members who have spoken before me, there are watchdog Committees in this House, for example, the PAC and PIC, which can sufficiently work on this issue as they do.

Mr. Temporary Deputy Speaker, Sir, the truth is that corruption is endemic and it was there even before we started to talk about it this year. If we need to get rid of corruption which has been institutionalised in this country over a long time by individuals and institutions, we need to change the attitude of the people who engage in the vice. Kenyans have a lot to contribute to the fight against corruption. If we have to help the anti-corruption institutions, like the Kenya Anti-Corruption Commission (KACC), that are in place, their performance should be effectively monitored by the Ministry of Justice and Constitutional Affairs. I think the Minister for Justice and Constitutional Affairs is in this House. That Ministry should check on the performance of those institutions. As a Ministry, it should see how it can improve the performance of those institutions with support from everybody, including hon. Members.

My position is that we need an effective and a better strategy in the fight against corruption rather than talk about setting up Select Committees that are endless in this House. We have sufficient institutions to fight corruption and, as parliamentarians, let us give them the goodwill they require. Let the Government also give those institutions the goodwill they require. Setting up a Select Committee will not be a solution to the endemic corruption that has bedeviled this country for a long time.

**The Temporary Deputy Speaker** (Mr. M'Mukindia): Yes, Mr. G.G. Kariuki!

*(Laughter)*

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I would like the hon. Members, who are laughing, to listen to the voice of the Mover of this Motion!

First of all, it is generally agreed that the intentions are good. If you have good intentions and you block the same intentions, I do not know how to describe you! I cannot find words to describe such a person. This is because the Minister knows very well that, even in the meeting that was held at the Bomas of Kenya yesterday, a solution to the fight against corruption was not found because all the institutions which fight the vice have more or less failed. It will not take us another



six months before the Minister for Justice and Constitutional Affairs brings some amendments to the Act which was passed by this honourable House two years ago.

Hon. Members should clear their names of the allegations by Kenyans that almost everybody in this country is corrupt. Members of the public expect this Parliament to deal decisively with corruption. However, all the laws that we have passed are inadequate.

First of all, let us agree that corruption started in the past two Governments. The third Government also got itself in the same quagmire. That is why I admit and submit to this House that the systems of corruption are kleptomania; they are organised by the people who are corrupt. Therefore, this country is known everywhere and we should not say that we are not corrupt. I want this Parliament to exonerate itself from the accusations that everybody is corrupt.

*[The Temporary Deputy Speaker  
(Mr. M'Mukindia) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, I am very surprised when hon. Members happily say that we have institutions which fight corruption and yet they know very well, if the new Government had fought corruption straightaway, we would have gone many miles ahead. We are being told that there is the PIC, which I know. There is also the PAC. What do these Committees do other than make recommendations to the Attorney-General to take action? What powers do they have? I sympathise with the hon. Members of the PIC or PAC when they say that they have enough power, and yet they know very well that they are serving others. This is because they are not genuine and frank. This Parliament should come out and say that we are not corrupt. However, the way things are, history and Kenyans will judge this Parliament very harshly. This is because even if it was ten, four or one person who will add strength in the war against corruption, the Government should accept him or her. However, you become a happy person because you have gone scot-free, you have engaged in corruption and nobody is following you. This is known!

The Select Committee that I have proposed to be established is supposed to investigate why the war against corruption has taken too long. Is it because the existing machinery does not have power or teeth to bite or what is the problem? From the mood of the House, that Select Committee is unwanted because we do not want to discover the failures that exist in the fight against corruption.

Mr. Temporary Deputy Speaker, Sir, the Minister for Justice and Constitutional Affairs would have found it difficult to accept hon. Members to enter her province to try and understand the problem that pervades all over the place. We have lost the fight against corruption and this Motion will not be passed.

However, Parliament will remain condemned by members of the public like it has been the case before. As an hon. Member for many years, I have never seen an unpopular Parliament like the one we are in today. Why is this so? It is because of our conduct from the time we were elected. It is very clear that we are here just to defend what benefits us but work against what will benefit members of the public. I think something has gone wrong somewhere. Why do we accept that we have lost the fight against corruption and we are happy about it? Do we benefit from this? Do we benefit from corruption? Who can stand up here and say that we have not lost the fight against corruption? The Minister for Justice and Constitutional Affairs said that the fight is almost lost and now, my friend and other people know that the fight against corruption is almost lost. This is

merely saying that members of the public should, in the next general election, be very careful in electing people who will represent them in this House.

*(Laughter)*

History shows that most hon. Members are happy when they attend meetings to increase our allowances and salaries. Most hon. Members are also happy and smile when a Minister speaks to them. I forgive them because they are corrupt. Let us be honest. I am very sorry.

**Mr. Arungah:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to say that Members of Parliament increased their salaries?

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, Members of Parliament did not increase their salaries. Increases fell from Heaven to Parliament!

**The Assistant Minister for Roads and Public Works** (Eng. Toro): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. G.G. Kariuki to say that the money fell from Heaven? That is insulting language!

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I am using political language, and not engineering language. My friend is an engineer and it will take him time to understand political language.

I want to thank Members of Parliament who supported this Motion. Our contributions to the debate on this Motion will be on record. Some Members of Parliament said that we should investigate corruption while others said we do not have enough machinery to deal with corruption. I think these hon. Members need to be congratulated.

**The Assistant Minister for Trade and Industry** (Mr. Miriti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to speak in such a tone and utter statements that indicate that he is annoyed with Members of Parliament, because of the way debate on this Motion has gone?

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, my friend, Mr. Miriti, has just come in and I do not think he is aware of what has been going on in this House. He is just happy to be seen standing!

I would like to repeat that the HANSARD has recorded Members of Parliament who are clear in their minds that we are almost losing the battle against corruption, and that we need to put mechanisms in place to fight it. For the first time, I can see that KANU and the Government sides have agreed to conspire and enjoy the fruits of corruption in this country.

With those few remarks, I beg to move.

*(Question put and negatived)*

INTRODUCTION OF SUPPLIES  
MANAGEMENT PRACTITIONERS BILL

**Dr. Ojiambo:** Mr. Temporary Deputy Speaker, Sir, I beg to Move the following Motion:-  
THAT, being aware that supplies management practitioners have no law to regulate their practice, this House do grant leave to introduce a Bill entitled "the Supplies Management Practitioners Bill" in order to provide for training, registration and licensing of supplies management professionals and for related purposes.

Recently, this House enacted a law entitled the Public Procurement and Disposal Act, 2005 in order to improve the procurement practices in this country. We, however, note that this law will not be effectively implemented until additions have been made to it. It is also notable that certain

aspects of law required to operationalise it are not in place. Therefore, it is important that we enact a law to support the practitioners, who will operationalise the procurement law. I am sure that the Minister for Finance is also aware of this and he will support us in bringing this Motion to this House to strengthen the Public Procurement and Disposal Act. Until we enact such a law, it is possible that the problems that this House meant to solve when it passed the Public Procurement Disposal Act of 2005 will remain with us and continue to haunt our procurement system. Mr. Temporary Deputy Speaker, Sir, the reason why we say there is a loophole in the Act is that, that Act has not clearly defined who is a procurement professional and who, under the Public Procurement and Disposal Act, can engage in procurement and disposal activities. We know that Kenya has a lot of professionals. We have professionals like doctors, who have got their legal framework. The engineers have their legal framework and so do the lawyers. However, up to now, procurement professionals do not have a legal framework to regulate their activities.

There is need for this House to seriously consider effectively enforcing the Public Procurement and Disposal Act, so that we can have professionals doing that job. We need to enact a legal instrument that can regulate the conduct of supplies management practitioners in both the private and public sectors of our country.

Mr. Temporary Deputy Speaker, Sir, in Sections 27 and 28 of the Public Procurement and Disposal Act there is reference to compliance with that Act, and also engagement of procuring agents. These are the professionals who should operate under that Act.

Mr. Temporary Deputy Speaker, Sir, in the absence of trained professionals this Act, therefore, cannot be enforced adequately. There is need for competence, integrity, certification, training and a well structured framework through which these people must operate in order to handle procurement problems in this country.

We know that this country has need for more professional procurement officers. As of now, we can only apparently account for 300 practitioners. This is a very small number. Most of the people that this country depends on also train outside. Many of our professionals are trained in India, England, USA and elsewhere; although we know that our universities could offer us much more and other institutions that we have could supplement this number. We still need an instrument through which this training can also be regulated.

We need solutions to our own professional problems in this country. For instance, the doctors have found their own opportunities to utilise their skills and expertise in researching their own issues. They, as a professional group, have created a framework where they can reason together, share their knowledge and practise together. So are the engineers and other professionals. It is from this premise that we are saying that professional procurement officers must also be trained. They must also look at our own local problems and try to find reasons why some of our people behave in the manner they do. They must find reasons why there is so much wastage of resources in our country. This will ensure that they are together in trying to find how best they can operate to help the Government and this nation to utilise its resources and gain in development.

Mr. Temporary Deputy Speaker, Sir, home-grown solutions are always best to any given situation. Currently, there is a deficit in services that leads to a lot of loss that we must look at in our own procurement for this country. We have been told time and again - and we have read and listened to the Ministers, even as recent as yesterday talking about this country spending Kshs150 billion every year on public procurement. The professionals have told us that even with that, this country loses over Kshs30 billion because of the poor procurement system. There is need, therefore, to establish a strong legal framework to enable the Institute of Supplies Management Practitioners to effectively discharge their professional duties and mandate. They need structured training for their practitioners to be trained, not only for certificate or diploma courses but also for degree courses from undergraduate, post-graduate to Ph.D levels in the procurement and supplies

management profession.

Mr. Temporary Deputy Speaker, Sir, there is need for a professional code of ethics. Today, our professionals are controlled by all kinds of codes of ethics from wherever they were trained. Like I have said, some of them come from other countries. They, therefore, operate according to what their instincts tell them to do in terms of what they learnt when they were being trained. They also do the same in terms of practising in those countries they come from. This Motion, this morning, seeks to bring together a structured system in which Kenya can train its professionals in procurement and examine them in the quality of work and approach that they want them to apply to our procurement problems in this country. It will also be a structured system in which Kenya can certify them and offer them certificates or degrees which we know can be adequately applied to the needs of this country during their training.

Mr. Temporary Deputy Speaker, Sir, there is also need to regulate their practice; the manner in which they carry themselves and operate in the office; the manner in which they handle the resources of this country. This can be done by this House giving the practitioners a legal framework through which they can control themselves during their time of service. In this respect, I would like to mention that we have a very efficient Kenya Institute of Supplies Management Practitioners who can and have a code of ethics that needs to be put together and given the teeth it requires to handle their practitioners. Today, our practitioners can, during their course of work, create a problem like they do quite often during their work. This can create a lot of problems for this country. We talk about mismanagement of resources. Procurement officers are in a position where a lot of these mistakes can happen. If they do, as we have said that Kshs30 billion is wasted because of our not being able to control the operations of these people, you will find, and it has happened, that a person who has contributed to this will be sacked from one office or promoted from one position to another or moved from one office to another and he continues to operate in the same manner or even create bigger problems wherever he has been moved to. We are saying that with the structuring of the operations of the professionals in this area of procurement and service delivery in both private and public sectors in this country, we can control a lot of what we have seen happening, that has led to Kenya being branded a corrupt country where resources are being mishandled and transferred from one area to another in terms of service delivery causing inadequacy and sometimes poor delivery of services to the nation.

Mr. Temporary Deputy Speaker, Sir, when you look at our service delivery in this country, sometimes you see a lot that is not equivalent to the standards of Kenya when you think in terms of the professionals that we have and the effort that this country has put in training professionals and granting them opportunity to serve this great nation. We are, therefore, coming to this House to ask for leave so that we can introduce a Bill entitled Supplies Management Practitioners Bill. This Bill will save our nation from losing over Kshs30 billion.

Mr. Temporary Deputy Speaker, Sir, this proposed Bill will save this country over Kshs30 billion per year. This money can do a lot of things if channelled to the CDF. It can increase our classrooms, health centres and improve services to all sectors of development at the local level. We can use the CDF funds given to the Members of Parliament at the constituency level more efficiently. Therefore, I hope that hon. Members will look at this Motion with interest and give it the support it requires. Our professionals, who are out there, expect a lot from us. We have not given them the instruments with which to operate freely. I, therefore, move this Motion in the hope that we will be able to bring a Bill to this House to enact a law to govern supplies management practitioners.

With those few remarks, I beg to move.

I would like to ask the hon. J. Nyagah to second this Motion.

**Mr. J. Nyagah:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to second

this ably presented Motion by my colleague, hon. Dr. Ojiambo. I think she has put a very strong case as to why there is a need for a supplies management practitioners Bill to be passed by this House. She has argued very ably as to why we need to set up a Kenya Institute of Supplies Management, so that we can save this country the headache that we go through.

The annual Government Budget on supplies is approximately Kshs150 billion. That is what Kenya spends annually in the Government and parastatals to make purchases. In any country, the government is the single biggest buyer of goods and services from the private sector. It is, therefore, critical that, as the country fights corruption, we set up structures that will ensure that corruption is reduced to a zero level. Over the years, senior civil servants in specific Ministries and departments, such as security and others, have become extremely wealthy. They become wealthy because of loopholes in the procurement rules that have existed since Independence. Most big men, be they in the public or private sector, do not want an efficient system to be in place.

To give you an example, two years ago, this House passed a Public Procurement and Disposal Bill. We all made a lot of noise about it. We argued as to why we needed to support it. Indeed, because of our support, it passed and it exists in our law books. However, there is a very important link that is missing. Although the law exists in our books, it has never been made operational fully. This Parliament argued that this Act must be managed by professionals. Who are these professionals? They are qualified procurement officers. They are people who are well trained and have qualifications to review tenders and operationalise the Act. Mr. Temporary Deputy Speaker, Sir, the other day I asked, in this House, the Minister in charge of internal security when the new rules will come into operation to ensure that we do not continue having Anglo Leasing type of situations. The Minister, hon. Michuki said, "We are following the new regulations." What he did not tell this House - and I am now telling this House - is that the new regulations are not in place. They cannot be in place because the professionals who are supposed to make the regulations operational are not employed formally and so are not in practice. That is why I fully support what hon. Dr. Ojiambo is proposing. This Parliament should pass a Supplies Management Practitioners Bill that would create a professional cadre that would manage the affairs of that Bill. It is only then that the Act can be put into practice. That is the only time Kenyans will benefit from the Act that we passed two or three years ago. It is important for all Kenyans and Members of Parliament to understand that.

Although the Kenya Institute of Supplies Management (KISM) existed since 1976, it died a natural death because it was not in the interest of senior civil servants and senior politicians to see KISM succeed. To them, it would bring controls on the irregularities that were taking place. I want to thank the 300 professionals or so who have come together to ensure that KISM becomes active. Unfortunately, they are very junior people.

If a District Commissioner or a Permanent Secretary wishes to set up a tender committee in order to undertake a tendering process, the tendency is to choose his friends, colleagues, tribesmen and others to be in that committee. These are people he or she can easily influence so that a tender can be made in their favour. The secretary to that board is always a procurement officer. Under normal circumstances, the procurement officer is the most junior officer in that tendering committee and so his opinion is often ignored because he has no status.

It is important, therefore, that we give procurement officers the status that they deserve so that we instil professionalism in the management of public procurement and disposal. Permanent Secretaries and Ministers will be very unhappy with this step and that is why I am appealing to the Members of this House to come up in full numbers to support this very important Motion. By doing that, we will be able to grant permission to hon. Dr. Ojiambo to bring a proper Bill to this House that will streamline what we have said.

If in matters of procurement, we are still stealing from the Government of Kenya up to

Kshs30 billion a year---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. J. Nyagah!

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, I withdraw the use of the word, "stealing".

If out of the procurement processes we are illegally taking funds to the tune of Kshs50 billion or Kshs100 billion, how much can that amount of money do for this country? I want to ask Parliament to become the biggest donor to this country. The biggest donor does not give us Kshs30 billion a year. If Parliament was to approve what hon. Dr. Julia Ojiambo has brought before this House, it would be credited as being the biggest donor to Kenyans with about Kshs30 billions in terms of savings. That is why we are pleading with this House to support it. She is authorised to go back and prepare a Bill that will come to this House for approval. I am praying and hoping that it will have the full support of Members because there is nothing better than having a country that is assumed to be corruption free. The people who facilitate corruption are the under-paid officers, those without status and the less important. Procurement professionals in the private sector and those in the public sector must be at the same level. That is because they work together. We do not want the ones in the private sector to be better qualified than those in the public sector to avoid being misused. There are many good practitioners in the Government. But they are "sat" on! They have no influence. So, to have a good image, this Bill should be passed. We can have a team of lawyers from the Law Society of Kenya (LSK), doctors and engineers. If we have people who have masters degrees or Doctor of Philosophy (Phd) in procurement procedures, we would be very proud of them. They can set the correct standards for this country. That way, we can be seen as a country fighting corruption. Let us not cheat ourselves that the law was passed two years ago. It was passed theoretically, but the real one has not been passed.

With those few remarks, I second this Motion.

*(Question proposed)*

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this important Motion. You and I are aware that the supplies management practitioners in this country have no law to regulate their practice, training and even licensing. Therefore, I want to thank the Mover because she is speaking for over 300 practitioners in this country, who have no legal status in their practice.

Mr. Temporary Deputy Speaker, Sir, first of all, I looked at the draft Bill and it is very impressive. I just want to implore hon. Members present in this House to pass that Bill.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Osundwa! Where did you get that? You cannot say that you have seen the Bill. She is seeking leave to introduce a Bill for enactment and yet, you are saying that it is already there!

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, the Bill has not been introduced in the House. But I have just seen a draft or something that looks like a Bill.

What I am saying is that we should hasten to pass this Motion because it is straightforward. The Mover has articulated properly why we need that legal framework. It is not anything different from other professions. She, indeed, elaborated on that. The engineers, quantity surveyors and other professionals have their own legal frameworks.

The reason why we have rampant corruption in the procurement processes is because we do not have a recognised professional training in that sector. We have had cases where clerks in Government departments have been promoted to become supplies officers. But because of their ignorance, the whole process has been manipulated. That also happens in the private sector. You have heard that the Government spends about Kshs150 billion in a year in procurement, and about

Kshs30 billion is wasted. That is quite a conservative figure. It is much more than that, given that the private sector also spends as much money as that.

Mr. Temporary Deputy Speaker, Sir, when NARC took power, it fired over 34 procurement personnel from various departments. Those people were replaced. But by who? They were replaced by people who did not have any relevant training in procurement procedures. Therefore, there is need to give leave of this House to the Mover to bring this Bill urgently, before we go on the next recess. Today, you can only access proper training in the Chartered Institute of Purchasing and Supplies in the UK. A lot of Kenyans are going to the UK for this training, draining our much needed foreign exchange. So, if we enact this law, we will have properly constituted institutions in this country to train our local personnel.

Mr. Temporary Deputy Speaker, Sir, I want to refer you to the recently passed Public Procurement and Disposal Act of 2005. When we passed this Act, we did not specify who is going to procure. I believe this is the loophole that Dr. Ojiambo seeks to block. So, because of that vacuum, Kenya has lost billions of shillings in suspect procurement. Indeed, the reason I am disputing the fact of losing Kshs30 billion per year is because, when you read the reports of the Public Accounts Committee and the Public Investments Committee, there are a litany of corrupt deals mentioned all over. For example, the Eldoret International Airport cost the Government over Kshs4 billion. I am not sure the Kenyan people got value for money in that transaction. Also mentioned in the PAC report is the second hand Presidential Fokker Aircraft. We were told that was the last plane on the line and there are no spare parts. I do not know where they are getting them from today. That is one case where the public lost over Kshs3 billion. The other is the airport radar equipment which was purchased at over Kshs6 billion. I am giving these figures because they exist in our books and they are much more than the Kshs30 billion mentioned by the previous speaker. Other areas are the Puma helicopters purchased by the Department of Defence (DOD) from a company in France, costing Kshs6 billion. You can see that because of lack of trained procurement officers who would resist manoeuvres by politically connected individuals, we have lost these colossal sums of money.

Mr. Temporary Deputy Speaker, Sir, I do not intend to belabour the points raised by the two previous speakers. I entirely agree with them and I implore the House to quickly pass this Motion so that the mover is given leave to bring a proper Bill in this House.

With those remarks, I beg to support.

**The Assistant Minister for Finance** (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, let me, first of all, thank hon. Dr. Ojiambo for bringing this Motion to the House. But let me, at the very outset, say that we have held discussions, which the hon. Member did not tell the House about, with members of the institute regarding this Motion. It has been the Treasury's role to look at the procurement procedures and supplies as a Government. Indeed, the Treasury looked at this position from way back 1999.

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

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

Mr. Temporary Deputy Speaker, Sir, the Public Procurement and Disposal Bill was brought into the Floor of this House just last year. The team that came to talk to us with Dr. Ojiambo highlighted a few issues that they thought were defective in that Act. We also felt as Treasury that in the course of the stakeholders' meetings that were held to operationalise the Act, various issues,

including some that have been brought out this morning, were very ably addressed. Indeed, if you look at Clauses 27 and 28 of the Procurement Act, and the rules of procedure and regulations that the Minister was supposed to put in place for purposes of operationalizing the Act, it is very clear that it can actually take off.

However, we do appreciate the role that the supplies management practitioners themselves can play in that very key subject of procurement and supplies in this country. Our appeal was on Monday, and it remains the same, that the Government intends to have this in place in the course of this Session. My appeal today is that Dr. Ojiambo - and we made this appeal on Monday night when we had that meeting - withdraws the Motion. The Government undertakes in the course of this Session to harmonise the Institute and the Mover's intention and bring a Bill to the Floor of this House.

Thank you.

**Mr. Khamasi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion by Dr. Ojiambo. I would like to give free professional advice to Dr. Ojiambo. Please, do not buy what the Assistant Minister has said. We have gone through this before.

Mr. Temporary Deputy Speaker, Sir, when you were the Chairman of the Departmental Committee on Agriculture, Lands and Natural Resources and you wanted to bring some amendments to the Sugar Act, this is the sort of story we heard from the Government. They said they were to fast-track a Sugar Bill and make sure that there is a law to regulate the sugar industry in this country. We all know it never came! It was stories and red tape as usual from the Government.

**The Assistant Minister for Finance** (Mr. Kenneth): On a point of order, Mr. Temporary Deputy Speaker. Is it really in order for Mr. Khamasi to use a past case in reference to what I have just said here, that rose from a meeting that was held between the Mover and the Ministry on Monday? Is it really in order to invoke a past case in reference to a subject that I have just spoken about on the Floor of the House?

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, I have experience. The Assistant Minister came here much later when I had been here for quite a number of years. In fact, I have just been advised even on the question of the Cotton Board. We will go through this. So, I will not withdraw what I have just said because I know it is true. The Chair also knows that it is true. So, there will be no point in me withdrawing what I have just said. Furthermore, we cannot allow Dr. Ojiambo to withdraw this Motion because it is no longer her property. It is now the property of the House. We have to deliberate and make a decision on it. So, it is outside her jurisdiction to come here to say that she is withdrawing, because this is already a matter for this House to decide upon. Therefore, the Assistant Minister must let us decide on it as a property of the House.

Mr. Temporary Deputy Speaker, Sir, I think this piece of legislation is already overdue. We should have had it a long time ago. This is the only language that the Government listens to. Why was it not doing it? Now that somebody is seeking leave to introduce a Bill, it now comes here to say: "Withdraw it, because we are doing something about it." This is the only language that can make this Government realise that it has got to stand up and work. In fact, I am sure Dr. Ojiambo will look for finances to work on this Bill and bring it to the House. However, if Dr. Ojiambo thinks that the Ministry of Finance will ever do that, she will wait for another two years when the life of this Parliament comes to an end. If she gets elected to this House, she will be lucky to do it herself. The Ministry will never do it. So, she should take note. That is free professional advice from a person who has been here for long, and who has known the track record of the Governments that have been in place since Independence.

Mr. Temporary Deputy Speaker, in 2003, when the NARC took power, so many supplies



officers were either sacked or retired. We all hoped that the situation would improve. If you go back to the records to establish what happened, you will find that what the people in the NARC administration wanted to do was to actually replace the previous supplies officers with their favoured persons. That is exactly what happened. If you look at what goes on in the Supplies Departments of all Government Ministries, you will realise that the culture of eating is the in-thing. There is no professionalism. People go there to enrich themselves. In fact, it is only that cadre of civil servants which is filthy rich. They cannot explain how they acquired their wealth. The situation calls for a law to regulate the operations of Supplies Departments. We want some ethics in that particular profession.

The level of inefficiency in the Procurement Department of Ministries and parastatals is just alarming. I have had experience from the Procurement Department of the National Assembly. If you request for a small calculator from the Supplies Office of the National Assembly, it will take three months for it to get to your desk. It is a shame. That is why there is need to have a law in place providing for structures and controls as well as for timing on how things should be done. So, it is very important that this law comes into place. We should never, at any one time, think that the Government will bring a Bill to this House.

The current financial year is almost over. In the next two or three weeks, the Minister for Finance will present his Budget to this House. We shall do nothing else until the end of October, because you cannot interrupt debate on the Budget until all the Votes have been discussed and agreed upon. That means, in the current calendar year, we have only November to transact any other business. When that time comes, the Government will say that the Supplies Management Practitioners Bill is not of necessity. There will be more essential Bills to be discussed.

Mr. Temporary Deputy Speaker, Sir, even if the Bill is brought then, Dr. Ojiambo will have to lobby to see whether it can be placed on the Order Paper. It will not be automatic. So, when the Minister for Finance stands here, smiles and tell us that they have already discussed with Dr. Ojiambo that the Government is doing something about this Bill, we should understand that the Government will never bring such a Bill to this House. It may not even come here next year until after elections, and it will be forgotten.

Therefore, it is important that we move very fast and ensure that this Bill is introduced to this House. The Bill is for the benefit of this country and the employees in this sector. If this Bill is passed, the resultant Act will save this country lots of money.

With those few comments, I beg to support.

**Mr. Rotino:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to the debate on this very important Motion.

I am perturbed by the Minister's request to Dr. Ojiambo to withdraw this Motion. I do not know whether this Government makes its plans upside down. It seems to me that the Ministry is making very haphazard plans. This Motion is long overdue. The Government should be serious about the fight against corruption. It is spending money day in, day out, in seminars and workshops, talking about the fight against corruption.

The Bill that Dr. Ojiambo is proposing to be introduced is one way of curbing corruption. Supplies management practitioners are some of the most corrupt people in this country. They assist Ministers and other Government officials to steal public funds. They are used to siphon money from the Government. Two years ago, the Minister for Finance sacked all supplies officers because he knew they were the ones who were stealing public funds. That is why he had the guts to sack them.

**The Temporary Deputy Speaker (Mr. Osundwa):** Order, Mr. Rotino! The word "steal" is unparliamentary.

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, I apologise and withdraw that word.

If the Ministry of Finance is serious about fighting corruption, it should embrace the introduction of this Bill and support Dr. Ojiambo, so that we can regulate the practice of the supplies management practitioners. This Bill would put in place ethics and procedures for the supplies officers, which are currently not there. If Dr. Ojiambo withdraws this Motion, then I do not know how the officers will be working.

Mr. Temporary Deputy Speaker, Sir, there is no code of conduct for supplies management practitioners. The proposed Bill will basically assist the Government to regulate their practice. When the Minister says that he will request Dr. Ojiambo to withdraw the Motion---

**The Assistant Minister for Trade and Industry** (Mr. Miriti): On a point of information, Mr. Temporary Deputy Speaker, Sir.

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, I do not need the information. You should give him his chance to contribute and then he can give that information.

We should accept this proposal and allow Dr. Ojiambo to introduce this Bill. As hon. Members have said, this is long over-due. We all know that supplies departments are the most corrupt departments in this country. If we have to fight corruption, we have to streamline the supplies departments. We should have some guidelines for the practitioners.

If you go to Kirinyaga Road, you will find very many supplies officers who are supplying the Government with various items. They are doing their business haphazardly. We have trained supplies management practitioners, but we should have some procedures for them to follow. This is a simple Motion. Even before a private Member thought of bringing this Motion to the House, the Ministry should have brought it long time ago. They should thank God that Dr. Ojiambo thought about that. I want to support this Motion. The House Business Committee (HBC) should prioritise it so that we can move on. The Government should be serious in fighting corruption. All over the world, Kenya is rated as one of the most corrupt countries. Everybody knows that! If we have to assist the Government in the fight against corruption, which is rampant everywhere, we must participate. The menace of corruption is shaming us everywhere! We are being rated in the same category as Nigerians! We should be ashamed of that.

Mr. Temporary Deputy Speaker, Sir, if the Assistant Minister goes to his own home district--- Who are the people who collude with the Government when tenders are being opened? It is the supplies officers. The Assistant Minister knows that for a fact!

**The Assistant Minister for Finance** (Mr. Kenneth): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Rotino to keep on repeating the same thing? He has repeatedly said, "I know or I should know", when he is not in my mental faculty to know what I know and what I do not know! Is that imputation from one hon. Member to another in order?

Secondly, is it in order for the hon. Member to keep on saying that we are running away from the Motion when, in my remarks, I said that we will work hand-in-hand with the Mover to ensure that the Bill comes to this House? That is the position of the Treasury.

**The Temporary Deputy Speaker** (Mr. Osundwa): What Mr. Rotino said is that the Government should have moved faster to introduce this Motion immediately the Public Procurement and Disposal Act was passed. He is in order!

Mr. Rotino, please, proceed!

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, yesterday, at the Bomas of Kenya, the Minister for Justice and Constitutional Affairs, Ms. Karua, said that we should remind ourselves about corruption. I am simply reminding the Assistant Minister that, in his own district, the supplies officers are committing those crimes. That is what we want to streamline through the introduction of the Bill. I am simply reminding him of what he already knows! Even in his own Ministry, he is not implementing what he knows. It is an obvious fact! I want to remind him of that because he is in that Ministry!

**The Temporary Deputy Speaker** (Mr. Osundwa): Please, Mr. Rotino, address the Chair and not the Assistant Minister!

**Mr. Rotino:** I am sorry, Mr. Temporary Deputy Speaker, Sir. I am trying to address the point that the Assistant Minister raised. It is an obvious fact! The Assistant Minister should not be agitated when he is being told the facts---

**The Assistant Minister for Trade and Industry** (Mr. Miriti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Rotino insists that the Assistant Minister "knows". How does Mr. Rotino know that he knows? Is he not imputing improper motives on the Assistant Minister? Could he substantiate the fact that the Assistant Minister knows?

**The Temporary Deputy Speaker** (Mr. Osundwa): Mr. Rotino, what does the Assistant Minister know? Can you substantiate?

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, I think the Assistant Minister knows the obvious! Everybody else knows!

*(Laughter)*

**The Assistant Minister for Finance** (Mr. Kenneth): On a point of order, Mr. Temporary Deputy Speaker, Sir. We are belittling the dignity of this House! Would I be in order to ask him to substantiate what he thinks I know?

**The Temporary Deputy Speaker** (Mr. Osundwa): Mr. Rotino, please stick to the Motion! Do not deviate so much!

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, what I was trying to imply is that the supplies officers, who fall within the docket of the Assistant Minister, engage in corruption. He knows that! It is an obvious fact! That is why they sacked the supplies officers. They know they engaged in corruption. Everybody knows that. Even in my own district, the supplies officers collude with suppliers. If we want to curb corruption, we should have laws prohibiting it. That is what this Motion seeks to do.

Mr. Temporary Deputy Speaker, Sir, why should the Assistant Minister say that we should request the Mover to withdraw this Motion and yet it is so good in that it will assist him and his Ministry to curb corruption? That is what I am trying to tell the Assistant Minister. As I have said, we are all going to embrace this Motion.

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

**The Assistant Minister for Trade and Industry** (Mr. Miriti): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to clarify and contribute to this Motion. It would appear that the introduction of this Motion was consequential. The Government side, through the Minister for Finance, is planning to introduce a similar Motion.

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

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

Mr. Temporary Deputy Speaker, Sir, in fact, the Assistant Minister for Finance had some discussions with the Mover so that they agree on how they can bring this Motion to the House. As the Assistant Minister for Finance has said, the content of this Motion is supported by the Government. The Government feels that really these supplies officers should be trained properly so that they are true professionals. The Government supports the fact that there is need for legislation

and licensing for these professionals because we know about the past. It is through that, that various other professionals have been licensed and they are really monitored through such legislation. This improves the quality and delivery of these services by such professionals.

Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has just made a simple request that the Mover withdraws this Motion so that the Governments' views are included in this Motion and then the Ministry takes over and brings the Motion into this Parliament. I pray that the House does not impute improper motives on the part of the Government. The Motion will be brought to Parliament so that hon. Members contribute and deliberate on it. This is my humble request to the Mover of this Motion.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. J. Nyagah:** On a point of order, Mr. Temporary Deputy Speaker, Sir. As is the normal practice, I think we should move to the next stage to allow the Government's input as happens all the time in a Motion which is brought by a Private Member. It happened with the Constituencies Development Fund (CDF) Bill and also with the Cotton (Amendment) Bill. Could it be in order for this House to be allowed to continue and conclude this Motion with the Government's input?

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, hon. Members! First, let us not try shortcuts. This is a Motion which has come before the House. The Motion has been proposed, seconded and it is still being discussed. What other business are we talking about somebody withdrawing the Motion? It is not there! As far as the Chair is concerned this is the business and property of the House. The debate is on and it will continue to its rightful conclusion. If there is nobody who is interested to contribute then I will call upon the Mover to reply. Prof. Mathai, I can see you have stood up. The Floor is yours.

**Prof. Maathai:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion. I want to thank Dr. Ojiambo for considering to bring this Motion to this House. I want to agree with many hon. Members who have contributed to this Motion in emphasising the need for us to come up with strict guidelines that will help us manage our financial resources better than we have done in the past.

As other hon. Members have emphasised it, indeed, it is a shame, especially during the NARC era, that we should continue to be considered in the world as a corrupt country. We all remember that the NARC Government came into power promising that we would get rid of corruption. Many of us know corruption had destroyed our economy and the lives of our people.

I remember that I was involved in an international campaign to persuade the international community to cancel the debts of our country and many other poor countries in the world which were burdened by the heavy debts that they had incurred. Despite the fact that we argued that the majority of the people who were suffering from those debts were the poor people of those countries; constantly we were reminded by the rich countries to whom we owed billions of dollars, that they would not cancel or relieve us of our debts because the only people who would benefit would be the rich; the ruling elite. They said many of the people on whose behalf we are speaking would not benefit. That was because we had such governance as to allow extensive corruption, especially in the area of procurement. I remember being extremely frustrated by this argument and wondering when we, as governments in Africa, shall decide to work for the benefit our people. When shall we be touched by the poverty of our people? When shall we be touched by the indignity that our people suffer in the face of poverty, which is literally brought to us through corruption?

Mr. Temporary Deputy Speaker, Sir, when we, as NARC, started the campaign we persuaded our people to elect us in positions of power, so that we could come to this House and clean up our country. I remember that one of the most exciting promises we made was that we would get rid of corruption. It is, therefore, very discouraging that when we visit different parts of

this world, we are constantly being asked: When will the NARC Government get rid of corruption in Kenya? I constantly have to say that what we, as the NARC Government, are trying to do is to establish institutions that will make sure that corruption is curtailed in our country. In any country, whether poor or rich, unless we have strong institutions that will ensure resources of the country are managed for the benefit of the people of that country, sooner or later, those in power are tempted to mismanage those resources. If we are put in a position of power, opportunities and privileges, unless we have deterrence and institutions that provide checks and balances, it is---

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Rotino, what is it?

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, I hate to interrupt the debate. However, I feel that we have totally exhausted debate on this Motion and you should call upon the Mover to reply.

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Rotino, we cannot do that. That is unprocedural. This is a timed debate and will continue until there is no hon. Member who wants to contribute.

So, proceed!

**Prof. Maathai:** Mr. Temporary Deputy Speaker, Sir, as I was emphasising, what we need in our country are institutions that are strong and can provide checks and balances that are needed to ensure that those people who are in power manage the resources of this country for the benefit of our people. Therefore, it is quite appropriate that the Mover of this Motion be given permission to bring a related Bill, so that we can create the proposed institutions. I emphasised that there are no angels among people who govern countries. It does not matter which country we are dealing with. What makes countries strong are the institutions that are put in place to ensure that even the weakest among us can provide good governance because we are following the laid down rules and regulations. We all know that is one weakness we have in our system. That is why sometimes, we are shocked when we hear that resources of this country are given away to people we do not know. Sometimes, the resources are even returned by people we do not know because there are no institutions to ensure that no resources of this country go out without being controlled. For that reason, I want to support this Motion and I hope we will have an opportunity to discuss a detailed Bill that will ensure that a strong institution is put in place.

With those few remarks, I beg to support.

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

## QUORUM

**Mr. Kimathi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. As you can see, there is no quorum in the House.

**The Temporary Deputy Speaker** (Mr. Khamasi): It is true there is no quorum. Ring the division bell.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. Members, it is, unfortunate, that we must adjourn this House due to lack of quorum. It is regrettable that after resuming yesterday, we cannot be here to conduct the business of the House.

The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.27 p.m.