

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 18th March, 2003

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

ESTABLISHMENT OF SELECT COMMITTEE ON HIV/AIDS

The Minister for Health (Mrs. Ngilu): Mr. Speaker, Sir, I beg to give notice of the following Motion:- THAT, noting with concern the major negative social-economic and security impact, and being aware that the Government in 1999 declared HIV/AIDS a national disaster, and while appreciating the efforts made by the Government and the civil society to contain the spread and mitigate against the negative effects of HIV/AIDS on the population, and realising the need to put in place multi-sectoral initiatives to specifically address the social-economic, health and security impact of HIV/AIDS, this House resolves to establish a Select Committee on HIV/AIDS to strengthen political and Government leadership for the national initiative against HIV/AIDS; to oversee the implementation of the national programme against HIV/AIDS; to enhance and diversify resource investment in the national response against HIV/AIDS, to create a forum for participation of the hon. Members of Parliament in offering leadership to fight against HIV/AIDS at all levels in this country and to engage all parliamentary groups locally and abroad in addressing the impact of HIV/AIDS in Sub-saharan Africa, and that the following be appointed hon. Members of the Select Committee:-

The Hon. N.M.G.K. Nyagah, MP

The Hon. Gor Sungu, MP

The Hon. Abdalla Ngozi, MP

The Hon. Franklin Bett, MP

The Hon. Mutahi Kagwe, MP

The Hon. Cecily Mbarire, MP

The Hon. Dr. Wamalwa Kibunguchy, MP

The Hon. Prof. Ruth Oniang'o, MP

The Hon. William Kipkurubei Boit, MP

The Hon. J.B. Muturi, MP

The Hon. Samuel Poghisi, MP

The Hon. Samsom Nyang'au Okioma, MP

The Chairman of the Departmental Committee on Health, Housing, Labour and Social Welfare

The Hon. Dr. Gurach Galgalo, MP

The Hon. Charity Kaluki Ngilu, MP

ORAL ANSWERS TO QUESTIONS

Question No.004

COMPENSATION FOR TERRORIST ATTACK VICTIMS

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

(a) whether he could explain why families of those killed in the terrorist bombing at Paradise Hotel in Kilifi have not been compensated for loss of lives;

- (b) whether he could give a breakdown of monetary donations given to the affected families both by the Government and charitable organisations and how such donations were used; and,
 (c) what action the Government has taken to ensure security at tourist hotels along the Coast to avoid such attacks in future.

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

(a) The families of those who were killed in the terrorist bombing at Paradise Hotel in Kilifi have not been compensated because no insurance company offers compensation for loss of lives and property incurred in terrorist attacks, and neither can the Government be held liable for the act.

(b) Donations for the affected families and expenditure is as follows:-

(1) Almon Tarda Ali Slum Trust donated Kshs300,000. This was spent as follows:- Kshs200,000 was paid directly to Pandya Memorial Hospital to cater for medicine and foodstuffs for the people who were admitted there. Kshs100,000 was used to cater for the transportation of the bodies of the deceased to burial sites, including the purchase of coffins and clothings.

(2) A cheque for US\$1,450 from the Kenyan Embassy in the United States of America was deposited with the National Bank of Kenya, Mombasa, and will mature on 1st April, 2003 for disbursement to the families of the deceased.

(3) Pledges amounting to Kshs4.3 million are yet to be received from well wishers.

(c) The Government has taken the following steps to enhance security in the region.

(i) There are regular police patrols in place already.

(ii) Regular patrols have been put in place by the security personnel to ensure that tourist attraction sites and hotels along the Coast are guarded.

(iii) Regular meetings are being held with the stakeholders in the tourist industry over security arrangements and safety measures.

(iv) The Government has put in place a Terrorism Police Unit that has already been deployed at the Coast Province in readiness to address the problem of terrorism.

(v) The local communities are being sensitised on the need to be vigilant, especially in identifying strangers and suspicious personalities.

Mr. Khamisi: Mr. Speaker, Sir, the Assistant Minister has told the House that pledges amounting to Kshs4.3 million have not yet been received from well-wishers. Could he tell this House who these well-wishers are and whether there has been any effort to collect that money?

Mr. Tarus: Mr. Speaker, Sir, the well-wishers are Mr. Daniel Toroitch arap Moi, who pledged Kshs1.3 million, Mr. Uhuru Kenyatta - Kshs1 million and Mr. Nyachae who gave Kshs.300,000. We are still awaiting for these well-wishers to honour their pledges.

Mr. Twaha: Mr. Speaker, Sir, in September, 2002, a world conference on racism was held in South Africa and Israel was declared a racist state. Could the Assistant Minister explain to this House why Kenya persists in maintaining diplomatic and foreign relationship with a country which has been declared a racist state by the World Congress on Racism?

Mr. Tarus: Mr. Speaker, Sir, I suppose that should be another Question.

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

Mr. Speaker: Sorry, Mr. Twaha! I have many hon. Members who would like to rise after Question Time on various points of order. Anyhow, ask your last question, Mr. Khamisi!

Mr. Khamisi: Mr. Speaker, Sir, is the Assistant Minister aware that the coffins of some of the deceased were actually paid for by an individual? Is he also aware that the Leader of the National Rainbow Coalition also made a pledge of Kshs1 million which has not been received by the survivors of the deceased?

Mr. Tarus: Mr. Speaker, Sir, I am not aware of that.

Question No.022

OPERATIONS OF NACC

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

- (a) how much money the Government has received from donors for the fight against the HIV/AIDS menace in the country over the last four years;
 (b) whether he could table by district, a list showing how funds were disbursed and managed at the district level; and,

(c) what impact the operations of the National Aids Control Council (NACC) and its affiliate institutions has had on the campaign to reduce the prevalence of HIV/AIDS in the country.

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

(a) Since the year 2000, the Government has received donations from donors amounting to Kshs1,269,442,638.

(b) The list is hereby attached and the copies which were requested for have been forwarded to hon. Members to peruse.

(c) The operations of the NACC and its affiliated institutions have recorded a reduction in HIV/AIDS prevalence notably 14 per cent in the year 2000, 13 per cent in the year 2001 and 10.2 per cent in the year 2002. The reduction in HIV/AIDS prevalence generally has even exceeded the target set out in the National Strategic Plan. Even within the 15 and 24 years old age group, reduction has been noted to drop from 13 per cent in the year 2001 to 9.5 per cent in the year 2002.

(Mr. Tarus sat far away from the Dispatch Box)

Mr. Speaker: Order, hon. Members! For ease of business, would those Ministers and Assistant Ministers on the Front Bench to my right who are not answering Questions move to the far end so that the Ministers and Assistant Ministers who are answering Questions can be seated near the Dispatch Box?

Mr. Sasura: Thank you, Mr. Speaker, Sir. The NACC, which has its headquarters here in Nairobi, is not doing much for this country. What has been tabled here shows us that the Government has spent Kshs40 million since the year 2000 on the NACC. Could the Assistant Minister justify why his Ministry pays the contracted staff, of 24 people, at the headquarters a total of Kshs63 million per year when it spends only Kshs40 million on Kenyans to avert the spread of HIV/AIDS?

Mr. Tarus: Mr. Speaker, Sir, I would like to report to this House that the NACC was established in 1999 as a state corporation. The salaries which were approved for payment to the personnel employed by the NACC were agreed on after consultation with the Directorate of Personnel Management. One of the reasons why the salaries are high is because we realised the importance of the NACC and the mandate it had been given to ensure that the menace is adequately addressed in this country. Therefore, the salaries which are paid to the staff of the NACC are basically meant to attract the best personnel that this country has to serve in that council.

Secondly, the NACC is in the Office of the President because HIV/AIDS touches on more than one Ministry. This is an aspect which should be addressed by every sector of the economy. The NACC is in the Office of the President so that it gets the necessary support it requires to fight the disease.

Mr. Wetangula: Thank you, Mr. Speaker, Sir. The HIV/AIDS was declared a national disaster in this country. The Assistant Minister has said that they received, from the donors, slightly over Kshs1 billion. The statement he has tabled shows the disbursement, to the 70 districts, of only Kshs40 million. How much money did the Government of Kenya put into this account in addition to the donors' contribution, and how much money does the NACC hold for HIV/AIDS related activities?

Mr. Tarus: Mr. Speaker, Sir, the establishment of the National Aids Control Council (NACC) was agreed upon by development partners and the amount of money that was agreed with the creditors is US\$50 million to be spent over a period of five years. The amount of money that had been sent to the districts was basically for co-ordination and administrative purposes. There are also established community organisations that are funded directly through the NACC.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. The Government has accepted the fact that the HIV/AIDS is a national disaster. Could the Assistant Minister confirm to the House that 90 per cent of the money from the donors will be used to buy HIV/AIDS drugs and anti-retrovirals and distributed among all health centres?

Mr. Speaker: Then what is your point of order?

Mr. Sambu: Mr. Speaker, Sir, it was not a point of order. It was a supplementary question and you called my name.

Mr. Speaker: Yes, it was a question; I agree with you, John!

(Laughter)

Mr. Tarus: Mr. Speaker, Sir, I wish to inform the House also that other than the US\$50 million that was given to the NACC, the Ministry of Health was equally given the same amount for purposes of buying

HIV/AIDS commodities and that, of course, covers the issue of anti-retroviral drugs.

Mr. Muite: Mr. Speaker, Sir, you will recollect that Members of the last Parliament were asked to go and constitute constituency committees. We had many seminars all over the country and we ended up with only Kshs25,000. That left Members of this House in a very difficult position because our constituents thought we had been given money that we had misappropriated. Could the Assistant Minister assure this House that the Ministry is going to carry out a complete audit of all the funds that they were given to find out where that money went with particular reference to Dr. Gachara and the former Head of the Civil Service?

Mr. Tarus: Mr. Speaker, Sir, indeed, the funds that had been disbursed to the District Aids Control Committees (DACCs) and Constituency Aids Control Committees (CACCs) will be audited.

Mr. Sasura: Mr. Speaker, Sir, I am really shocked that the Assistant Minister is saying that this issue of HIV/AIDS is not more of an health issue. I think, to him, it is an administrative issue. Could he explain to us the rationale used to retain qualified doctors in the Ministry of Health who are earning very little money and yet his Ministry is employing people who are not even in the medical profession calling them NACC experts? What is the rationale of duplicating these jobs for the Office of the President or are you also learning the old KANU tricks?

(Laughter)

Mr. Tarus: Mr. Speaker, Sir, I do appreciate the questions the hon. Member has asked, but I would like to inform this House that the issue of HIV/AIDS is not an aspect to be manned by a particular Ministry. It should involve every person in this country. It is also a multi-sectoral issue. The entire Government, religious sector and even Members of Parliament should be in the forefront in ensuring that the war against HIV/AIDS in this country is given the necessary support in order to combat it.

Dr. Ali: Mr. Speaker, Sir, this multi-sectoral issue does not arise. The HIV/AIDS money belongs to the Ministry of Health. The Office of the President wants to retain all the money and Members on the other side said last year that the Office of the President is a bottomless pit where you deposit everything regardless of where it comes from. Now, could the Assistant Minister tell us what they intend to do with the balance of the money since they do not want to buy anti-retroviral drugs or employ doctors? Are they going to employ DOs and *askaris* to take care of HIV/AIDS patients? What do they intend to do with the balance of the money since it has been sent to the constituencies, districts, departments or Ministries? Where is this money going to?

Mr. Tarus: Mr. Speaker, Sir, we all know that the HIV/AIDS is a national disaster and being so, I believe every hon. Member knows that the necessary support in the war against the HIV/AIDS should come from the Office of the President. The Ministry of Health has its role since it takes care of HIV/AIDS prevention and its patients.

Dr. Ali: On a point of order, Mr. Speaker, Sir. Could the Assistant Minister tell us what speciality there is in the Office of the President which is not there in the Ministry of Health?

Mr. Speaker: Mr. Assistant Minister, do you have doctors in the Office of the President?

(Laughter)

Mr. Tarus: Mr. Speaker, Sir, we do not have doctors in the Office of the President but---

Hon. Members: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order! I can see how serious this issue is. It has even provoked Dr. Kulundu to forget that he is now a Minister because he used to be Chairman of the House Committee on Health sitting on that very far corner.

(Laughter)

Mr. Assistant Minister, I think it is an indication of the anxiety of Members as to whether the available resources actually reach the Kenyan people to combat and contain this disease. So, please understand the anxiety of your colleagues when answering questions.

The Minister of State, Office of the President (Dr. Murungaru): On a point of order, Mr. Speaker, Sir. Considering the interest that this Question has elicited, I would like to seek the indulgence of the Chair to prepare a comprehensive Statement on this particular issue so that everything that is being queried can be answered appropriately.

(Applause)

Mr. Speaker: That is very good and it is most welcome. When do you intend to do that?

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. If I could I give one term of reference, could the Assistant Minister give us an account of how Kshs1.2 billion has been spent? With regard to the normal budgetary allocation, passed by this House, let him give an account on how every penny has been spent.

Mr. Speaker: Order! Order, Mr. Angwenyi! You must speak through the Chair! Mr. Minister, when do you intend to come with the Statement?

The Minister of State, Office of the President (Dr. Murungaru): On Thursday afternoon, Mr. Speaker, Sir.

Mr. Speaker: Very well! I also hope that you will bring that Statement then. Did you say that it will be ready on Thursday this week?

The Minister of State, Office of the President (Dr. Murungaru): Yes, on Thursday this week, Mr. Speaker, Sir.

(Applause)

Mr. Speaker: Very well. Because of the interest being shown by hon. Members in this issue of addressing and combating HIV/AIDS, as a matter that should concern all of us, I, therefore, hope that the Motion whose notice has just been given by hon. Ngilu will be allocated time the soonest possible.

(Question deferred)

Very well. Next Question, Mr. Mwenje!

Question No.001

TARMACKING OF EMBAKASI-OLD AIRPORT ROAD

Mr. Mwenje asked the Minister for Roads, Public Works and Housing:-

- (a) which contractor was awarded the tender for the construction of the road linking Embakasi Village and the old Airport Road; and,
- (b) when the road will be tarmacked.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Speaker, Sir, this Question was referred to the Minister for Local Government, and the Permanent Secretary has written to us saying that he will undertake to provide the answer. Therefore, the Question should be re-directed to the Minister for Local Government.

Mr. Speaker: Mr. Assistant Minister, are we playing ping pong? Last time the Question was referred to the Ministry of Local Government before being referred to the Ministry of Roads, Public Works and Housing?

An hon. Member: Yes!

Mr. Speaker: Now the Assistant Minister in the Ministry of Roads, Public Works and Housing says it should again be referred to the Ministry of Local Government. So, what do we do?

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Speaker, Sir, which game are you calling ping pong?

Mr. Speaker: Order! If you do not know the game called ping pong, it is exactly what you are doing!

(Laughter)

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Speaker, Sir, the Minister stood here last time and sought the indulgence of the House that this Question be re-directed to the Minister for Local Government. When it came up again, we found that it was supposed to be answered by the Minister for Roads, Public Works and Housing. However, we have got a confirmation, and here is a letter from the PS saying that the Minister for Local Government will answer it.

Mr. Speaker: He is there now. Could you give it to him to answer? Mr. Maitha, are you ready to answer the Question?

The Minister for Local Government (Mr. Maitha): Mr. Speaker, Sir, I have just heard about the Question. Could I be given time to look at the Question so that I can answer it appropriately? Could I ask the hon. Member to give me time so that I can answer him, probably on Thursday this week?

Mr. Speaker: Mr. Mwenje, what is your reaction?

Mr. Mwenje: Mr. Speaker, Sir, the truth of the matter is exactly the word you have used! I do not know "ping pong" or what. As you are aware that this was the first Question which was asked before this House last week? A Permanent Secretary is not answerable to this House, but the Minister! I have informed them about this road and our information is that---

Mr. Speaker: I am not interested in stories! I am asking you about your reaction to the Minister's promise!

Mr. Mwenje: My reaction is that, there is collective responsibility in any Government. It was up to the Minister for Roads, Public Works and Housing to consult the Minister for Local Government so that they could come here with one answer. We are not dealing with two Governments!

(Applause)

Could the Ministers tell this House, categorically, when they are going to give a reply to this Question, because they are dilly-dallying and the rains are about to come? This road is totally impassable, and it will become a "dam", when the rains come.

Mr. Speaker: Mr. Maitha, when will you be ready with an answer?

The Minister for Local Government (Mr. Maitha): Mr. Speaker, Sir, we will answer this Question on Tuesday next week. As the Chair is aware, we are always ready to answer Questions from this hon. Member. Last week, he asked a Question and he ran away when we were here to answer it. So, could he come on Tuesday to get an answer for his Question?

(Loud consultations)

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. Of all hon. Members, the Chair knows that the last person to run away would be Mr. Mwenje! So, I was not here---

Mr. Speaker: He was not here! Therefore, he did not run away.

Mr. Mwenje: Mr. Speaker, Sir, could the Minister apologise and withdraw that particular statement?

The Minister for Local Government (Mr. Maitha): Oh, sorry. I apologise, Mr. Speaker, Sir.

Mr. Speaker: Alright. Question deferred to Tuesday next week.

(Question deferred)

Question No.032

REPAIR OF ROADS IN THARAKA DISTRICT

Mr. Kagwima asked the Minister for Roads, Public Works and Housing:-

(a) why Tharaka District was left out in road repairs through funds from both *El Nino* and the European Union (Roads 2000 Programme);

(b) what the Ministry is doing to ensure that the district is adequately financed to repair roads that have not been repaired for five years; and,

(c) when the work on these roads will commence.

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

(a) *El Nino* Programme did not cover roads in the then greater Meru District, because they were to be catered for by the European Union (EU) Roads 2000 Programme.

(b) My Ministry, through the Road Maintenance Levy Fund has been financing the maintenance, rehabilitation and development of the road network in Tharaka District. My Ministry will ensure that the roads in the said district are adequately repaired.

(c) The routine maintenance of classes D, E and special purpose roads in Tharaka Constituency, which is

also Tharaka District, has been on-going since November, 2002, and a total of Kshs4 million has been issued to the District Roads Committee for these works. For classes A, B and C roads, Kshs5 million has been allocated during this financial year for the routine maintenance and improvement of the condition of Ena-Mitunguu-Nkubu (C92) Road.

Mr. Kagwima: Mr. Speaker, Sir, last week this Assistant Minister spoke very well here. But today he has refused to answer the Question. The kind of figures he is talking about are minimal. To start with, in his answer to part "a" of the Question, the Assistant Minister is misleading the House that, roads in the old Meru District were not covered. That is not true. I am surprised why the Assistant Minister would choose to tell untruths to this House. I would rather he gets another answer because there is no truth in the answer given. The *El Nino* Programme was an emergency; it was not planned. It was put there to cover the roads that were washed away by the *El Nino*-induced rains. The Roads 2000 Programme was a planned programme. You could not have planned for those *El Nino*-induced rains---

Mr. Speaker: What is your question?

Mr. Kagwima: Could he replace the answer in part "a" with a correct one; why roads in Tharaka District were not covered by the *El Nino* Emergency Funds, yet it was affected like any other district?

Eng. Toro: Mr. Speaker, Sir, when we say that the roads were covered under Roads 2000 Programme and not the *El Nino* Emergency Fund, it is neither here nor there, as long as repair works were on-going in Tharaka Constituency.

Mr. J. Nyagah: Mr. Speaker, Sir, is that the reason why the Assistant Minister ignored this area because it is a junior partner of Mt. Kenya region? Could the Assistant Minister visit those districts that have been forgotten most of the time, like Mbeere?

Mr. Speaker: What did you say?

Mr. J. Nyagah: Would the Assistant Minister visit these particular areas; Tharaka and Mbeere, which are junior partners of Mt. Kenya region, so that they do not feel forgotten?

(Laughter)

Eng. Toro: Mr. Speaker, Sir, I would like to assure the hon. Member that we will visit Mbeere and Tharaka districts. However, I am not aware of any partnership where Mbeere and Tharaka districts are junior partners.

Mr. Kagwima: Mr. Speaker, Sir, part "b" of the Question asks him what remedial measures he will put in place to ensure that the roads are maintained. He said that he will provide adequate funds; amounting to Kshs5 million. Would Kshs5 million be enough to cover 150 kilometres of road? Is he justifying that Kshs5 million is enough to cover 150 kilometres of road?

Eng. Toro: Mr. Speaker, Sir, for the moment, the Kshs5 million has been allocated for Classes "A", "B" and "C". As I said, a further Kshs4 million has already been disbursed for Classes "D", "E" and special purpose roads. The Kshs5 million is what was allocated in the 2002/2003 Budget. It is only the 2003/2004 Budget that can allocate more funds to these particular roads.

Mr. M'Mukindia: Mr. Speaker, Sir, I agree with Mr. Kagwima that the Assistant Minister is not answering the Question. First of all, he has confirmed that no *El Nino* funds were used in Tharaka District. But he has said that the European Union Roads 2000 Programme covered the district when we have information that the Programme has not even started. Why is the Assistant Minister misleading this House? Could he tell us the truth as to how much money was used to repair roads in Tharaka District?

Eng. Toro: Mr. Speaker, Sir, the EU Roads 2000 Programme covered seven districts in the region, namely; Meru North, Meru Central, Tharaka-Nithi, Embu, Mbeere, Machakos and Makeni. Tharaka, as a separate district, was not in existence at the inception of the programme. Hence, the allocation for the then Tharaka-Nithi District under the Roads 2000 Programme was used to gravel the Mikolongo Market-Kamaembe Road, at a contract sum of Kshs36 million.

Mr. Speaker, Sir, for his information, I would like to lay on the Table of the House a document showing all the districts that are covered under the EU Roads 2000 Programme so that he can go through it and see what is covered and what is not.

(Eng. Toro laid the document on the Table)

Mr. Speaker: Very well! Next Question, Mr. Kofa!

Mr. Kofa: Mr. Speaker, Sir, I do not have the written reply yet.

Question No.003

SEVERANCE PAY FOR RETRENCHED NIB EMPLOYEES

Mr. Kofa asked the Minister for Agriculture and Livestock Development:-

(a) whether the Minister is aware that the following ex-employees of the National Irrigation Board (NIB) were retrenched on 31st January, 2001, and have not been paid their retirement benefits to date:-

Mr. Said Wayu Jilo, Mr. Vincent Kalii, Mr. Charles Waweru, Mr. Juma Wambugu, Mr. Nelson Gichuhi, Mr. James Mwai, Ms. Ann Kimani, Mr. Peter Kimani, Mr. Robert Njanja; and Mr. M. Miano; and,

(b) when their co-operative shares along with severance pay and Provident Fund dues will be paid.

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

(a) Due to financial constraints facing the National Irrigation Board (NIB), it was necessary to contact the Directorate of Personnel Management (DPM) so as to facilitate the off-loading of some of its staff on early retirement under the Civil Service Reform Programme. This was accepted and funds for safe landing were provided by the Government through the DPM. Seven out of the ten mentioned people were among the 566 employees of the NIB who were retrenched as from 1st February, 2002, and not 31st January, 2001, as indicated by the hon. Member.

According to the records held by the NIB, Mr. James Mwai, Mr. Juma Wambugu and Mr. Peter Kimani have never at any one time worked for the institution. On retrenchment, all the retrenchees were paid their dues less what they owed as follows:-

(i) Golden Handshake - Kshs40,000.

(ii) Two months salary in *lieu* of notice

(iii) Severance allowances; 25 days for every year worked as per the Collective Bargaining Agreement (CBA) to all unionisable employees. The seven ex-employees were entitled to severance pay since they were at managerial level and not unionisable. They all collected their dues apart from one, Ms. Ann Kimani, who refused and appealed against the retrenchment. Her appeal was not successful and up to now she has never collected her dues which were returned to the DPM.

(b) Of the seven ex-employees, only four of them; Mr. Said Wayu Jilo, Mr. Charles Waweru, Ms. Ann Kimani and Mr. Vincent Kalii had co-operative shares of various amounts. Arrangements are under way to pay them their dues before the end of this year, 2003. On the issue of the Provident Fund, Ms. Ann Kimani, having worked for only three years, was not qualified for any benefits. The other seven are owed various amounts by the Kenya National Assurance Company which used to administer the Provident Fund Scheme before it was put under receivership in 1992. The Old Mutual Assurance Company took over from the Kenya National Assurance Company and the NIB which had not submitted the dues when it started experiencing financial problems. Arrangements are at an advanced stage to pay these ex-employees their Provident Fund dues by the Old Mutual Assurance Company. The NIB is also making arrangements to pay what it owes them. It is expected that since the Kenya National Assurance Company has been revived, it will be in a position to pay what it owes. I request the hon. Member to advise Ms. Ann Kimani to go and collect her dues from the DPM.

Mr. Kofa: Mr. Speaker, Sir, this list is from Mwea, but the same fate has hit Hola, Perkerra, Bunyala, Ahero, Muhoroni and so on. The Assistant Minister has talked of 500 workers. Are those 500 workers only from Mwea, or are they from other institutions of the NIB?

Mr. Munyao: Mr. Speaker, Sir, if the hon. Member was listening, I talked about 566 workers from the NIB in the areas he is talking about.

Mr. Abdirahman: I had listened keenly to the Assistant Minister's reply and I noted with concern that the members' co-operative shares are to be refunded by the end of the year. In normal circumstances, unless this particular co-operative society is different from others, individual members contributions in terms of shares have to be refunded within 60 days. Could the Assistant Minister explain why these ex-employees have to wait until the end of the year to be paid their dues when we are now in the first part of the year?

Mr. Munyao: Mr. Speaker, Sir, if the hon. Member was listening, I said these ex-employees will be

paid their dues before the end of the year. Why should he repeat what I have already said?

Mr. Kofa: The Assistant Minister is fond of saying "if the hon. Member is listening", we are awake and listening! Could he answer the question?

Mr. Speaker: Yeah, but you said hon. Members are not listening. What do they do here?

Mr. Munyao: I said he repeated what I had said.

Dr. Ali: Mr. Speaker, Sir, could the Assistant Minister tell us why the four members have to wait until the end of the year, whereas their co-operative shares can be processed in two days? How long do they have to wait?

Mr. Munyao: Mr. Speaker, Sir, I did not talk about the four members; I talked about the seven employees, and I gave a clear schedule. This is early March, and they could be paid any time.

Mr. Manoti: Mr. Speaker, Sir, it is over a year since those employees were retrenched. It is very difficult for people to stay in Nairobi without money. Could he tell this House when those people are going to be paid their final dues?

Mr. Munyao: Mr. Speaker, Sir, those people are not in Nairobi. I said that the delay was as a result of the financial constraints facing the National Irrigation Board.

Question No.054

REHABILITATION OF CHEPTIL WATER PROJECT

Mr. Sambu asked the Minister for Water Resources Management and Development:-

(a) when the Cheptil Water Project in Mosop, Nandi District, was last rehabilitated and at what cost;

(b) whether he could state the cost of each of the items used during the rehabilitation and the signatories to the project bank account; and,

(c) how many households are benefiting from the project.

The Assistant Minister for Water Resources Management and Development (Mr. Munyes): Mr. Speaker, Sir, I beg to reply.

(a) Cheptil Water Supply in Mosop, Nandi District, was last rehabilitated during the 1995/96 Financial Year at a total cost of about Kshs1.4 million.

(b) The total cost of each item is as follows:-

(i) Pump - Kshs549,080

(ii) Pipe fitting - Kshs399,346

(iii) Repair of Vehicles - Kshs29,937

(iv) Fuel - Kshs32,750

(v) Testing of Pipelines - Kshs54,000

(vi) Supervising Staff

Allowance - Kshs45,801

(vii) Dam Desilting - Kshs170,917.20

(viii) Fuel and Vehicle Repairs - Kshs60,593.60

(ix) Diesel for pumping Water

for Construction
of the tank - Kshs57,425.25

Total Kshs1,399,850.25

My Ministry contributed Kshs900,000 for which the District Water Officer was a signatory, while the National Relief Fund contributed Kshs500,000 for which the District Commissioner, Nandi, was the signatory.

(c) The consumers benefiting from the project total about 1,700.

Mr. Sambu: Mr. Speaker, Sir, the amount spent is Kshs1.4 million. There is only one household and one school by the name Cheptil Secondary School using the water. I am sure the Assistant Minister has been furnished with this information. This money was stolen by the DC---

Mr. Speaker: Order! That word is unparliamentary!

Mr. Sambu: Mr. Speaker, Sir, that money disappeared in the pockets of the DC and the District Water Officer. Could the Assistant Minister tell us who were the tenderers for the supply of the engine pump and also lay the tender documents on the Table?

Mr. Munyes: Mr. Speaker, Sir, information with regard to the tenders is not available. I would like to

inform the hon. Member that this is an old project of 1957. As we speak, the people consuming the water include Cheptil Secondary School with a population of 850 people and Bishop Kongo Academy with a population of 300 people. A cattle dip serving 200 farmers and adjacent consumers also benefit from the same project. So, I believe this project is serving so many people around that area.

Mr. Sambu: Mr. Speaker, Sir, when we spend Kshs1.4 million of taxpayers money, the return on investment should not only be a few primary schools and a cattle dip. This was a water project under the Swinerton Plan of 1957 to 1959. The colonialists did a better job than our Government because they spent less money and 5,000 households were supplied with water. Now, it is only three schools and one individual benefitting. If the Assistant Minister does not believe what I am saying, could he accompany me to the area? It is only a half an hour drive from Eldoret Airport. Could he accompany me so that we cross-check the number of households being supplied with water, so that he can withdraw this answer which is total misinformation to the House?

Mr. Munyes: Mr. Speaker, Sir, I am ready to accompany the hon. Member to the place, but I have said that it is true that the water supply is not providing enough water for this area. The Ministry is trying to prepare a comprehensive programme to rehabilitate Cheptil Water Supply. We would like to increase the diameter of the pipeline at a cost of Kshs1.7 million. We will also construct a very big tank at a cost of Kshs500,000 million. We will also augment the distribution system at a cost of Kshs600,000.

Question No.034

PROVISION OF MATERNITY HEALTH CARE FACILITIES

Mr. Wario asked the Minister for Health:-

- (a) whether he is aware that Bura Constituency lacks a medical facility to deal with maternity cases; and,
- (b) whether he could consider upgrading one of the health centres to a hospital in order to cater for these cases.

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

(a) I am aware that Bura Constituency has two medical facilities that can deal with maternity cases. These are Bura and Madogo Health centres. The two health centres are not working to full capacity due to shortage of staff. This will be addressed in the coming financial year.

(b) The current facilities, when fully functional, will address the maternity cases adequately. This will also be done in the next financial year.

Mr. Wario: Mr. Speaker, Sir, while appreciating the Assistant Minister's answer, and also ready to wait for the next financial year, could he consider sending more clinical officers to these two facilities?

Mr. Konchella: Mr. Speaker, Sir, I would like to inform the hon. Member that there is still a moratorium on employment, and it is the policy of the NARC Government to ensure that, as we move forward and with the support of this House, we will have more funds to be able to enrol more clinical officers and nurses.

Mr. Wario: Mr. Speaker, Sir, I did not ask the Assistant Minister to enrol new clinical officers. There are hospitals in this country which are overstaffed while others are suffering due to lack of clinical officers. Could the Assistant Minister consider transferring one to those facilities?

Mr. Konchella: Mr. Speaker, Sir, I am not aware of any hospital which is overstaffed. We are prepared to look into the situation if the hon. Member lets us know which hospitals are overstaffed.

QUESTIONS BY PRIVATE NOTICE

MEASURES TO COMBAT FAMINE IN ASAL AREAS

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

- (a) What urgent action has the Minister taken to address the current famine that has hit the North Rift?
- (b) What programme has the Minister put in place to address the perpetual hunger in ASAL areas?
- (c) What special programmes has the Minister initiated to ensure sufficient food in all boarding schools in all the drought-prone areas in the country?

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

(a) The Government, working with other partner agencies, dispatched teams between 23rd and 29th February, 2003, to assess the drought situation in the North Rift and other areas. The teams have already submitted their report which is being studied together with the climate outlook report released by the Kenya Meteorological Department. Preliminary findings indicate that there is drought stress in various districts in northern Kenya including the North Rift. Drought mitigation interventions have been ongoing and continue to be implemented to cushion the affected communities against the adverse impact of drought. Food rations have been dispatched to the districts to assist the vulnerable groups.

(b) The Government is currently implementing the Arid Lands Resource Management Project, which is a community-based drought management project. It covers ten ASAL districts and is focused on institutionalisation of drought management in Government systems. Through the project, the Government closely monitors the food security situation in the project area and informs the various actors in drought and food security matters accordingly. The project has allocated drought contingency funds to the same project districts to complement efforts by other partner agencies towards drought emergency mitigation. This is an integrated approach for provision and rehabilitation of water facilities, animal health support, human health support, natural resource management and conflict management.

(c) The School Feeding Programme is currently in place and is being implemented by the Ministry of Education, Science and Technology with support from the World Food Programme.

Prof. Oniang'o: Mr. Speaker, Sir, I was prompted to ask this Question when I saw an appeal by four Members of Parliament on television. These MPs were appealing for food from the World Food Programme and from the Kenya Government. I am not sure that this has been addressed, so we want to know from the Assistant Minister what emergency measures he has taken to avert the situation because he is talking of a report which was handed in after a study between 23rd and 29th of February and today is 18th March. It takes only seven days for people to starve to death. So, what measures has the Assistant Minister taken to ensure that food is actually provided to these people?

Mr. Tarus: Mr. Speaker, Sir, I wish to inform the House that the Office of the President will take action to address any situation that affects the country, wherever it is.

Mr. Rotino: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House. He has been asked a specific Question: What urgent measures has the Government taken to address the issue? Does he understand the meaning of the word "urgent"? If he does not understand, he should check it up in the dictionary.

Mr. Tarus: Mr. Speaker, Sir, the Government continuously monitors the food security situation throughout the country. The Kenya Food Security Meeting which is co-chaired by the Office of the President and the World Food Programme meets once every month and receives a comprehensive update on the food situation and weather forecasts in the country during each season. This enables the Government to detect any food stress early and take corrective measures to avert serious problems.

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

Mr. Speaker: Order, Mr. Rotino! What is it! Would you like to answer on behalf of the Assistant Minister?

Mr. Rotino: But I asked him a question and he is not answering!

Mr. Speaker: Order! Mr. Assistant Minister, you are being asked this: There is drought which means lack of rain and food. Therefore, people are hungry. What are you doing, as a matter of urgency, to feed those people and to alleviate that drought?

Mr. Tarus: Mr. Speaker, Sir, between the months of November and March 2003, the Government has---

Mr. Speaker: Mr. Assistant Minister, they are talking about now! There could have been a drought last year---

(Loud consultations)

Order! If I may just help. In part "a" of the Question, the hon. Member says that there is drought now. In part "b" of the Question, she is asking you what you will do to stop this perpetual drought like the one you were referring to in March last year. We are now in March. One year ago there was a drought; there is one right now; there will be another one in September and August this year and next year and so on. So, the hon. Members want to know what you are doing to address the problem now and in the future.

Mr. Tarus: Mr. Speaker, Sir, when I talked about March 2003, I was informing the House that, in fact, the Government has sent food supplies to the following affected areas: Baringo, Marakwet, Keiyo, West Pokot,

Samburu, Turkana and Laikipia. For future preparedness to handle the situation, the Government will consult with the stakeholders to ensure that the necessary food supplies are available to the affected areas.

Mr. Lesrima: Mr. Speaker, Sir, while appreciating the Government's efforts in supplying famine relief, particularly in my constituency, could the Assistant Minister make some effort to supply the District Commissioners with lorries because there is no point in sending food without transportation?

Mr. Tarus: Mr. Speaker, Sir, the Government will look into the matter.

Mr. Ethuro: Mr. Speaker, Sir, this is a very important issue. We have a disaster in the North Rift and this is not the first time we are witnessing an emergency situation. The Government should be in a state of preparedness every moment. Could the Assistant Minister confirm what ratio is used to determine the distribution of food to these areas in order to meet their needs? Is he further aware that the refugees in this country get more rations than our own Kenyans? Could the Assistant Minister be serious for once and confirm this issue?

Mr. Tarus: Mr. Speaker, Sir, I do not have the figures on the rations that are given. Perhaps, it would be better if I supplied the information later.

Mr. Speaker: When will you be ready, Mr. Tarus?

Mr. Tarus: On Tuesday, Mr. Speaker, Sir.

Mr. Speaker: Very well. Is that okay with you, Prof. Oniang'o?

Prof. Oniang'o: Mr. Speaker, Sir, this is a perpetual and serious problem. It is not acceptable that any Kenyan should go hungry. We will appreciate when the Kenya Government addresses this problem of hunger. I would like to ask the Assistant Minister whether he will bring to this House a policy addressing hunger in the emergency-term, mid-term and long-term.

Mr. Speaker: Mr. Tarus, did you hear what Prof. Oniang'o said?

Mr. Tarus: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well. The Question is deferred to Tuesday, next week. Let us move on to the next Question.

(Question deferred)

SHOOTING OF SENIOR SERGEANT OYUGI

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

(a) Why was Senior Sergeant Zachary Oyugi, of Moi Air Base, taken from his doorstep on the night of 8th March, 2003, by the police and whisked away to Embakasi Police Station in a police vehicle?

(b) Could the Minister inform the House who shot a Mr. Odongo, who was with Mr. Oyugi, a member of the Embakasi Base Air Rescue Battalion?

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

Mr. Ogur: On a point of order, Mr. Speaker, Sir. Given the seriousness of this matter, I thought the Question should be answered by the Minister himself.

Mr. Speaker: Mr. Tarus is here. He is the Assistant Minister in the Office of the President. Proceed, Mr. Tarus!

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, may I seek the indulgence of the House whether it is in order to answer the Question when there is, indeed, a Ministerial Statement on this particular matter?

Mr. Speaker: Is there a Ministerial Statement on this matter?

The Assistant Minister, Office of the President (Mr. Tarus): Yes, Mr. Speaker, Sir.

Mr. Speaker: Then do the following: You can combine the answer and the Ministerial Statement to save time because what is contained in the Ministerial Statement is also contained in the Question. Mr. Tarus, instead of us doing two things at the same, answer the Question and then give all the facts in the Ministerial Statement.

*(Dr. Murungaru entered the Chambers
and Mr. Tarus handed him the written
reply and the Ministerial Statement)*

The Minister of State, Office of the President (Dr. Murungaru): Mr. Speaker, Sir, I beg to answer the Question and also read the Ministerial Statement.

(a) Senior Sergeant Zachary Oyugi Anunda was arrested by police officers and taken to the Embakasi Police Station after he had gotten into a struggle with them. He had presumably mistaken them for thieves.

Full investigations into the circumstances surrounding the death of Senior Sergeant Zachary Oyugi have been completed and the details will be forwarded to the Attorney-General for direction and appropriate action.

(b) Mr. Kenneth Otieno Odongo who is a Senior Private is reported to have been shot by a stray bullet when he and others were trying to separate the late Senior Sergeant Oyugi and Police Constable Ahmed Hussein Gabo.

MINISTERIAL STATEMENT

SHOOTING OF SENIOR SERGEANT OYUGI

The Minister of State, Office of the President (Dr. Murungaru): Mr. Speaker, Sir, on the same subject, on Wednesday 12th March, 2003, Mr. Sungu rose on a point of order seeking a Ministerial Statement with regard to the shooting to death of Senior Sergeant Zachary Oyugi of Moi Air Base. I have already responded to a Question by Private Notice, by Mr. Manoti, on the same incident. Allow me to give the additional facts which were not contained in the answer.

Before I do that, kindly allow me to express my sincere condolences and sympathy to the family of the late Senior Sergeant Zachary Oyugi.

The shooting incident, which later led to the death of late Zachary Oyugi, occurred at Jua Kali Village, Embakasi, on 8th March, 2003, at about 11.45 p.m. While on patrol duties two police officers, Police Constable Ahmed Hussein Gabo and Police Constable Dominic Kilei alleged to have received a distress call to the effect that there was a robbery taking place at Pioneer Building within Jua Kali Village in Embakasi. The call is alleged to have been made by one Willy Kipkoech Korir from the military on a mobile telephone No.0722262641. Mr. Willy Kipkoech Korir has confirmed in his statement to the police, that he did receive a telephone call about the robbery from his brother Emanuel Kiprono Tanui who is also from the military. It is then that the two police officers are said to have proceeded to the building approaching it from the rear and front.

Police Constable Ahmed Hussein Gabo alleges that while approaching the building from the rear entrance, he met a stout man who threw a blunt object at him, hitting him on the forehead. The said stout man, who has since been identified as Senior Sergeant Oyugi, then charged at him with the intention of snatching the pistol from Constable Gabo. A struggle then ensued between the two and, in the process, ammunition discharged from Gabo's gun and did cause injury to Senior Sergeant Oyugi. The sound of ammunition discharge and struggle between the two attracted neighbours and the members of public to the scene. Among the neighbours who came to the scene and allegedly tried to separate the two were Private Enock N. Onyancha and Senior Private Kenneth Otieno Odongo. Senior Private Kenneth Otieno Odongo is alleged to have been shot by a stray bullet in that process. Constable Gabo is said to have produced his certificate of appointment as proof that he was a police officer and not a thief when members of the public tried to lynch him. Despite his pleas, members of the public are alleged to have started beating the police officer. It is at that point that Police Constable Dominic Kilei came to the rescue of his colleague by shooting in the air to scare away members of the public. A reinforcement of police officers who arrived at the scene arrested Senior Sergeant Oyugi and took him to Embakasi Police Station while they rushed Constable Gabo to the Forces Memorial Hospital. At the time Senior Sergeant Oyugi was being taken to Embakasi Police Station, he was already bleeding profusely.

Mr. Speaker, Sir, investigations into the circumstances surrounding the death of Senior Sergeant Oyugi have now been completed and the file will be forwarded to the Attorney-General for direction and appropriate action, as I said earlier.

The death of Senior Sergeant Oyugi is not just a loss to his family, relatives, friends and the military, but is also a loss to the nation and I wish to assure the House that should it be established that there was any act of commission or omission that led to his death, those responsible shall be subjected to the due process of law.

Thank you.

Mr. Manoti: Mr. Speaker, Sir, I thank the Minister for giving us a straightforward answer. However, the truth of the matter is that the late Oyugi was picked from his doorstep. When he was put into the police vehicle he had already identified himself as an employee of Moi Air Base. At that time, he was alive. Could he tell us where the late Oyugi was killed?

Dr. Murungaru: Mr. Speaker, Sir, as I have just said, the late Oyugi was injured by a stray bullet which was occasioned by a struggle between himself and the police officers. May I reiterate again that investigations have been carried out and the file has already been forwarded to the Office of the Attorney-General for action. If

there is any information or evidence which has not come out from the investigation, I believe it should be able to come out in any proceedings that the Attorney-General may consider necessary to institute.

Bishop Ondiek: On a point of order, Mr. Speaker, Sir. The Ministerial Statement we have just heard is typical of what is said about Mr. Korir, who is well known for shooting people. Last year, the same Mr. Korir, who is the Officer Commanding Station (OCS), Embakasi, shot my son. A Statement similar to the one issued by the Minister was then issued. So, could he explain why the military officer was shot, and why action has not been taken against this officer who also shot my son?

Dr. Murungaru: Mr. Speaker, Sir, I cannot pretend to have the facts about the shooting of the hon. Member's son. If he wants some information on the matter, I will gladly provide it. However, regarding the shooting of Mr. Oyugi, whoever is responsible for any action that may have been illegal will be subjected to the full force of the law. That is my undertaking.

Bishop Ondiek: On a point of order, Mr. Speaker, Sir. With regard to my son's shooting, I personally filed a written complaint with the Attorney-General. However, since then, no action has been taken. We have been hearing the kind of stories that the Minister is now trying to tell us. Is he in order to mislead the House?

Dr. Murungaru: Mr. Speaker, Sir, I am not aware of any Statement that I may have made on this subject, which can be construed to be misleading the House.

Mr. Muiruri: Mr. Speaker, Sir, I have listened to the Minister very carefully. He explained that the police officers involved in the shooting of Mr. Oyugi were responding to a distress call in respect of an alleged robbery but we have not been told whether, indeed, a robbery did take place that night. We have been told that one of the police officers approached the house in which the late Mr. Oyugi was living, from behind, and that the late Mr. Oyugi threw a blunt object at the police officer, who then shot him.

Mr. Speaker: What is your question?

Mr. Muiruri: Mr. Speaker, Sir, something is not being explained well. Could the Minister explain why, despite the fact that the late Mr. Oyugi was bleeding profusely, he was taken to Embakasi Police Station and not to hospital?

Dr. Murungaru: Mr. Speaker, Sir, Orderly Room proceedings are already on-going against the police officers who arrested the late bleeding Mr. Oyugi and took him to the police station instead of taking him to hospital.

Mr. Speaker: Could you ask the last question, Mr. Sungu?

Mr. Sungu: Mr. Speaker, Sir, I am concerned at the level of callousness shown by the police in this case. The family and a colleague of the deceased officer offered to accompany the deceased to the police station, but the police officers refused to allow those people to accompany the deceased. Subsequently, the suspect was found dead at the mortuary. Despite the fact that the police knew where they arrested the military officer, they did not bother to inform his family of his death. There is something fishy here, which must be addressed. What kind of police officers would not recognise a responsible citizen like myself? The late Mr. Oyugi did not look like a thug. So, I would like the Minister to carry out further investigations independent of what the police officers in that area tell him, because there is a cover-up.

Dr. Murungaru: Mr. Speaker, Sir, I promise that further investigations into this matter will be carried out, and that if anybody is culpable, he will be punished appropriately.

(Resumption of Questions by Private Notice)

ACQUISITION OF MIWANI SUGAR
FACTORY BY MR. SOMAIA

Prof. Olweny: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture and Livestock Development the following Question by Private Notice.

(a) Under what circumstances did Mr. Somaia and his M/s Venessa Associates International acquire M/s Miwani Sugar Mills Limited?

(b) Who owns the parcel of land on which Miwani Sugar Factory stands, and who owns the land the nucleus estate occupies?

The Minister for Agriculture and Livestock Development (Mr. Kirwa): Mr. Speaker, Sir, I am not able to answer this Question because the matter raised in it is in court and, as a Ministry, we are dealing with it in order to sort out the problem.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. I agree with the Minister that the matter raised in this

Question is pending before a court. However, is he in order to decline to answer the Question when we know that Indians, under the leadership of a Kalasinga, are already dividing the land parcel amongst themselves. Why do those people out there not respect the court as the Minister claims to be doing?

Mr. Sungu: On a point of order, Mr. Speaker, Sir. I come from the area referred to in this Question. Only part (b) of the Question relates to the matter in court, and not the whole Question. Could the Minister, therefore, be asked to answer part (a) of the Question?

Mr. Speaker: Mr. Minister, what is in court?

The Minister for Agriculture and Livestock Development (Mr. Kirwa): Mr. Speaker, Sir, this matter is complex because the ownership of the said land parcel is disputed. Further, there are so many transactions that have taken place between the initial owners, the so-called current owners and the Government that militate against us dealing with this particular Question. The land parcel has been used elsewhere as a collateral by somebody who does not own it. The matter is in dispute, and the parties involved are in court. So, both parts (a) and (b) of the Question are in court.

Mr. Speaker: Do you have the case number, Mr. Minister?

The Minister for Agriculture and Livestock Development (Mr. Kirwa): Yes, Sir.

Mr. Speaker: What is it?

The Minister for Agriculture and Livestock Development (Mr. Kirwa): Mr. Speaker, Sir, it is Case No. Milimani Commercial Court 566 of 1999.

Mr. Speaker: Prof. Olweny, what is your reaction?

Prof. Olweny: Mr. Speaker, Sir, the matter in court relates to the land parcel. Why can the Minister not answer part (a) of the Question, which seeks to know the circumstances under which Mr. Somaia and his M/s Venessa Associates International acquired M/s Miwani Sugar Mills Limited?

Hon. Members: He should answer!

Mr. Speaker: Order! Order! Mr. Minister, when do you expect this matter to come up for hearing before court?

The Minister for Agriculture and Livestock Development (Mr. Kirwa): Mr. Speaker, Sir, the court case has been on-going but I have sought the indulgence of all the parties concerned to come to my office for effective arbitration, so that we could sort out the matter. So, as soon as I dispense of the matter, on which I expect to receive an interim report this afternoon, I will inform the House as to when the issue can---

Mr. Speaker: Very well. Hon. Members, I will leave the Question in abeyance to enable the Minister receive that report. Prof. Olweny, within a reasonable time, you can come back to me to re-visit the issue.

Mr. Ogur: On a point of order, Mr. Speaker, Sir. Is the Minister aware that Mr. Somaia was given the said land parcel completely free of charge? He got it for free!

(Laughter)

(Question deferred)

AMENDMENT OF NOMINATED COUNCILLORS' LIST

(Mr. Wario) to ask the Minister for Local Government:-

(a) Why did the Minister amend the list of nominated councillors submitted to him by the Electoral Commission of Kenya (ECK) for gazettelement?

(b) What is the legality of the councillors who were not vetted by the ECK?

(c) What action has the Minister taken to address the anomaly?

Mr. Speaker: Hon. Members, with regard to Mr. Wario's Question by Private Notice, it has been agreed between him and the Minister that the Question be deferred to next Tuesday.

Hon. Members: Why?

Mr. Speaker: The hon. Questioner knows why. So, the Question is deferred till then.

(Question deferred)

Mr. Ndambuki, I was going to ask for your indulgence so that I can defer your Question by Private Notice to Thursday. You realise that it is now 4.00 p.m.

Mr. Ndambuki: That will be alright, Sir.

Mr. Speaker: Very well. Mr. Ndambuki's Question by Private Notice has been deferred to Thursday.

MEASURES TO PROTECT FARMERS
FROM GRAIN LOSS

(Mr. Ndambuki) to ask the Minister for Agriculture and Livestock Development:-

(a) Could the Minister state what measures he has taken to protect farmers against further losses caused by the grain borer/weevil, which has destroyed maize and bean crop throughout the country?

(b) What legal action has the Minister taken against businessmen who have been selling counterfeit insecticides?

(Question deferred)

Mr. Speaker: There are some hon. Members who have raised certain issues. So, I will now invite the Attorney-General to respond to an issue raised by Mr. Obwocha.

Hon. Members:---(Inaudible)

Mr. Speaker: Order! I know what it is! Listen to him and you will know what it is! Mr. Obwocha will ask whatever is necessary thereafter.

Proceed!

MINISTERIAL STATEMENTS

STATUS OF INVESTIGATIONS
INTO EURO BANK AFFAIR

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, this is a Statement by the Attorney-General of the Republic of Kenya, on the state of investigations into the Euro Bank Affair. The Minister for Justice and Constitutional Affairs had promised that a Statement would be made on the state of the investigations into the Euro Bank Affair. There is also a false report appearing in today's issue of the *East African Standard* headed: "Euro Bank: Anti-Corruption Police Unit (ACPU) Awaits Wako's Nod to Prosecute". That is not true and the position is as follows:-

Investigations into the allegations that the former Managing Trustee of the National Social Security Fund (NSSF), Mr. Benedict Nyange Mtweta irregularly discounted Treasury Bill No.1471/01 worth Kshs256 million commenced in October, 2002, soon after the current Managing Trustee of NSSF, Mr. Naftali Mogere, lodged a complaint with the ACPU. However, as that inquiry was nearing completion, the move by the Central Bank of Kenya to place the said Euro Bank into liquidation precipitated further investigations, which have revealed possible causes of destruction of vital documents at the bank, improper borrowing by the directors of Euro Bank and irregularities in the lending processes *et cetera*.

On 11th March, 2003, I received and perused the investigation report. However, the report focused only on the initial complaint; that is, the allegation that Mr. Mtweta had irregularly discounted Treasury Bill No.1471/01. In the covering letter, the Director of ACPU requested for more time to complete the investigations to cover the wider issues. He anticipated that they would complete the investigations by 31st March, 2003. I held consultations with the Director of ACPU and the Head of Investigations Department. I followed those consultations with my letter dated 12th March, 2003, addressed to the Head of the ACPU. In the letter, I re-confirmed and directed that investigations must be comprehensive to cover the entire Euro Bank affair and, in particular, to cover how the amounts from nine public institutions, totalling Kshs1,685,000,000, came to be deposited in Euro Bank, and to cover the perception that Euro Bank was used as a conduit to defraud public money. I, further, directed that the investigations must include the identifications of beneficiaries, the tracing of the money to its final destination and the allegations of insider-trading or borrowing.

In view of the intricate and complex nature of the investigations involving isolating beneficiaries and tracing the money to its final destination, I agreed with the ACPU's request to complete their investigations by 31st March, 2003. However, I directed that I must receive an interim report by Monday, 17th March, 2003. I can confirm to this August House that, just before the close of business yesterday, 17th March, 2003, I did receive an interim report from the Head of ACPU. The ACPU has made commendable progress and I am hopeful that by

31st March, 2003, I will receive an investigation report on which I can act.

The people of Kenya will be able to see, in early April, what action the Attorney-General of the Republic of Kenya will have taken on the report. The nine public institutions and the amounts deposited in Euro Bank are as follows:-

INSTITUTION	AMOUNT (KSHS)
Kenyatta National Hospital	492,000,000
Kenya Post Office Savings Bank	66,000,000
Kenya Pipeline Company Limited	55,000,000
Kenya Tourism Development Corporation	61,000,000
National Hospital Insurance Fund	493,000,000
Kenya Sugar Authority	55,000,000
Pyrethrum Board of Kenya	159,000,000
Postal Corporation of Kenya	53,000,000
National Social Security Fund	256,000,000

I thank you.

Mr. Obwocha: Mr. Speaker, Sir, I am fairly grateful to the Attorney-General but, while he has answered my third question on which paratats deposited money in that bank, he should be precise and tell us--- He should not wait for a report from the ACPU to arrest the people who destroyed computers in the bank! That is an issue that should be done expeditiously and those fellows should have been arrested. We want to know whether he has arrested the people who destroyed the information regarding the bank.

Secondly, to complete my question, we want to know the status of the directors. In the media, we are getting conflicting information. Who are the current directors of Euro Bank? If he knows the current directors of the bank, what action is he taking against them? That is because, as we sit here, there is a criminal aspect of what has been done at Euro Bank.

Mr. Speaker: Is there any person who is interested in getting any clarification?

Mr. Omingo: Mr. Speaker, Sir, as we appreciate the fact that the Attorney-General has given us a comprehensive report, is he also satisfied that investigations will be free and fair, when some people who have been alleged to have committed this crime are still in office, including the boards of those organisations?

Mr. Speaker: Could we have one from Mr. Wamwere?

(Mr. Billow stood up in his place)

Will you, please, sit down? I have given the Floor to Mr. Wamwere.

Mr. Wamwere: Bw. Spika, nilikuwa na swali---

Mr. Speaker: Please, if it is different and not on Euro Bank, hold it right there. I remember yours! So, hold your question if it is not on Euro Bank.

Mr. Wamwere: It is on Euro Bank!

Mr. Speaker: Okay! Proceed!

Mr. Wamwere: Bw. Spika, nilikuwa nataka kuuliza kama kuna uwezekano wowote kwamba, wakati wahusika wote wanachunguzwa, hata kabla ya uamuzi kufanyika, ikiwa watashikwa au la, waulizwe waende nyumbani ili waruhusu uchunguzi ufanywe pasipo wao kuingilia na kuharibu ushahidi. Inashangaza kwamba ingawa kuna wengine ambao wameachishwa kazi, kuna wengine ambao bado wako kazini na wanatetewa hata na Mawaziri, ili waendeleo kukaa ofisini wakati uchunguzi unaendelea. Tunaweza kuwa na sera moja kuhusu swala hili badala ya kuwa na sera tofauti?.

Mr. Billow: Mr. Speaker, Sir, could the Attorney-General explain how the discounted Treasury Bills worth Kshs256 million from the NSSF were credited into an account in Euro Bank? Was it done by the Central Bank of Kenya or was the transaction signed for by the then Managing Trustee, Mr. Mtweta? That is because there are conflicting stories in the media.

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. Could the Attorney-General tell us what action he will take against Ministers who are saying that Prof. Meme is innocent and clean? He should also ensure that Ministers who are defending chief executives who have been involved in the Euro Bank scandal are also investigated. These Ministers should also be sent on compulsory leave to facilitate investigations.

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

Mr. Speaker: Order! The Attorney-General is responding to the issues raised.

Mr. Angwenyi: Mr. Speaker, Sir, before he responds, I want to ask him to include in his report people who committed these offences due to coercion, and those who committed them without coercion. One Minister said that---

Mr. Speaker: Order, Mr. Angwenyi! I want to tell you two things. First, I told you last week that you must not force yourself on the House. You always force yourself on the House as if the Chair is irrelevant. You must recognise the presence of the Chair, and the fact that you have no right beyond every other hon. Member.

Secondly, a clarification from the Attorney-General, in my view, does not entail your giving him the very unsolicited advice in favour of some people. If some chief executives were coerced to commit the offences, who told you they were? Who sent you here to plead on their behalf? You should let the Attorney-General find this out through his investigation.

Proceed, Mr. Attorney-General!

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I hope hon. Members will understand my reluctance to explain exactly where Kshs256 million came from and who deposited it. These are matters which are under investigation. They are sensitive and complex issues. I do not want to prejudice a fair trial, should it become necessary.

With regard to coercion, I stated in my Statement that circumstances under which this money left these public institutions and was deposited in Euro Bank accounts are being investigated. So, the circumstances will cover all such issues as has been the concern of the hon. Members. With regard to the issue of declaring somebody innocent, in law we say that somebody is innocent until proved guilty. Maybe that is what the Minister had in mind when she said that Prof. Meme is innocent. I can assure hon. Members that on reading the investigation file, if there will be enough evidence to convict any person, the public will know it during the first week of April, 2003. This will include any person who may have been declared innocent. If I will have the facts in the file, I will proceed, in the exercise of my constitutional powers under Section 26 of the Constitution, to prosecute the culprits.

With regard to whether I am satisfied that investigations will be conducted, I can assure hon. Members that, based on the interim report that I received at the close of business yesterday, I am currently satisfied that investigations will be carried out freely and fairly. On the issue of the directors of the Euro Bank, I can assure hon. Members that all their passports have been impounded, and they are under surveillance pending the completion of the investigations.

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

Mr. Speaker: Order, hon. Members! What has the Attorney-General not answered?

Mr. Obwocha: Mr. Speaker, Sir, I asked the Attorney-General to tell us when the people who destroyed Euro Bank computers will be arrested.

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

Mr. Speaker: Order, both of you! You see what happens when hon. Members do not listen to the Chair! Hon. Obwocha thinks that his question is superior to Mr. Wamwere's, and Mr. Wamwere thinks the same. So, if this happens again, I will reserve my right to ask the two of you to sit down, and give the Floor to a third hon. Member, who thinks his question is less important.

Mr. Obwocha: Mr. Speaker, Sir, I asked two simple questions.

Mr. Speaker: Will we turn this into Question Time?

Mr. Obwocha: Mr. Speaker, Sir, I asked the Attorney-General to tell the House what he has done to the people who destroyed evidence through destroying Euro Bank computers. He has not responded to this question. I also asked him to tell the House who the current directors of Euro Bank are. He has not responded to these two issues.

Mr. Wamwere: Mr. Speaker, I will speak in English because I do not think the Attorney-General got my point when I spoke in Kiswahili. The point I am trying to raise is an important one. I am trying to raise the issue of double standards. Mr. Mwakai Sio, who is being investigated, has been sent on compulsory leave when investigations against him are going on. On the other hand, Prof. Eshiwani and Prof. Meme have continued to sit in their offices as investigations are going on. Why can Kenyans not be dealt with equally? Why is there a differentiation between the people who are being investigated?

Dr. Ali: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Mr. Attorney-General, I think the issue being raised by hon. Obwocha is: What happened to the very amazing story of the destruction of evidence by either the directors or employees of Euro Bank? Mr. Wamwere has asked whether all Kenyans are equal before the law.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, first of all, I want to respond to Mr. Obwocha's question. I do not have the names of the directors of Euro Bank with me now. But I can assure the hon. Member that all Euro Bank directors' passports have been confiscated. In the investigation report that I received, the aspect of the destruction of information was not covered. But if you read my Statement, you will realise that the issue must be covered in accordance with a letter I wrote to the Anti-Corruption Police Unit (APCU) on 12th March, 2003. As soon as I receive the investigation file, the culprits will definitely be arrested.

In response to Mr. Wamwere's question, I want to state that all people are equal before the law. The general law, as I understand it, provides that if a person is charged in a court of law, he must be suspended from his office. The issue of what happens between the employer and the employee when investigations are going on is beyond my office. I confine myself to investigations and prosecutions. So, this issue could be directed to the Ministers concerned.

UNREST AT KENYATTA UNIVERSITY

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Speaker, Sir, hon. Members will recall that last week, I was requested to issue a Ministerial Statement regarding the current situation at Kenyatta University (KU). I, therefore, proceed to give a Ministerial Statement.

Since mid-February, 2003, there has been student and members of staff unrest at Kenyatta University. The unrest has manifested itself in sit-ins, intimidation of members of staff, destruction of property and physical injuries of students and members of staff. The unrest at the University has been triggered by various allegations levelled against the management and, in particular, against the current Vice-Chancellor, Prof. George Eshiwani, and his three deputies, namely, Prof. Jude Ogonga, Prof. Mohammed Rajab and Prof. Olive Mugenda.

Officials of the University Academic Staff Union (UASU) vowed and signed an affidavit in which they accused the management of lack of dialogue, high-handedness, mismanagement, corruption and abuse of office and unfair promotion of some staff. This affidavit was sent to the Anti-Corruption Police Unit (ACPU) and was copied to the Chancellor, the Minister for Justice and Constitutional Affairs and the Minister for Education, Science and Technology. On receiving this allegation, my Ministry liaised with the relevant Government departments on the matter and it was agreed that the Government sends the ACPU personnel to Kenyatta University to carry out investigations. It was agreed that the ACPU personnel would give a preliminary report in a week's time. As these investigations were going on, a section of some students and teaching staff demanded that no teaching would be done until the Vice-Chancellor had vacated office to clear the way for thorough investigations. Those lecturers who were ready to continue teaching were flushed-out of their offices and lecture rooms. The meeting venue was also shifted right in front of the Administration Block which made it impossible for any teaching or meaningful work to go on.

On 9th March, 2003, the situation became worse and the Senate had to hold a meeting at Utalii College to discuss the unrest. As there was no teaching going on and some of the students had already damaged some property, the Senate decided to close the university. When the students heard the news, they vowed not to vacate the university. As they became more violent, the police were called in to safeguard against further destruction of property. Unfortunately, during the confrontation with the police, two students were shot and injured and a police vehicle was set on fire. The two students were rushed to the hospital and have since been discharged. By 8.00 p.m. that evening, all the students had vacated the campus. The Senate met again on 12th March, 2003, and it was agreed that the university will re-open during the first week of April, 2003.

Mr. Speaker, Sir, I would like, at this particular point, to inform the House that it is the intention of the Government to ensure that the university is re-opened as soon as possible. As a matter of fact, I have been having discussions with delegation of students from Kenyatta University. I told them that the university will be re-opened within a very short time.

Mr. Speaker: Mr. Wamwere, ask for your Ministerial Statement! You told me this, and I must now proceed to business!

POINTS OF ORDER

HARASSMENT OF FLOWER FARMS WORKERS

Mr. Wamwere: Bw. Spika, ningependa kumuomba Waziri anayehusika na wafanyakazi atoe Taarifa kuhusu shida iliyoko katika mashamba mawili ya kukuza maua. Shamba moja linaitwa Kijabe Flower Farm na liko katika eneo la uwakilishi Bungeni la Naivasha. Shamba lingine linaitwa Rift Flora Company ambalo liko

katika eneo la uwakilishi Bungeni la Subukia. Kuna shida kubwa katika mashamba haya mawili ya wafanyakazi mojawapo ikiwa ni kufutwa kazi kiholela. Ninavyoongea hapa hivi, wafanyakazi 2,500 wanawake wameachishwa kazi kwa sababu waliuliza ni kwa nini wanafanya kazi kwa masaa 12 bila kulipwa marupurupu na kunyimwa nafasi ya kula chakula cha mchana. Kampuni iliyoko Subukia inafuta watu bila kuwalipa marupurupu. Ningependa kuiomba Wizara inayoshughulikia wafanyakazi ifanye uchunguzi na itoe taarifa hapa kueleza ni kwa nini utumwa unaendelea katika mashamba haya mawili bila Serikali kulinda haki za wafanyakazi na kuhakikisha kwamba hawatendewi unyama.

Mr. Speaker: Very well! Mr. Salat, you will be the last person to raise your point of order. Anybody else can do it tomorrow morning. It is 4.30 p.m. and we must be doing some business; legislative work!

Proceed, Mr. Salat! This is the very last point of order!

RECORDING OF STATEMENT BY
KOIBIYOT SCHOOL HEADMASTER

Mr. Salat: Thank you, Mr. Speaker, Sir. I had requested for a Ministerial Statement from the Minister of State, Office of the President in charge of Internal Security and Provincial Administration on why the headmaster of Koibiyot Secondary School, the area assistant chief and the Chairman of Board of Governors were forced to record statements with the police after some Members of Parliament had visited my constituency and made contributions to Koibiyot Secondary School. The Minister had promised to give the Ministerial Statement today. Could he go ahead and do so?

Mr. Speaker: Mr. Minister, are you ready to give the Ministerial Statement? But even if you are, now, I am going to business. Could you do it tomorrow morning?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Speaker, Sir, we can do that tomorrow morning.

Mr. Munya: On a point of order, Mr. Speaker, Sir. I am the one who asked the Minister for Education, Science and Technology to give a Ministerial Statement on the situation at Kenyatta University and I have not been given a chance to seek clarification.

Mr. Speaker: Order! I truly appreciate the sentiments by Mr. Munya. Ordinarily, I would allow the hon. Member who raised the issue to seek clarification from the Minister. Maybe, I will give you one minute to do so because quite frankly, at this rate, we shall never transact business.

Mr. Munya: Thank you, Mr. Speaker, Sir. Prof. Eshiwani has served two terms which he was supposed to serve under the university statutes. Contrary to the university statutes, Prof. Eshiwani was given a contract of two years to serve at the university after his two terms were over. Why is he still being retained at the university when there are problems there, and yet we have qualified professors who can run the university without any problem? Two students almost lost their lives in the struggle of keeping Prof. Eshiwani out of Kenyatta University. We would like the Minister to explain as to whether there are no other professors who can run the university and solve the problems there. Why is Prof. Eshiwani still being retained there?

The Minister for Education, Science and Technology (Prof. Saitoti): Thank you very much, Mr. Speaker, Sir. It is, indeed, true---

(Mr. Sambu murmured something)

Mr. Speaker: Mr. Sambu, what has gotten into you today? Where are you?

Mr. Sambu: I am here, Mr. Speaker, Sir!

Mr. Speaker: Now, please, relax!

Proceed, Prof. Saitoti!

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Speaker, Sir, it is, indeed, true that Prof. Eshiwani served two terms each of five years at the university. Equally true is the fact that, towards the end of last year, he got a contract for an extra two years. It is also true that there are other professors who can serve at the university. However, as the House knows, we are dealing with this matter. I would like to inform this House the following so that the matter is very clear. I have held several discussions with Prof. Eshiwani, and he has intimated to me that he would like to go back to research and very soon, perhaps, he will go on leave on his volition.

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

Mr. Speaker: Order, Mr. Ethuro! We will not spend the whole Sitting of the House, from 2.30 p.m. to

6.30 p.m. asking questions or raising points of order, which are non-business of the House. When do you ever hope this House will transact business if we move at this rate? We must get into the business of the House. This is the easier bit. The more difficult bit is coming now. Any hon. Member who has any further points of order will be allowed to raise them tomorrow morning or afternoon!

Let us move on to the next Order!

Mr. Ethuro: On a point of order, Mr. Speaker, Sir! It is unfair for you not to give me a chance to---

Mr. Speaker: Order! Mr. Ethuro, you are disorderly! You are ordered to go out for the balance of the day! Let me make it clear that you should not be within the precincts of Parliament for the whole of today.

(Mr. Ethuro withdrew from the Chamber)

Next Order!

BILLS

First Reading

THE CRIMINAL LAW (AMENDMENT) BILL

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to move that in accordance with Standing Order No. 101(A), the Criminal Law (Amendment) Bill, Bill No---

(Loud consultations)

Mr. Speaker: Order! Now that the business has come, we cannot let the loud consultations to continue. I thought that we were very attentive a few seconds ago. The business of this House is important and must be dealt with. In fact, that is the only reason we are here to do business of the House. So, for those who wish to withdraw, please do so quietly.

Let us proceed with the next order!

The Attorney-General (Mr. Wako):: Mr. Speaker, Sir, I beg to move that in accordance with Standing Order No.101(A), the Criminal Law (Amendment) Bill, Bill No.4, be referred to the relevant Departmental Committee.

Mr. Speaker: So ordered!

(The Bill was referred to the relevant Departmental Committee)

Second Reading

THE PUBLIC OFFICER ETHICS BILL

(The Minister for Justice and Constitutional Affairs on 13.3.2003)

(Resumption of Debate interrupted on 13.3.2003)

Mr. Speaker: Who was on the Floor? It was Mr. Kimeto. You have five minutes left.

Mr. Kimeto: Thank you, Mr. Speaker, Sir, for giving me the opportunity to continue contributing. I want to remind His Excellency the President that he should appreciate the importance of *Harambee*. However, if His Excellency the President is not careful the NARC Government will not be able to work for the people. The President should move around the country talking and assisting the people through *Harambees*. I request His Excellency the President not to give assent to this Bill to become law so that *Harambees* are abolished.

Mr. Speaker, Sir, it will be very wrong to enact a law to ban *Harambee* in this House in order for the donors to resume giving foreign aid to this country. This is another way of asking foreigners to deny themselves enjoying their resources and instead donate them to Kenya. So, when we do a *Harambee* as leaders to assist

students who are suffering, we are, in fact, denying ourselves food. So, I would like to ask the President of this country to let the spirit of *Harambee* to continue so that all the machinery within the Government are used to see to it that *Harambees* are done and the money raised is used in the proper manner. We also do not want people who misappropriate this *Harambee* money.

Mr. Speaker, Sir, it is very important, indeed, for Members of Parliament to assist this country collectively. Let all the Members of the Government and those in the Opposition allow *Harambees* to continue and send to jail those who misappropriate this money.

Mr. Speaker, Sir, after the NARC Government came to power rain has disappeared. Let the President lead this country in praying for the rain to fall because farmers in this country are desperate. We need this rain. We do not want the *La Nina* phenomenon to reappear. We want this country to have rain. We want our spiritual leaders to come out and pray for rain to fall in this country so that we enjoy a good climate. I would also like the Government agricultural officers to come out and pray for rain to fall. We want to live in a country where we have rain and not drought. Although we are experiencing drought I have not heard anybody complaining about it. We want the President to lead this country in praying for rain to fall.

Mr. Speaker, Sir, on the question of churches, we want prayers to be conducted in the open. *Hapana kuziweka pahali---*

Mr. Speaker: Order, Mr. Kimeto! In which language are you talking? You were talking in English and then you suddenly switched to Kiswahili. Who gave you that authority?

Proceed in English only!

Mr. Kimeto: Thank you, Mr. Speaker, Sir. It is good that you are there as the watchdog of this Parliament. So, you can assist us whenever we commit mistakes. We have the Bosire Commission---

Mr. Onyancha: On a point of order, Mr. Speaker, Sir. I am happy that you mentioned that---

(Mr. Kimeto continued standing)

Mr. Speaker: Order! Mr. Kimeto, why do you not sit down?
Mr. Onyancha, what is your point of order and does it relate to what Mr. Kimeto is saying?

Mr. Onyancha: Mr. Speaker, Sir, is it in order for the hon. Member to talk about praying for rain and the President while contributing to this very important Bill?

Mr. Speaker: Mr. Kimeto, with regard to the President, I can understand but what has rain got to do with this Bill?

Mr. Kimeto: Mr. Speaker, Sir, I think you have answered that hon. Member because---

Mr. Speaker: Anyway, your time is up! Mr. Wamwere!

Mr. Kimeto: Mr. Speaker, Sir, I do not support this Bill!

Mr. Speaker: Your time is already up! Mr. Wamwere!

Mr. Wamwere: Bw. Spika, natoa shukrani zangu kwa sababu umeniona na kunipatia fursa hii nitoe mchango wangu katika Mswada huu wa kusaidia kuipatia nchi hii maadili ambayo yatatusaidia kupigana na ufisadi.

Kwanza, ningependa kusema kwamba wanaoumia zaidi kutokana na ufisadi nchini, kwa kweli, ni wananchi wa kawaida. Kwa hivyo, si wafanyakazi wa Serikali tu ambao wanatakiwa kuwa na maadili yatakayowasaidia kuepukana na tatizo hili la ufisadi, lakini pia wananchi wenyewe. Sijui kama ingewezekana, labda, baadaye kuchukua hatua ya kuhakikisha kwamba maadili ambayo yangesaidia wananchi kujikinga na tatizo hili la ufisadi, yaelezwa pia. Nikisema hivi, ninafikiria jinsi mwananchi wa kawaida anahitaji kujua haki zake, na vile mwananchi wa kawaida anavyohitajika kuwa na ushujaa.

Bw. Spika, wakati Mswada huu utapitishwa, labda itabidi uchapishwe katika lugha ya Kiswahili na lugha zingine za kikabila katika nchi hii ili wananchi wa kawaida nao wapate nafasi ya kujua haki zao dhidi ya ufisadi na namna wanavyoweza kujihami kutokana na shida hii. Maadili dhidi ya ufisadi katika nchi hii yalikuwemo lakini yaliuwawa na KANU! Ninasema kwamba yaliuwawa na KANU kwa sababu ninakumbuka awali wakati nilikuwa katika Bunge hili, na hata baada ya mimi kutoka, tatizo hilo halikuisha! Wakati huo tulijaribu kuleta taarifa ya Tume ya Bunge inayohusiana na ufisadi zijadiliwe, lakini zilifutiliwa mbali moja kwa moja.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Bw. Naibu Spika, watu wakiona kwamba kuna taarifa ambazo zinatafuta kumaliza ufisadi, zinatupuliwa mbali Bungeni, zinakosa kufuatiliwa na kutekelezwa; vita dhidi ya ufisadi vinakosa. Hilo ni jambo moja ambalo hufanya wananchi wafikirie kwamba ufisadi umehalalishwa nchini. Kwa hivyo, watu wanaendelea kushiriki katika ufisadi.

Bw. Naibu Spika, wakati tulipata Uhuru kutoka kwa mkoloni, wafanyakazi wa Serikali hawakuruhusiwa kufanya biashara. Lakini Tume ya Ndegwa iliundwa na ikamaliza tabia ya wafanyakazi kujiweka kando na biashara, na wakaambiwa kwamba wana uhuru wa kufanya biashara. Kama ningelizwa, ningesema kwamba hicho kilikuwa ni chanzo cha shida ya ufisadi kuongezeka kwa kiwango kikubwa sana katika nchi hii. Kama tungeendelea na ule mtindo uliokuweco wakati wa mkoloni wa kuwatenganisha wafanyakazi wa Serikali na biashara hadi watakapostaafu, labda ufisadi haungekuwa katika kiwango ulichofikia wakati huu.

Tunapozungumzia kuhusu kurudisha maadili dhidi ya ufisadi katika nchi hii, ni lazima pia tufikirie namna mapendekezo ya Tume ya Ndegwa yanavyoweza kubadilishwa, kwa sababu mpaka sasa yanafanya kazi. Kama mapendekezo ya Tume ya Ndegwa yalisaidia kuleta ufisadi nchini, sioni namna tunavyoweza kusimama hapa tuseme kwamba, kweli tumetangazia ufisadi vita, na huko hatujafikiria namna tutakavyomaliza hayo mapendekezo na Tume ya Ndegwa.

Kwa hivyo, ningewomba Waziri anayehusika kufikiria kikamilifu jinsi atakavyoleta mapendekezo katika Bunge hili ya kumaliza na kubadilisha yale mapendekezo. Ninasema pia kwamba, ni KANU ambayo ilimaliza maadili ya kupigana na ufisadi katika nchi hii kwa sababu, tangu KANU iingie mamlakani, tulianza kusikia mahakimu wakipigiwa simu kutoka "juu" ili waamue kesi kwa namna hii au ile. Kama kuna ufisadi mahakamani, wale wanaofanya kazi mahakamani walifisidiwa na KANU, sio chama kingine. Kwa hivyo, wakati unasikia Wabunge wa KANU wakisema namna wanavyoupinga ufisadi pasipo kukiri kwamba wao ndio walileta ufisadi katika nchi hii, ninashangaa sana.

Bw. Naibu Spika, jambo lingine ambalo ningetaka kusema ni kwamba, kabla ya wafanyakazi katika nchi hii kushiriki ufisadi, waliotangulia kuua maadili ya kupigana na ufisadi katika nchi hii walikuwa Marais wa KANU wa awali. Ninasema hivi kwa sababu nakumbuka Rais Mzee Jomo Kenyatta alisema katika mkutano wa hadhara kwamba "*ngoima ya gitoka haitamalizika*". "*Ngoima* ikitoka", ni ule ufisadi; zile pesa au hongo zilipwao mwenye kuweka mpaka wakati kuna kesi kuhusu mipaka. Kama Rais wa nchi anaweza kusimama hadharani na kusema kwamba, "*hiyo ngoima ya gitoka haitaisha*", kwa nini ufisadi usiendelee? Ninakumbuka pia, kuna wakati mwingine Rais Mzee Jomo Kenyatta alisema hadharani eti, "*ndege wangu, jifiche, ukipatikana, wewe sio wangu.*"

(Laughter)

Mr. Muiruri: On a point of order, Mr. Deputy Speaker, Sir. I happen to be a Member of Parliament for part of Gatundu, where the late President Jomo Kenyatta represented in Parliament for many years. I also have respect for my brother, hon. Kiogi wa Wamwere. But is it in order for the hon. Member to keep on referring, in a manner that is sarcastic, to the Founder of this Nation, the man who did quite a lot to see that Kenya was an independent country by being detained by colonialists for many years? Is it not also rudely extended, to speak ill against the First Head of State who is actually resting peacefully in the precincts of this Parliament?

Mr. Deputy Speaker: Order! Order, Mr. Muiruri! Mr. Muiruri, you stood on a point of order, but now you are debating!

Mr. Muiruri: Mr. Deputy Speaker, Sir, I am not debating; I am driving a point home, that the late Mzee Jomo Kenyatta is dead and buried in the precincts of this Parliament. I think he should be accorded some respect. It is actually disorder to discuss about a dead--

Mr. Deputy Speaker: Order! Order, Mr. Muiruri! Up to the point where you interrupted Mr. Koigi wa Wamwere, I saw nothing out of order with what he was saying.

Proceed, Mr. Wamwere!

Mr. Wamwere: Bw. Naibu Spika, kitu ambacho mhe. Muiruri haelewi ni kwamba, ingawa amekuweko katika Bunge hili, na sasa hiki ni kipindi chake cha pili, lakini kisiasa, mimi ni mzee na ninajua mengi kuliko yeye! Lakini jambo la muhimu ambalo nilikuwa nikisisitiza ni kwamba, ndio, Rais Kenyatta alipigania Uhuru huu. Hilo ni jambo ambalo siwezi kukanusha na ninamheshimu kwa jambo hilo. Lakini pia, wakati alipokuwa Rais, ni kweli pia alisaidia kukuza ufisadi katika nchi hii. Ingawa alikufa, ufisadi aliotuzalia, haujakufa, na bado upo!

(Applause)

Hilo ni jambo ambalo hatuwezi kulisema vingine!

Mr. Muiruri: On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Member substantiate that the late Mzee Jomo Kenyatta was, at any one time, ever corrupt?

Mr. Wamwere: Bw. Naibu Spika, ingawa siwezi kumtetea Rais Kenyatta kwamba hakuwa mfidadi, inawezekana alikuwa mfidadi, lakini kitu ambacho ninasema kwa wakati huu ni kwamba, mimi namkumbuka mhe. Hayati Mzee Jomo Kenyatta akisema mkutanoni - na sasa nitasema kwa Kikuyu, ili ileweke vizuri. Na alitumia maneno haya---

Mr. Deputy Speaker: Order! Order, Mr. Wamwere! Mr. Wamwere, there are two languages acceptable in this House: Kiswahili and English. So, you confine yourself to those two languages.

Mr. Wamwere: Bw. Naibu Spika, nitaendelea na tafsiri. Lakini tafsiri ilioko ni kwamba, "ndege wangu jifiche, ukipatikana wewe si wangu tena." Na hao ndege---

The Minister for Energy (Mr. Ochilo-Ayacko): On a point of order, Mr. Deputy Speaker, Sir. I do not intend to challenge the ruling of the Chair, but if I heard Mr. Wamwere right, he wanted to quote in the exact language that the late President Jomo Kenyatta used; not to use the same language to address the House. Would I be in order to---

Mr. Deputy Speaker: Order! That matter is finished. Mr. Wamwere did not say that he was going to quote; he said, "I will speak in Kikuyu". Had he said that he was to quote in Kikuyu, I would have allowed him.

Endelea, Bw. Wamwere!

Mr. Wamwere: Bw. Naibu Spika, kama Bw. Muiruri hataendelea kunikatiza, basi, nitaendelea.

Nilichokuwa nikieleza ni kwamba wakati Rais wa nchi anawaambia marafiki zake: "Ndege wangu jifiche, ukishikwa wewe si wangu tena", hii ni njia ya kueneza ufidadi. Anawahimiza marafiki zake waibe, lakini wakipatikana wasiende kutafuta usaidizi kutoka kwake kwa sababu hatawatetea.

Bw. Naibu Spika, nimehudhuria mikutano mingi ya Harambee na kumsikia Rais aliyestaafu, mhe. Moi, akisema ya kwamba: "Wale watu ambao wanapewa kazi kubwa na wanapata kile wanachopata, mradi tu wataleta sehemu ndogo ya kile walichopata kwenye miradi ya Harambee, hawa ni watu wazuri!" Kama kuna watu ambao tunaweza kulaumu kwa kueneza ufidadi katika nchi hii ni wale viongozi wa kisiasa ambao tumekuwa nao. Hawa ndio wameeneza ufidadi katika nchi hii na ninatumaini kwamba kuweko kwetu na Rais mpya, ambaye hawaambii marafiki zake, "ndege wangu jifiche", hii inamaanisha kwamba tumeingia katika enzi mpya ambayo tutakuwa na Rais ambaye kazi yake kubwa itakuwa ni kutulinda kutokana na shida hii badala ya kueneza.

Bw. Naibu Spika, hakuna mfanyikazi wa umma aliye muhimu kuliko Rais. Rais asipojipusha na ufidadi, hata sisi wengine wote tukifanya nini, kazi yetu itakuwa ni bure. Kwa hivyo, ni lazima Rais aongoze vita dhidi ya ufidadi. Lakini ni namna gani Rais ataweza kuongoza nchi katika vita dhidi ya ufidadi? Ni maoni yangu kwamba jambo la kwanza ambalo anatakiwa kujiepusha nalo ni kuwa dikteta. Ukiwa na Rais ambaye ni dikteta, hakuna namna unaweza kumzuia asiwe mfidadi. Rais akiwa mfidadi, Waswahili husema; mwana hufuata kisogo cha nina; wengine wetu tutafuata kisogo chake na tutakuwa wafidadi, na hatutapata hata mtu mmoja wa kutulinda. Mswada huu ungehitajika kuelezea zaidi namna Rais anatakiwa kujiepusha na kuwa na uwezo wa kidikteta. Sote tumekubaliana kwamba namna moja ya kuzuia Rais wetu kuwa dikteta ni kupunguza mamlaka yake. Kwa sababu ukimpatia uwezo mwingi zaidi, atakuwa dikteta na atashawishika kushiriki katika ufidadi.

Bw. Naibu Spika, jambo lingine ambalo Rais anatakiwa kutojijuhisha nalo ni kujifanya Mungu kwa sababu tumekuwa na Rais ambao wamejifanya miungu hapo mbeleni. Kwa mfano, mimi niliwahi kuwaona viongozi wanapomwendea Rais wa nchi, badala ya kuongea naye kama binadamu mwenzao, wanampigia magoti. Hakuna ufidadi unaopita kumpigia Rais wa nchi magoti. Yeye ni binadamu na ukimpigia magoti, unamfananisha na Mungu. Rais akitaka kuwa mfidadi, nani atamzuia kama raia wamempigia magoti? Ninashukuru sana kwa sababu Rais anayetawala sasa, nimesikia kwamba ameonya asiitwe "Mtukufu Rais", lakini aitwe "Mheshimiwa Rais". Ninafikiri hiyo ni hatua muhimu ya kujiepusha na ufidadi huu wa binadamu kujitawaza Mungu.

Jambo lingine ambalo ni lazima tuhakikishe kwamba halipo ni kuhakikisha kwamba Rais hachukui rasilmali ya nchi na kuifanya mali yake binafsi. Katika nchi hii, kumekuwa na tabia ya kisiasa ya kuelewa kwamba mtu akiwa Rais, nchi inakuwa yake na utajiri wote wa nchi unakuwa wake pia. Halafu tunamwachia agawie marafiki zake na jamii yake. Mara nyingi nimejuliza: Imekuwaje ya kwamba mtu akiwa Rais, mara moja unakuta familia yake inaanza kufanya vizuri sana katika biashara? Watoto wake wanakuwa shupavu katika biashara na ukifuata rekodi za watoto hawa, utakuta ya kwamba hata wakati walikuwa shuleni hawakuwa werevu.

Lakini kwa sababu baba yao ni Rais wa nchi, utawakuta ndio wana mali nyingi kuliko mtu mwingine yeyote yule. Mali hii waliipata namna gani kama si kupitia ufidadi? Utajiri wote tunaona ukiwa na familia za marais na marafiki zao, ni lazima tuseme kinaga ubaga kwamba ni utajiri uliopatikana kutokana na ufidadi mtupu!

Hatuwezi kuambiwa lingine tukaamini kwa sababu sisi sio wajinga na hatukosi mali kwa sababu hatuna akili.

Bw. Naibu Spika, utakumbuka pia wakati wa mkoloni namna Wazungu na Wahindi walivyopendelewa na Serikali. Kwa sababu hiyo, waliweza kupata mali nyingi.

QUORUM

Mr. M. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. It seems to me that we do not have a quorum in the House.

Mr. Deputy Speaker: Indeed, I have been informed there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Deputy Speaker: There is a quorum now. Proceed, Mr. Wamwere!

Prof. Kibwana: On a point of order, Mr. Deputy Speaker, Sir. Is it not corruption for hon. Members to go away very early so that debate cannot continue?

Mr. Deputy Speaker: No, it is not! Proceed, Mr. Wamwere!

Mr. Wamwere: Bw. Naibu Spika, nilikuwa ninasema kwamba, ni lazima tubadilishe taratibu ya kumwezesha Rais kuchukua nchi na utajiri wa nchi kama ni mali yake binafsi.

Jambo lingine ambalo tunatakiwa kulibadilisha ni namna katika nchi hii hapo mbeleni, ilihitajika mtu awe rafiki wa Rais ndipo biashara yake iweze kufaulu au ili aweze kupata mkopo kutoka kwa benki ama kupata kazi. Sisemi jambo hili kwa mchezo. Mimi mwenyewe ninakumbuka nikienda kuomba mkopo na nikaulizwa kama ninaweza kuonyesha picha niliowahi kupigwa na Rais, ili benki ielewe kwamba mimi siyo mmoja wa wale ambao wametengwa; wale ambao hawastahili kupewa chochote. Kila mwananchi katika nchi hii ana haki ya kujitawisha pasipo kutegemea urafiki ama mapenzi ya Rais. Na siyo lazima mtu awe rafiki wa Rais ndio biashara yake iweze kuendelea, au aweze kupata kazi. Kwa hivyo, ninatumaini kwamba, mhe. Rais Kibaki atakuwa tofauti na Moi ambaye nilikuwa ninaongea juu yake. Sisemi hivyo kwa kumdharau, lakini ninasema hivyo ili tusirudi pahali tulipokuwa hapo kitambo wakati ambao Wabunge walipigana kanisani ili wapigwe picha wakiwa wamesimama na Rais. Hiyo picha ingetokea kwa gazeti na uonekane umesimama na Rais, ulionekana kana kwamba umetakasika na hakuna kitu hungepewa. Lakini kama hungeonekana katika hiyo picha, ulijua kwamba uko taabani. Ukitafuta kazi hupati na ukienda kuomba mkopo wa kuendeleza biashara zako hupewi. Ulikuwa condemned. Hukuwa na nafasi yoyote nchini mwako. Kwa hivyo, ninaomba jambo hili lisiendelezwe.

Bw. Naibu Spika, lakini tatizo kubwa na ambalo halimo katika huu Mswada ni tatizo la ukabila. Ninasema hivyo kwa sababu ninaona Mswada unaongea juu ya nepotism; mapendeleo ya kiundugu. Lakini kama mapendeleo ya kiundugu ni mabaya, mapendeleo ya kikabila ni mabaya zaidi. Ningetaka kusema kwamba, kama kuna mtu ambaye anaweza kuhatarisha nchi, usalama na maendeleo huku akiugua ugonjwa wa ukabila, bila shaka ni Rais. Hakuna hatari kubwa--- Na mimi ningependa kusema hapa kwamba, kama kuna sababu moja ilioangusha chama cha KANU katika uchaguzi uliopita, ni kuonekana kana kwamba Rais alikuwa mtu ambaye alishiriki ukabila. Ni lazima Rais awe Mkenya wa Wakenya wote. Hatuwezi kuwa na Rais wa Wakikuyu, Wajaluo au Wataita. Kama mtu anataka kuwa Rais wa Wakikuyu, Wataita au Wajaluo, angojee mpaka nchi hii ifarakane na kugawanyika katika majimbo ya kikabila ili atawale wakati huo. Lakini kwa wakati huu, kama mtu ni Rais, ni lazima awe Rais wa watu wote. Awe Rais wa Wakenya wote na asibague wala kupendelea. Kwa sababu Rais akipendelea, ni lazima ufasidi utaongezeka, kwa sababu chakula cha ufasidi ni ukabila. Tukiachilia ukabila ueneee, tutakuwa tumeachilia ufasidi ukue. Lakini tukipigana na ukabila, tutazuia ufasidi. Tukiuwacha, tunaweza hata kufikia kiwango cha ufasidi kugeuka kuwa vita. Tumeona ukabila katika nchi ya Rwanda ukiwaua watu milioni moja kwa sababu wanatoka katika kabila "baya". Tumeona ukabila ukiharibu nchi ya Somalia na hata hapa kwetu, tumekuwa kuwa na vita vya kikabila. Ili kumaliza ufasidi, ni lazima pia tupigane na ukabila.

Bw. Naibu Spika, ningetaka kusema jambo lingine kuhusu haya maadili; kwamba, heshima si utumwa na heshima ni kitu cha bure. Lakini katika nchi yetu, ukiingia katika ofisi za Serikali, utakuta heshima ni kitu adimu sana. Mimi nikiwa Mbunge, nimewahi kuingia katika ofisi ya Serikali na nikafukuzwa. Nilienda kuulizwa mwananchi anayetoka sehemu ninayoiwakilisha Bungeni swali katika Jengo la NSSF, na nilipoingia nilikutana na kinara wa pale, aliyeniuliza nilichokuwa nikitaka. Niliambiwa nitoke nje. Ikiwa Mbunge anaweza kufukuzwa kutoka kwa ofisi ya Serikali, hawa wananchi wa kawaida wanapata matatizo ya kiasi gani? Hii ndio sababu wananchi wanakuja kwetu kwa wingi kwa sababu wenyewe wakienda peke yao hakuna heshima watakayopewa.

Bw. Naibu Spika, Mswada huu unasema kwamba wananchi wapewe haki yao wakiingia ofisini; wasibaguliwe. Tunajua wamebaguliwa na hata kuteswa na wafanyakazi wa Serikali. Kwa muda tumekuwa

tukisikia hadithi za namna watu walivyokuwa wakiteswa katika seli za Jumba la Nyayo. Waliofanya hii kazi walikuwa ni wafanyakazi wa Serikali. Ukienda vijijini, utakuta machifu na wakuu wa tarafa ndio watu waliochukua mashamba mengi sana kutoka kwa wananchi. Ni msimamo wangu ya kwamba, kama tunataka kupigana na ufisadi nchini, labda tutahitajika kufutilia mbali Utawala wa Mikoa. Tuondoe machifu na wakuu wa tarafa ili nafasi yao ichukuliwe na wengine ambao wanajua kwamba ile kazi waliyo nayo, wametoa kwa raia na ni lazima waheshimu raia ndio waweze kuendelea na kazi hizo. Lakini tukiwa na utawala wa mikoa ambao umetegemewa kwa Ofisi ya Rais peke yake, Rais asipokuwa mtu mzuri wa ajabu, wataendelea na ufisadi ambao wamekuwa wakishiriki mpaka wahame.

Bw. Naibu Spika, tuwafanyie nini hao wafanyakazi ambao hawana maadili mpaka wa leo? Wengine utasikia wakisema kwamba: "Mavi ya kale hayanuki". Mimi ninasema kwamba, mavi ya kale hunuka sana. Na hawa watu ambao miaka hii yote hawajakuwa na maadili ya kusaidia wananchi, mimi ninapendekeza kwamba wote waachishwe kazi. Waswahili husema: "Oto la kuku usililaze kichwechwe". Huwezi ukaweka kichwechwe katika shimo la kuku.

An hon. Member: Kichwechwe ni nini?

Mr. Wamwere: Bw. Naibu Spika, jina lingine la kichwechwe ni kanu.

(Laughter)

Na kanu ni mnyama anayekula kuku wa watu. Waswahili pia wanasema ya kwamba, johari za mtu ni mbili; akili na haya. Lakini katika nchi hii, kama kuna kitu ambacho kimekosekana kabisa, ni johari hiyo ya haya. Hapa nchini Kenya, hata mtu akafanya kashfa fulani, hawezi kukubali kujiuzulu. Hapa tulikuwa tunaongea juu ya watu ambao wanafanyiwa uchunguzi na bado wanakatalia pale walipo. Hii ni kwa sababu hawana haya tena. Katika nchi zingine, kama vile Tanzania, wakati Rais wa zamani Mwinyi alipokuwa Waziri, wafungwa waliuwawa katika jela, na kwa sababu hiyo, Mwinyi alijiuzulu uwaziri.

Ninaomba kuunga mkono.

Mr. Mwandawiro: Bw. Naibu Spika, ninaomba kuchangia Mswada huu wa kuleta maadili na ambao unalenga kupinga ufisadi katika nchi yetu ya Kenya. Jambo ambalo halionekani katika Mswada huu kuhusu ufisadi ni ufafanuzi wa maana ya maadili yanayoleta ufisadi. Ningeomba Bunge hili na wananchi wa Kenya wasome kitabu cha marehemu Shaaban Robert, kinachoitwa Masomo Yenye Adili. Kabla ya ukoloni, mababu zetu walikuwa wanazingatia sana maadili ya haki, kupinga wizi, kujali masilahi ya watu wengine wa kugawanya rasilmali zilizoko katika jamii kwa njia ya usawa. Ukoloni ulipokuja katika nchi yetu, ulifundisha watu yale maadili ya mwenye nguvu mpishe, mnyonge msonge. Ukoloni ulitufunza maadili ya kunyang'anyana, uporaji wa mashamba, kunyanysa wafanyakazi na kugandamizana kwa ujumla.

Kabla hatujaelewa ufafanuzi kamili wa maana ya maadili na ufisadi, hata tukileta Mswada mingapi katika Jumba hili, hatuwezi kuanza kuondoa ufisadi katika nchi yetu hii na kuleta maadili. Maana ya maadili ni kujenga maisha ya kiutu ili watu waishi kama binadamu katika jamii. Ili watu waweze kuishi kama jamii katika jamii, lazima wazingatie masilahi ya watu wengine. Wakati tunapozungumza juu ya maadili, wafanyakazi wananyanyaswa. Wanalipwa mishahara midogo sana. Ukienda katika mashamba ya makonge na maua, utaona binadamu hapo wanaishi kama watumwa. Wanaishi maisha ya kinyama kabisa. Hawana nyumba na vyoo, na wanafanyishwa kazi kama punda. Wanatukanwa na kunyanyswa mbele na nyuma. Utapata pia wanawake wakinajisiwa ovyo.

Katika ufafanuzi unaopatikana katika Mswada huu, unyonyaji wa mtu kwa mtu haufafanuliwi kama namna ya ufisadi ama utovu wa maadili ya kiutu. Unyonyaji wa mtu kwa mtu umekuwa utamaduni katika nchi hii. Utapata kuwa wapangaji nyumba wanaishi katika nyumba ndogo sana. Wenye kumiliki nyumba wanatoza kodi kubwa sana ya nyumba. Hiyo pia haijafafanuliwa katika Mswada huu kama upotevu wa maadili, na wala si ufisadi.

Tumekuwa na mitaa ya mabanda kwa miaka mingi sana. Kitu kinachofanya tushindwe kuleta mabadiliko ya kiutu na kuondoa mitaa ya mabanda kama ile ya Mathare, Kibera na kwinginepo ni kwa sababu tumekubali kwamba binadamu wamaweza kuishi namna hii. Tumekubali kuwa binadamu wengine wanaweza kuishi maisha mabaya na magumu na wengine maisha ya raha na starehe. Ukiwachunguza watu hawa wanoishi maisha yenye raha na starehe, utapata kuwa wana uhusiano na wale watu wanoishi maisha magumu. Hii ndio sababu ningeomba Bunge hili na wananchi wa Kenya kwa jumla kuona kuwa wakati tunapoangalia maswala ya ufisadi na maadili, tunafaa tuzingatia maadili ya kiutu na kuleta ubinadamu katika hii nchi yetu.

Bw. Naibu Spika, sasa imekuwa bure kuzungumzia juu ya maadili. Unaweza kuzungumzia juu ya maadili ya madaktari ambayo ni kusaidia kulinda maisha ili watu wawe na afya bora. Kwa sababu tumezingatia hili adili la unyonyaji wa mtu kwa mtu, ya mwenye nguvu mpishe, hata hayo maadili siku hizi hayaheshimiwi. Ukitaka

matibabu, inategemea una pesa ngapi. Kama wewe ni maskini, hata kama umepata ajali karibu na Nairobi Hospital au hospitali ya Aga Khan, huwezi kupata matibabu kwa sababu tumekuwa wanyama katika hii nchi yetu. Tunapopitisha Mswada huu, tunafaa kujua kuwa tusipozingatia maana ya maadili kuwa kujali masilahi ya watu wengine hasa wengi wao wakiwa wafanyikazi wanaonyonywa na kugandamizwa katika nchi hii, hatuwezi kuondoa ufisadi. Tutakuwa tukipigana tu juu juu, na wenye nguvu na uwezo tu ndio watakuwa wakizungumza.

Ninapozungumza hapa, wananchi wa Rea Vipingo huko Kilifi wamekuwa maskwota kwa mamia ya miaka na hiyo ardhi ilikuwa ya mababu zao. Hiyo ardhi ambayo ilikuwa ya mkongwe imenyakuliwa. Sasa watu wanaoenda kudai ardhi yao wanaambiwa huo ni utovu wa maadili. Kwa hivyo, ningetaka kuunga mkono Hoja hii, lakini jambo linalopaswa kuzingatiwa zaidi ya yale ambayo yamesemwa na mhe. Wamwere kuhusu ukabila, historia katika nchi yetu, kuwaza vibaya, kuwanyang'anya wananchi wa Taita-Taveta ardhi na wakati huo tunafikiri kuwa mtu huyo ndiye anayefaa kuweka mfano. Kutoka zamani, uongozi---

Mr. Wamwere: Jambo la nidhamu, Bw. Naibu Spika. Ningependa Mbunge anayeongea afafanue kama anamaanisha ya kwamba---

Mr. Deputy Speaker: Bw. Wamwere, kuuliza kufafanua sio hoja ya nidhamu.

Mr. Wamwere: Hoja yangu ya nidhamu ni hii: Si Mbunge huyu analipotosha Bunge hili anaposema kuwa hakuna tofauti kati ya unyonyaji na ufisadi?

Mr. Mwandawiro: Mhe. Naibu Spika, inategemea ni nani anafafanua maana ya ufisadi na nani anafafanua maana ya maadili. Hatuwezi kuisaidia nchi hii, ndio maana ninachangia. Yale maadili tunayoyaweka ni ya unyonyaji. Ni maadili ya watu wanaoona kuwa ni vizuri sana kuwa na mtu anayenyonya na kuwagandamiza wenzao. Maadili haya yanasema kuwa ni vizuri mtu awe na maelfu ya ekari ya ardhi kwa sababu amepewa hati ya umilikaji. Hilo linaonekana kuwa adili wakati wengine ni maskwota katika ardhi hiyo.

Kuna umuhimu wa kufafanua maana ya adili na ufisadi kwa kuzingatia masilahi ya watu wengi wa nchi hii. Hivyo ndivyo tutaweza kuisaidia nchi hii yetu kwa jumla.

Bw. Naibu Spika, ninaunga mkono Mswada huu. Ni maombi yangu kuwa Mswada huu utaleta maadili mema ya kukomesha ufisadi hapa nchini.

The Minister for Roads, Public Works and Housing (Mr. Raila): Asante sana, Bw. Naibu Spika kwa kunipa fursa hii ili niweze kuchangia Mswada huu. Mswada huu uliletwa hapa mwaka jana na tukazungumza sana juu yake. Nina furaha kuona ya kwamba umeletwa katika Bunge hili ili waheshimiwa Wabunge ambao hawakuwapo hapa mwaka jana wapate fursa ya kutoa maoni yao.

Bw. Naibu Spika, uadili na nidhamu ni mambo muhimu sana katika maisha ya taifa. Taifa haliwezi kuendelea mbele ikiwa hakuna nidhamu miongoni mwa wafanyakazi wake. Tumekuwa na upotovu wa maadili na nidhamu katika nchi hii kwa miaka mingi. Nitasema bila wasiwasi wowote kuwa chanzo cha upotovu huu ni Kamati ya Ndegwa iliyopendekeza kuwa wanafanyakazi wa umma wawe huru kufanya biashara. Kuanzia wakati huo uwanja ukawa wazi kwa wafanyakazi wa umma kufanya biashara. Wafanyakazi wa Serikali wanafanya wanavyotaka bila kuzingatia maadili ya kazi yao. Wakati huu, ufisadi umeenea zaidi katika nchi hii.

Bw. Naibu Spika, kuna pengo katika Mswada huu. Ningependa kuona kifungu ambacho kitapiga marufuku wafanyakazi wa umma kufanya biashara. Ninatoa noti kuwa tukifika katika Kamati Kuu ya Bunge, nitapendekeza kifungu hicho ili iwe ni haramu kwa wafanyakazi wa umma kufanya biashara. Wakati huo nitatoa sababu zangu za kupendekeza kifungu hicho.

Bw. Naibu Spika, wiki jana nilialikwa na Waziri wa Barabara na Ujenzi kuzuru Jamhuri ya Muungano wa Tanzania. Nilitembelea sehemu za Rufiji na Dar-es-Salaam na nikajionea maendeleo yao. Waliniambia kuwa maendeleo hayo ndio walikuwa wakifanya wakati sisi Wakenya tulikuwa tumelala. Waliuliza ni makandarasi wangapi ambao wametimuliwa na Serikali kwa kufanya kazi mbaya. Niliwaambia kuwa nimewasimamisha wanane. Walieleza kuwa sisi bado tunasoma kwa sababu wao wamewafuta 1,125. Kisha wakanibia kuwa wamefukuza wahandisi 158 kwa sababu ya upotovu wa maadili na nidhamu. Waliniambia bila ya kufanya hivyo, nchi yenu haiwezi kuendelea kwa sababu wafanyakazi wa Serikali wanafanya biashara na Serikali. Kwa mfano, hapa nchini tumetenga pesa nyingi za kujenga barabara zetu. Lakini pesa hizo zinaingia kwenye shimo lenye kina kirefu. Hii ni kwa sababu wahandisi wetu ambao wanahitajika kusimamia matumizi ya pesa hizo na kuona kwamba barabara zimejengwa na zingine kufanyiwa ukarabati, wao wenyewe wana kampuni zao binafsi ambazo hufanya kazi ya ujenzi na ukarabati wa barabara zetu. Wakati wa kuchora ramani ya barabara, wao wenyewe hufanya hivyo na wakati wa kutoa tenda, wao huhakikisha kampuni zao zinapata tenda hizo. Baadaye afisa huyo atatumia ofisi ya Serikali kuchunguza kama watu wake wanafanya kazi ya ukarabati wa barabara hiyo. Baadaye afisa huyo ndiye atakayekagua kama kazi hiyo ilifanywa vizuri na kutia sahihi kuwa kazi hiyo ilifanyika vizuri. Mwisho, unahakikisha kuwa kampuni hiyo inalipwa kiasi fulani cha pesa na ilipwe mara moja. Ikiwa huo si mgongano wa matakwa, basi sijui maanake ni nini. Pesa nyingi hulipwa kampuni za ujenzi

wa barabara lakini hali ya barabara zetu ni mbaya sana.

Bw. Naibu Spika, utaona ya kwamba katika Wizara fulani za Serikali, haswa idara zinazohusika na ununuzi, kila ofisa katika idara hizi ana kampuni yake. Utaona ya kwamba maofisa wanaofanya katika Wizara ya Hazina, wao ndio wanajishughulisha na ununuzi katika Wizara ya Afya. Nao wa Wizara ya Afya wanafanya ununuzi katika Wizara ya Elimu, Sayansi na Teknolojia au Wizara ya Ardhi na Makao. Maofisa hawa hufanya Serikali kununua bidhaa kwa bei ya juu sana. Jambo hili limeathiri kazi ya Serikali kabisa na ni lazima tuwe na kifungu katika Mswada huu ambacho kitapiga marufuku maofisa wa Serikali kufanya biashara.

Bw. Naibu Spika, Mswada huu unasema hivi:

"If you are a member of a professional body, observe the ethical and professional requirements of that body."

Bw. Naibu Spika, jambo hili ni muhimu zaidi kwa sababu maofisa wengi wana upotovu wa maadili yao. Kwa mfano, mawakili wengi hawazingatii nidhamu na maadili ya kazi zao. Wengi wao hutumia vibaya pesa za wateja wao. Pia kuna wahandisi ambao hufanya michoro ambayo huacha mwanja kwa kandarasi ili waweze kupata pesa nyingi. Ni muhimu kwa watumishi wa umma kuzingatia maadili ya kufika kazini. Haifai kwao kufika kazini saa tatu kama wamelewa na saa sita wao huondoka na kwenda kufanya kazi yao.

Bw. Naibu Spika, Kifungu cha 10 kinawaonya wafanyakazi wa Serikali dhidi ya kutumia ofisi ya umma kujitajirisha au kupata shamba au nyumba kwa njia ambao si halali. Jambo hili ni muhimu zaidi kwa sababu kuna watumishi wengi wa umma kama vile DC na DO katika maeneo fulani ambao wanajinyakulia nyumba za umma na kuzibinafsisha. Wengi walijitwalia sehemu za upanuzi wa barabara na kujenga nyumba. Mambo hayo yote yanazingatiwa na Mswada huu.

Kuna Kifungu katika Mswada huu ambacho kinawataka wafanyakazi wa Serikali kutangaza matakwa ili kuepuka mgongano wa matakwa yao.

Kifungu cha 11(3) kinasema:

"A public officer whose personal interests conflict with his official duties shall declare the personal interests to his superior or other appropriate body and comply with any directions to avoid conflict."

Bw. Naibu Spika, ningetaka tubadilishe kifungu hiki. Kifungu cha 14 chasema hivi:

"A public officer shall take all the reasonable steps to ensure that property that is entrusted to his care is adequately protected and not misused or misappropriated"

Bw. Naibu Spika, hivyo ni kusema kwamba mtumishi wa Serikali akipewa jukumu la kuchunga mali ya umma kama vile nyumba ama pesa ni lazima ahakikishe kwamba mali hiyo haiharibiwi ama kuibiwa. Kifungu hiki ni muhimu katika jitihada za kuzuia kashfa kama ile ya Euro Bank. Katika enzi ya Serikali iliyopita, maafisa waliopewa jukumu la kulinda pesa za umma, waliziveka pesa hizo katika benki ambazo hazikuwa thabiti kifedha. Maafisa hao walijua benki hizo zingefilisika na kwamba pesa za umma walizoweka katika benki hizo zingepotea. Kuna benki nyingi thabiti katika nchi hii. Kwa nini maafisa hao waliziveka pesa za umma katika benki zisizokuwa maarufu?

Maafisa hao waliweka pesa za umma katika benki zisizokuwa thabiti kwa sababu benki hizo zilimilikiwa na jamii zao. Wenye benki hizo hawakujali wafanyikazi na wawekaji akiba katika benki hizo ambao waliwanyima watoto wao chakula ili waweze kujiweka akiba. Maafisa wa umma walikuwa wakipewa kiasi fulani cha bakshishi kila walipoweka kiasi fulani cha pesa za umma katika benki hizo. Maafisa hao hawakujali kama pesa hizo zingepotea, bora tu wapate bakshishi yao! Tumefikia wakati ambapo hatutakubali pesa za umma kuvujwa na watu kama hao. Maafisa kama hao hawafai kuwa katika utumishi wa Serikali.

Bw. Naibu Spika, katika Mswada huu, maafisa wa kiume wanatakiwa kuwa na nidhamu na kukoma kuwagusa maafisa wenzao wa kike sehemu zao za mwili ili kudumisha hadhi na nidhamu katika ofisi za umma.

(Laughter)

Kadhhalika, Mswada huu unapiga marufuku tabia ya watumishi wa umma ya kuwapendelea jamii zao wanapoajiri wafanyikazi, na kadhhalika. Hata hivyo, Mswada huu haujagusia swala la ukabila. Ukabila katika nchi hii ni "ugonjwa" mkubwa uliowaadhiri watu wengi. Sisi Wakenya tumekuwa tukibaguana katika misingi ya kikabila. Tumekuwa tukiwapendelea watu wa makabila yetu, tukisema "*uyu ni munda wakwa*", huyu ni *omera*, huyu ni mwana wa *ingo*", na kadhhalika. Kama Wakenya, tunapaswa kumaliza "ugonjwa" huu kabisa. Tusipofanya hivyo, hatutakuwa na taifa. Utakumbuka kwamba wakati wa kampeni za uchaguzi uliopita, wapinzani wetu wakuu walipojaribu kutumia ukabila kuwagawanya Wakenya, sisi tulitumia utaiifa, na tukafaulu. Kama taifa, tumekuwa huru kwa miaka 40 sasa. Huu ni muda mrefu, na inafaa tumalize ukabila. Inafaa tofauti zetu ziwe za kiseru na miongozo. Ukiamua kuwa mfuasi wa chama fulani, usifuate chama hicho kwa sababu kinaongozwa na mtu wa

kabila lako; kifuatae chama hicho kwa sababu umeridhishwa na sera zake. Tukiendelea kuwa na fikira za kikabila hatutajenga taifa.

Inasikitisha kwamba baadhi ya Wakenya hawajali kama maafisa walioteuliwa kutekeleza nyadhifa mbali mbali nchini wana ujuzi wa kufanya hivyo; wanajali tu makabila yao. Ni lazima tuzingatie maslahi ya nchi kwanza. Sasa Wakenya wengi hawajali kabila la mtu, bora tu mtu akipewa wadhifa fulani awe anaweza kuwahudumia wananchi kwa uadilifu. Kwa hivyo, afisa yeyote wa umma akiwabagua Wakenya wenye ujuzi katika shughuli fulani na badala yao kuwaajiri jamaa zake wasio na ujuzi katika shughuli hiyo, ni lazima achukuliwe hatua ya kinidhamu.

Bw. Naibu Spika, Mswada huu unataka maafisa wa umma watangaze mali waliyo nayo. Rais Kibaki alisema kwamba vita dhidi ya ufisadi ni lazima vianzie katika ngazi za juu kwa sababu ufisadi huanzia katika ngazi za juu. Rais amesema kwamba yuko tayari kutangaza mali yake na aeleze jinsi alivyopata mali hiyo, na ushuru anaolipa kwa Serikali. Kwa hivyo, kila afisa wa umma anatakiwa kujiandaa kutangaza mali aliyo nayo na aeleze jinsi alivyopata mali hiyo. Katika enzi iliyopita, watu fulani walikuwa wakichanga Kshs1 million kila juma katika Harambee. Walikuwa wakisema kwamba pesa hizo zilikuwa mchango wao na ule wa marafiki zao. Hata hivyo, hawakuwa wakiwataja hao marafiki zao na kiasi cha pesa alichokuwa amechanga kila mmoja wao. Tumekuwa tukipinga Harambee kwa sababu Harambee ilikuwa ikieneza ufisadi.

Nchi haiwezi kuendelea kwa njia ya Harambee. Uganda inaendelea bila ya Harambee. Uchumi wa nchi hiyo unakuwa kwa kasi. Mwaka uliopita, uchumi wa Uganda ulikua kwa asilimia tano, ule wa Tanzania kwa asilimia sita, na hali uchumi wa nchi yetu haukukua kamwe. Chumi za Uganda na Tanzania zinafanya vyema bila ya Harambee. Serikali za nchi hizo zimejenga shule na kununulia madawa zahanati na hospitali bila ya Harambee. Sisi tumekuwa tukifanya Harambee usiku na mchana. Kila wakati tulikuwa na kadi karibu 100,000 za kukusanya pesa za Harambee. Mara nyingi watu huteuliwa wageni wa heshima wa mikutano ya Harambee bila ya wao kuombwa wawe wageni wa heshima, eti kwa sababu wao ni Wabunge. Kila tulipojaribu kuchanga pesa ndivyo tulivyozidi kuwa fukara na kukosa madawa katika hospitali na chokaa ya kuandika mbaoni shuleni. Hivyo, uchumi wa nchi hii uliendelea kufifia, na nafasi ya Kenya katika orodha ya nchi maskini ulimwenguni ikashuka chini zaidi.

Tumekuwa tukisema kwamba Serikali haikuwa ikitekeleza wajibu wake kwa Wakenya. Kila mtu ni lazima alipe ushuru, apende asipende. Ukinunua chumvi, mafuta ya taa ama soda unalipa ushuru. Ukinywa kileweshaji, unalipa ushuru mkubwa. Serikali hutoza ushuru ili ijenge barabara, itoe maji na stima kwa wananchi, ijenge shule na kuweka madawa katika hospitali. Viongozi katika Serikali iliyopita hawakuwa wakifanya hivyo. Badala yake, walikuwa wakiiba pesa za umma. Hivyo basi, ujenzi wa shule, hospitali na barabara umekuwa ukifanywa kwa njia ya Harambee. Kwa sababu hii tulihiidi kubadili hali hiyo na kusema kwamba elimu ya msingi nchini itakuwa ya bure na ya lazima kwa kila mtoto mwenye umri wa kwenda shule.

Bw. Naibu Spika, ili kuweza kutimiza ahadi hizi, tunataka wafanyikazi wa umma wakome kutumia afisi zao vibaya. Kwa mfano, tunataka maafisa wakuu katika Wizara wakome kuwaandikia maafisa wenzao barua, wakiwaomba pesa za kwenda kutoa kwenye mikutano ya Harambee. Kufanya hivyo ni sawa na kula rushwa. Maafisa wa ngazi za chini hawawezi kukataa kuwachangia pesa wakubwa zao, kwa sababu kila mmoja wao anafahamu kwamba akitaka apandishwe madaraka ni lazima apitie kwa mkubwa wake.

Kwa hivyo, kwa kuwaomba wakusaidie, unawaamrisha na kuwalazimisha watoe pesa kwa vile hawana chaguo lingine. Mtu anajua jina lake lisipoonekana katika orodha yako, ataambiwa ako nje wakati wengine wanapandishwa vyeo. Kwa hivyo, atalazimika kutoa pesa, ili uende nazo katika Harambee yako. Kwa hayo yote, tunataka tupige marufuku Harambee, zisije zikawa katika jamii zetu.

Bw. Naibu Spika, vile vile, wamesema ya kwamba uchunguzi utafanywa. Ni sawa kwa uchunguzi kufanywa. Lakini kitu ambacho hatutaki ni watu kuingiliwa zaidi. Wakenya vile vile wako na siri zao. Kwa mfano, kusema ya kwamba ukitaja mali yako yawekwe wazi kila mahali, ni kusema ya kwamba hakuna siri ya kila mtu. Unatoa orodha ya mali yako na kuwekwa katika Kamati hiyo. Kama kuna uchunguzi unaotakikana kufanywa, wataenda kwa Kamati hiyo na kuangalia orodha yako. Ikiwa ulisema uko na kitu fulani, kinaangaliwa pale. Jambo hili linafanyika ikiwa kuna tuhuma. Lakini kusema mali yako yawekwe wazi kwa kila mtu kuona, si vizuri. Iwe ni chaguo la mtu. Lakini kwanza, alazimishwe kuandikia mali yake na orodha hiyo inawekwa mahali fulani. Ikiwa uchunguzi unatajikana, kuna orodha fulani na mtu anaweza kwenda pale kufanya ukaguzi.

Kwa hivyo, mimi napinga pendekezo linalosema mali ya watu yawe yakichapishwa magazetini mara kwa mara. Nataka kuuliza jambo hili linafanyika nchi gani? Hiyo ni sheria ya aina gani? Lazima mtu awe na kitu chake mwenyewe! Yeye si mwizi. Utatoa orodha ya vitu vyako kwa Kamati na ikiwa kuna mtu anataka kuuliza, aende kwa Kamati na atapewa. Lakini kusema kwamba kila mtu atangaze mali yake kwa gazeti--- Mimi napinga pendekezo hilo.

Bw. Naibu Spika, Wakenya wamefika kiwango cha kuota ndoto usiku na mchana kwamba tutatoka katika

hali ya ufukara na tuwe kwenye nchi ambayo imeendelea. Kila Mkenya anaomba hivyo na hiyo ni haki yao. Hatutaki kufananishwa na Somalia, Ethiopia, Burundi, Rwanda na Uganda mara kwa mara. Nchi hizo ni fukara! Tumechoka na ufukara na tunataka kufananishwa na nchi ambazo zimeendelea kama Korea, Japan na China. Wakenya ni watu ambao wana majivuno na wanajua ya kwamba wana ujuzi na uwezo wa kuinua nchi hii itoke katika ufukara na kuwa tajiri. Nchi yetu iko na rasilimali nyingi. Ukiangalia, tuko na hali ya anga ambayo ni nzuri sana. Mimea mingi inamea hapa kwetu. Vile vile, tuko na watu ambao wamesoma sana katika nyanja mbali mbali. Wakenya wengi wameondoka katika nchi hii na wanafanya kazi huko Afrika Kusini, Botswana, Namibia, Marekani na Bara la Ulaya. Wamejaa katika nchi hizo. Hao ni watu wenye ujuzi na uwezo wa kutusaidia sisi kujenga nchi yetu. Tunataka kuleta hali ambayo itawavuta watu wetu ambao wako nje warudi katika nchi yetu, ili tushirikiane kwa ujenzi wa taifa letu.

Bw. Naibu Spika, nchi yetu ya Kenya inaweza kuongoza katika Bara la Afrika. Inaweza kuwa injini katika pembe hili la Afrika, tukitoe fursa kwa watu wetu kujenga taifa letu. Katika vyuo vyetu vikuu, watu wengi ambao wanaweza kufundisha wametoroka. Tunaleta wageni ambao hawana ujuzi zaidi, lakini tuko tayari kuwalipa mshahara maradufu, jambo ambalo hatuwezi kuwalipa Wakenya wenzetu. Lazima tuangalie mambo ya malipo ya walimu wetu wa vyuo vikuu. Vile vile, lazima tutoe pesa, ili watu wetu waweze kufanya utafiti zaidi. Hakuna nchi inayoweza kuendelea bila utafiti. Nchi ambazo zimeendelea zaidi ni zile ambazo zimeweka mkazo zaidi na kutoa pesa kwa upande wa utafiti. Tuko na wahadhiri na maprofesa ambao wana ujuzi zaidi. Tujivunie wale watu wenye ujuzi zaidi. Kusoma mpaka mtu awe profesa kunachukua muda mrefu zaidi. Tusichukue "ngumbaru" na kuwaweka juu. Lazima tuinue na kuheshimu elimu, kwa sababu elimu ndio itatunua.

Bw. Naibu Spika, vile vile, tupatie watu wetu fursa na nafasi ya kuingia kwenye viwanda. Tusitegemee wageni kutoka nje. Hayo yote yanaweza kufanyika ikiwa watumishi wa umma wanafanya kazi inavyotakikana. Hali hiyo ndiyo itavuta watu wa nje kuja hapa. Wafadhili wakija katika nchi hii, jambo la kwanza kuuliza ni kwamba, ukitaka leseni ya kujenga kiwanda, utafanya nini? Utalipa kiasi gani cha ushuru? Na hapa, hali ya rushwa iko namna gani? Wakija na kukuta watu wanataka asilimia 10 au asilimia 5, watatoroka! Wataenda Uganda na Estonia kuangalia iko namna gani. Wakati huu kuna mashindano na watu wanatongoza wafadhili ili waweze kuleta rasilimali yao katika nchi zao. Kwa hivyo, watu ambao wanatafuta rushwa kwa watu wanaokuja ni maadui wakubwa wa taifa la Kenya. Yafaa wachukuliwe hatua, sio tu ya kinidhamu, bali ya kisheria. Wanasaidia kuhujumu mali ya umma ya taifa la Kenya.

Vile vile, tuangalie njia ya kuvuta Wakenya waweke rasilimali yao hapa. Mmarekani mmoja aliniambia kwamba katika miaka ya 70s, alikuja hapa. Wakati huo, mambo ya rushwa yalikuwa yanaanza. Alipokuja, alikuwa anataka kujenga kiwanda hapa. Alienda kuona Waziri wa Biashara na Viwanda wa wakati huo. Sitaki kutaja jina lake! Lakini wakati Mmarekani alienda kuzungumza na huyo Waziri, jamaa alimwambia masharti ambayo yalikuwa yamewekwa na Serikali, ili aweze kupata leseni ya certificate of registered enterprise. Jamaa alimwambia wazi: "Ikiwa unataka tukupatie haya yote, sharti utanipatia asilimia 10". Jamaa alikuja kujulikana kama "Mr. 10 per cent"! Huyo Mmarekani alikuja kwangu akiwa ameshangaa. Akaniambia: "Bwana! He! Hapa kwenu namna gani?" Wakati huo, huko Marekani, kulikuwa na kesi ya Agnew ambaye alikuwa Makamu wa Raisi wa Nixon. Aliwachishwa kazi kwa sababu alikuwa amekula rushwa akiwa gavana. Akaniambia: "Unajua, vitu vinavyofanyika hapa kwenu Kenya vinaweza kufanya Agnew kama mwanafunzi". "This could make Agnew look like a schoolboy." Maanake, jamaa alikuwa ameanza kuuliza wazi na Mmarekani akashangaa. Kwa hivyo, mambo ya rushwa hayakuanza jana. Hayakuanza na Nyayo. Yalianza kule mbele na Nyayo akaeneza zaidi!

(Laughter)

Ufisadi unafanyika katika kila nchi duniani, lakini tofauti ni kuwa Serikali za nchi nyingine zinachukua hatua kupambana na watu wanaohusika na ufisadi. Kwa mfano, Bw. Spiro Agnew alilazimika kujiuzulu kama Makamu wa Rais alipopatikana kuwa alikuwa amechukua rushwa kuhusiana na kandarasi fulani alipokuwa gavana. Hapa Kenya, ni lazima tuchukue hatua za kisheria kupambana na ufisadi. Kama mtu amekula rushwa au amechukua pesa za umma na kuziweka mahali fulani ili apate kitu kidogo, ni lazima achukuliwe hatua ya kisheria. Jambo hili litaonyesha kuwa sisi Wakenya tuko tayari kupambana na ufisadi.

Kwa hayo machache, ninaomba kuunga mkono.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, I wish to contribute to the debate on this Bill. First, I wish to take this opportunity to thank the Minister for Roads, Public Works and Housing for being an exemplary Minister.

There are a few issues in the Bill that I would like to point out. First, we have forgotten to include the issue of bouncing cheques in the Bill. You will remember that the Eight Parliament threw out a proposed legal

provision which was supposed to ensure that people do not issue bouncing cheques. It is unethical for one not to honour his financial obligations. When you issue a cheque which you know very well will bounce, you do something unethical. It is important that this bad practice is stopped by this Bill.

Many hon. Members have talked about including tribalism in the Bill. But I think we should also include the issue of regionalism. Since the National Rainbow Coalition (NARC) Government is looking for donor funding through the introduction of some of these Bills, it should also include the issue of racism in the Bill, so that the white people will be very happy that the Government is looking into some of these issues. If you travel throughout the country, you will realise that there are regions which have been given a lot of attention in terms of distribution of resources than others, to the extent that we are now hearing about "Mount Kenya Mafia". This is because most political jobs have been given to people from the Mount Kenya region. That is why people are talking about the "Mount Kenya Mafia".

If we are to be sincere with ourselves, we should include nepotism, tribalism, regionalism and racism in this Bill, so that it covers a whole spectrum of the people of this country. Through this, we will no longer hear of the "Mount Kenya Mafia".

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

Mr. Deputy Speaker: Mr. Kipchumba, are you making your maiden speech?

Mr. Kipchumba: No, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fine, continue with your point of order, Mr. Khamasi.

Mr. Khamasi: Mr. Deputy Speaker, Sir, the hon. Member said that most of the posh jobs in the Government have been given to the "Mount Kenya Mafia". Could he substantiate that statement?

Mr. Kipchumba: Mr. Deputy Speaker, Sir, if the hon. Member was listening to me, I said that Kenyans are talking of "the Mount Kenya Mafia". I did not say that hon. Kipchumba is talking about the "Mount Kenya Mafia". So, we had better listen to what hon. Members say.

Mr. Deputy Speaker: Mr. Kipchumba, I agree with you that, that is what you said. But you do not have to add a rider about an hon. Member, by telling him that he had better be listening to what hon. Members say. That is being rude.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, I apologise for that.

There is a clause in this Bill that talks about political neutrality. The other day, the Minister for Justice and Constitutional Affairs summoned the Chairman of the Electoral Commission of Kenya and his senior staff to his office. If we are talking of neutrality in politics, we should ensure that we are actually neutral. We cannot have a Minister giving orders to an independent body such as the ECK. We will not be neutral if we do that. The NARC Government should restructure itself so that the Judiciary and the ECK are not placed under a political arm such as the Minister for Justice and Constitutional Affairs. This is a good requirement, but then the Government should be seen to practice what it is preaching.

Mr. Deputy Speaker, Sir, again, if you look at what we call a "gift", you will find that most of those issues are very subjective. It is important to define what an ornament is because, to me, an ornament may be something worth Kshs1,000. To the President of this country, an ornament may be an item worth Kshs5 million. It is important to differentiate what a gift is to certain individuals in the public service so that we do not, for example, charge somebody who has been given a gift worth a lot of money thinking that it should have actually been an ornament. It is important that we look into that issue.

On the aspect of declaring all that we own, or all our property, assets and liabilities, we are all Africans and we know the African culture. It would have been important if we conducted some civic education because we understand that there are even some hon. Members of Parliament who even tell their wives or their spouses what they earn or own. Now, you require them to tell Kenyans what they have. I think you will receive a lot of resistance. It is important that we educate people on the importance of declaring some of these assets and liabilities. Again, I would like to propose that we do not put this in public domain. It should be such that if you require this information, you access it through the Commission. I am opposed to the fact that you have to go to the High Court to get permission to check some information. The Commission which will be established should be one with integrity and whose responsibility should not be questionable. They should be privileged when they give out certain information because they have taken an oath. They should also give that information based on the fact that they are honest and people of integrity. These people should give this information to people who are authorised. We should make that information accessible, but not very lengthy so that somebody has to go to a judge to get permission to get it.

Social harassment should be clearly defined. We know that harassment is very subjective to the extent that in various communities, it is viewed from a different angle. It is important that we define that very clearly.

This should include dressing and all other factors which go with sexual problems. We should define it further, than just saying that if you tell somebody that he or she is good, it is construed to be sexual harassment. We should be very careful in our definition of sexual harassment. I do not want to be unfair to anybody, but Members of Parliament know that we are supposed to be honourable. This also applies to public servants. Let us not make rules which will engage us in many cases quite frequently.

Mr. Deputy Speaker, Sir, I think there is also an issue that if you discover that some of the, say, contractors have not adhered to--- This is because as much as public servants can follow the code of ethics, what happens to chief executives of certain companies that act in code with the public servants? If I declare my wealth and then chief executives of certain companies do not declare their wealth, what happens? What happens if certain members ensure that part of their wealth stays with the chief executives of certain companies? So, I think it is important that it covers a more bigger spectrum, not only the public servants and politicians, but I think there are certain areas of the business community that we should look into.

Mr. Deputy Speaker, Sir, there is also a clause that says that you should not award a contract to your relative or friend. My question is: What happens if that fellow is the only specialist in that field? Will it be an offence? There are certain things that we look into that are very subjective, and I think if the person actually qualifies for the contract or even if there are two and he is the most qualified of them all, will you deny him the contract because he is your brother? Do you also look at it that way as well? Is that also some form of discrimination because you are refusing to give your brother or your relative a job just because he is your brother and he has all the qualifications, money and he is a very honest man? So, I think as much as we advocate that, that can easily lead to corruption, we should ensure that we look at in a more objective manner.

Mr. Deputy Speaker, Sir, as I said before, I would have loved a situation where if you declare your wealth, there is some kind of registrar of societies or wealth, from where, if you want to get information, you can seek authority from the Commission and you pay a certain fee so that records are kept, maybe, by virtue of you producing a receipt and then you can access the information. However, we are against a situation where people get information just because they want to scandalise certain individuals. I think it is important that we put in regulations in the Bill that will safeguard individuals being scandalised just because of what they own. I think it is important that those measures should also cover the Press as well so that when they are reporting, they do it in a very objective manner. They report in a way that theirs is to report and not to twist the information to benefit certain individuals who are there to scandalise a member. So, I think that the penalties here should be such that if you want to use the information to mess up your friend's name, I think it is important that we put in stiff penalties.

Mr. Deputy Speaker, Sir, I also support the fact that civil servants should not be engaged in gainful businesses, but then the question again arises: What happens if at the end of the day, all the Kenyans of integrity who are supposed to qualify for a certain job have businesses? Do they dissolve them? How do you handle that kind of situation? I think we have to go further and define this issue. When you appoint Mr. "X" and he owns all that property, what do you do? What happens to his property? Does he, therefore, say that from today, I will not engage in my business? I know that he will disengage from the other activities. I think it is better for one to say that, "Uchumi was my company, but from today henceforth, I will not be involved in the running of that institution." I think we have to put in measures to ensure that--- If we look at people of integrity, for example, the case of Euro Bank, which has just collapsed; where one of the members was directly involved in that scam, I think we should disengage ourselves from taking the issue to the extent that his reputation is damaged just because his company was doing a very genuine business with Euro Bank.

Mr. Deputy Speaker, Sir, I feel this Bill should be looked into in a more detailed manner because if lay people like many of us can pinpoint a few shortcomings, I think the legal experts should go further and look at the Bill in a more detailed manner. Let us not rush the Bill just because everyday we are being told that we need the money. We needed the money yesterday, but we do not need the money just because certain individuals feel that we need it now. Even last year, we needed the money! For the last 12 years, this country has often yearned to get money from the World Bank; and we have survived. We should learn how to survive.

Mr. Deputy Speaker, Sir, before we debate this Bill, let us take it back to the Committee. Everybody is saying that there are shortcomings in the Bill. If we have realised that there are some shortcomings in the Bill, we should hold it back, go and look at it in details, educate Kenyans what the Bill entails, especially public servants, because very soon we might have rich public servants running away from public service, yet they are very productive, just because they do not want anybody to know what they own. I know all hon. Members would like this country to be run and be run well. So, for the sake of the support of this Bill by hon. Members from both sides of the House, let the Bill re-examined.

Mr. Deputy Speaker, Sir, all we are saying is that, let us have a Bill that is not questionable by hon. Members; a Bill that does not put us into more problems than we have now. If that is what the donors want, let us

tell them to wait until the Bill has been debated and passed, so that we have a Bill that has the support of all hon. Members of this House; so that when we say we are declaring our properties, everybody will be happy to declare whatever he has without hiding or playing any game.

With those remarks, I will not support the Bill for now until the amendments are made.

Mr. Deputy Speaker: Mr. Kipchumba, for the information of hon. Members, you should understand the procedure followed in debating Bills. You have made a remark that "we had better send the Bill back to the Committee." There is nothing like that; what will happen is that after we conclude debate on this Bill, this House will come to the Committee of the whole House, and then you will scrutinize the Bill. That is when you will introduce any amendments or changes that you want to make. So, be ready for that when the Bill comes to the Committee Stage.

Now, I have 20 minutes left before we call it a day. Let us hear from Mr. Wetangula.

Mr. Wetangula: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity.

This Bill has a very good intention. The intention of bringing ethical behaviour to our society cannot be over-emphasized. Looking at the draft and the objectives set out in the Bill, they are so narrow that they make it look like it will end up to be a bad law. We are a wholesome society called Kenya; if we want to legislate towards good ethical behaviour and good public conduct, then it is incumbent upon this House to legislate ethics for all the people of Kenya.

Mr. Deputy Speaker, Sir, before I even look at the clauses of the Bill, some of the problems of ethical behaviour in this country need to be addressed; for instance, the unruly behaviour of the matatu drivers and touts; how are we going to regulate their behaviour? Churches in this country used to be places of worship where everybody was regarded with respect. Every other day, we read in the newspapers what goes on in churches. People will go to church to pray and worship God, but when an argument erupts others pull out *njoras* and *pangas*. This is how low we have gone in this country. I would want a situation where as we legislate to improve our public affairs, we should look at every sector of society. Riots are going on in universities and schools, and now we even have a fashion of heckling people who are out of office simply because we do not like them. How do we control such reckless behaviour? This is part of the problem of our negative ethics in this society.

Mr. Deputy Speaker, Sir, if you have ever walked down the streets of Nairobi, you have seen how very respectable looking members of the society descend on a street urchin simply because somebody shouted "thief". Why are we so eager, as a society, to go after somebody's blood? These are the problems of our unethical behaviour in our society.

Mr. Deputy Speaker, Sir, looking at this Bill, first, I agree with Mr. Kipchumba that the issue of bouncing cheques, whether they are drawn by a Member of Parliament or anybody else in this country, should be criminalised. Under the Banking Act, money means that it includes a cheque and if you pretend that you have money and you issue a cheque to anybody and it is dishonoured, you should be dealt with like any other criminal for obtaining whatever you obtain by giving that cheque by false pretence.

Mr. Deputy Speaker, Sir, looking at Part I of the Bill, who is a public officer? The definition of a public officer in this Bill is so narrow that it does not capture what we want to give Kenyans. Does a bank manager qualify to be a public officer? A bank is a public institution where everybody goes to get services. How do we handle the directors and owners of the Euro Bank? They are not covered within our envisaged ethics in this Bill. When we talk about corruption in public life, this Bill seems to think that corruption is a preserve of people employed in the public service. It seems to narrow the definition of corruption and bad behaviour in public offices to people employed in the designated and defined constitution. We all know that, that is not true. The purveyors and consumers of corruption in this country are not limited to public officers. How are we going to handle members of the public who are not defined and who are Kenyans, whom we presume the law to apply to like everybody else when they engage themselves in corrupt practices? Unfortunately, the whole afternoon, I have observed that the Minister and his assistant are not here, and they ought to be listening to what Mr. Kipchumba and others said, so that they can redraft this Bill and bring it back to the House. Perhaps, in future, your office might require that Ministers are here when we are talking about Bills affecting their Ministries.

Mr. Deputy Speaker: I can only say that it is desirable that the Minister or his assistant be here. But then it is up to the Leader of Government Business to do that. I believe the Chief Whip, Mr. N. Nyagah, is there and he has heard your sentiments.

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. I do appreciate the sentiments expressed by the hon. Member on the Floor at the moment, but Mr. Miriti was left to take notes so that he can take them to the Minister and his assistant.

Mr. Deputy Speaker: Very well!

Mr. Wetangula: Thank you, Mr. Deputy Speaker, Sir.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. N.M. Nyagah to tell us that there is only one Assistant Minister out of the 60 Ministers in Government who is listening to this important message? The message which was given by hon. Lagat was very important, and the one which is being given by Mr. Wetangula is also very important. Why can we not have the Front Bench full?

Mr. Deputy Speaker: Order, Mr. Angwenyi! It does not matter how many people take notes. If it is one Assistant Minister or two, the notes are being taken.

Proceed, Mr. Wetangula!

Mr. Wetangula: Thank you, Mr. Deputy Speaker, Sir. I am happy to see that Mr. Miriti is taking notes. I only hope that he is taking the correct notes.

Mr. Deputy Speaker, Sir, I would like to urge the Minister responsible for this Bill that if he wants to legislate for posterity, to withdraw it and re-draft it so that it captures the national mood on the need to have an ethical society. Even the current Constitution of this country declares anything unconstitutional, including law that tends to discriminate a section of society against another. As I said, we want to legislate ethics for *matatu* drivers, other road users and everybody else, so that this society is friendly to the people that live in it.

Looking at Clause 8 of the Bill, there is an attempt to create what looks like a national dress code on page 74. When you say that public servants must maintain an appropriate standard of dress and personal hygiene, what does that mean? I do not know what that means, unless it is properly defined. Does this country have a dress code? Every other day we have hon. Members standing on points of order alleging that So-and-So is improperly dressed or is not presentable and so on. If we really want to have proper national ethics, as it has been done in Nigeria, Uganda and many other countries, we should define a national dress code and say: This is what we call appropriate standard of dress for this country. But if somebody turns up here with a Mao suit and another one with a Chinese suit, then it becomes very difficult to enforce the standards we are trying to say.

Mr. Deputy Speaker, Sir, the Bill has certain provisions which are pretty good, like demanding that public officers carry out duties in accordance with the law. That is fine as is expected of everybody. What about non-members of the public as defined in the Act? Do they break the law with impunity because this law does not apply to them? We have to encompass everybody. Many hon. Members have talked to me about Clause 20 which the Professor across there talked about with regard to sexual harassment. The way the clause is drafted is both amusing and shoddy. The clause says:-

"Sexual harassment" includes doing any of the following, to know if the person doing it knows or ought to know that it is an unwelcome, making a request".

How do you know the request is unwelcome unless you make it? First, you have to make the request before you know it is unwelcome. We also know that young people, whether in this country or elsewhere, get their spouses from their places of work. It would be dangerous for us to start criminalising social conducts. Unless it is such an abhorrent conduct, like what we heard that an hon. Member did in this House recently; if it is a request by somebody to another person for a friendship---

Mrs. Mwau: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to actually talk about social contact while we know there are a lot of myths surrounding sexual harassment? It is said that a "no" for a woman means "yes", and those are myths that we need to look at.

Mr. Deputy Speaker: Order, Mrs Mwau! That would have served very well as a point of information.

Mr. Wetangula: Mr. Deputy Speaker, Sir, first of all, I did not need the information. Secondly, I think the hon. Lady is driven by sexist bias. If she had listened to me, she would have understood the point I was making; that if you say that making an unwelcome request amounts to sexual harassment, how do you know the request is unwelcome until you request? It is very difficult. When you look at Clause 22 (c), it sounds more poetic than legal. It states:

"Making gestures, noises, jokes or comments, including innuendoes regarding another person's sexuality".

We are not going to turn Kenyans into robots. When you go to your place of work, you cannot enjoy cracking jokes or make a joke against somebody else. You will see lots of jokes being exchanged through the Short Message Service (SMS) about all these things. We should make the office a friendly place to work in. Let us not create a situation where our malicious colleagues at work will keep landing others in trouble over trivial things. These are not the national ethics that we are looking for. We can do better than that.

I must make it very clear that I do not, and will never, support any conduct of sexual harassment whether it is man to woman, or woman to man. It should not be allowed or condoned. However, if we want to legislate

against it, we had better bring a law that captures what we are trying to prevent, rather than bringing what looks like poetry in a statute. I would like to urge the Minister to look at that clause and expunge it from this Bill. Sexual harassment is an offence and unethical and we should leave it at that. The rest should be left to the judge and magistrates to decide whether it amounts to harassment or not. If you say that a gesture, noise or a joke amounts to sexual harassment, you are taking the matter too far.

If you look at Clause 28, we have this disclosure about personal assets. The Bill says that nobody should disclose information that has been given by another. That is right. It goes further to give exemption as to how such information shall be disclosed. It is my view that where people are going to give information of a very personal nature, unless it is in pursuance of a criminal investigation, under no circumstances should the information given in confidence by anybody under this Act be let loose to anybody who wants to see it. This Bill, with all its noble intentions, can easily be an instrument for witch-hunts, abuse or subsequent reckless prosecution of people.

Mr. Deputy Speaker, Sir, we want a Bill and a law passed so that we, as Members of Parliament, have a duty to disclose what we own and how we acquired it. But we want a water-tight guarantee law. For example, if President Kibaki, the Vice-President or anyone of us gives information to that effect, it must be kept in confidence.

Until and unless there is a criminal investigation against one, then it comes under the purview of the court or as a prosecution or something to that effect. Clause 29(4) says:

"Information can be released by a person authorised by an order of a Judge of the High Court."

Mr. Deputy Speaker, Sir, the noises against the Judiciary are common knowledge in this country. Anybody can walk into a court and come out after five minutes with an order to look at the information given by Mr. Murungi or anybody else without any legal justification whatsoever. I would want to urge my learned friend, Mr. Murungi, to change that clause to show that the order from the High Court must be related to an investigation of a criminal nature before such information is released.

Mr. Deputy Speaker, Sir, the Bill creates offences against people who commit transgression. I want to think that fining a clerk who has released information recklessly Kshs2 million is not fair. Where would a clerk in a registry get Kshs2 million to pay a fine? We know how badly battered our economy is. Even the law says that a fine, where it is part of a sentence, should not be such that it leads the person being fined to jail because he cannot afford it. If we want to fine people for committing offences, we must impose fines that are within reach, affordable and can be paid. A clerk who earns Kshs10,000 cannot under any stretch of the legal imagination be fined Kshs2 million. There is a clause which says the fine should not exceed Kshs5 million. We do not again want to use the passage of this Bill as a process for the Government to raise revenue by imposing astronomical and impossible fines because this Bill will cease to be a friendly law. It ceases to be a law that will govern and create orderly behaviour in our society.

Mr. Deputy Speaker, Sir, there is also the issue of Harambee. Again, I want my learned friend, Mr. Murungi to re-look at clauses relating to Harambee because this Bill tends to think and indicate that it is an offence to sit in your office and solicit Harambee money, but it is not an offence if you go out there and do it. Most corrupt people are very sophisticated. That is why they get away with it. If it is illegal for a public officer to solicit for Harambee money from Mr. M. Kilonzo or Mr. Biwott from his office, then it should be equally illegal for him to do it at the Serena or the Inter Continental Hotel because the aim is the same. But the Bill seems to say that if you use your office to solicit for money, you are wrong. If you are out there, you are not. What about the hon. Members? Where does the boundary lie? Hon. Members run what I call potential offices. If you are out there on the street, you are still an hon. Member and you are in your office. If you are in Mombasa on holiday, you are an hon. Member, you are in your office. Where does the boundary lie?

It is good to legislate against Harambees. In fact, I want Mr. Murungi to introduce a clause in this Bill to expressly say: Harambees are illegal and nobody should be collecting money for Harambee in this country. Instead, we should find proper organised ways of helping the country through charitable contributions. Harambees have been the cause of all manner of corruption. I once went to a police station to report an incident where my younger brother had been shot and crippled by carjackers. Before the policeman listened to me to record my statement, he pulled out a Harambee book. He laughed and said: "Mheshimiwa, now you will make my weekend. I am going for a Harambee and I was wondering which big man would come here to help me with Harambee money." I had gone to tell him that my brother had been shot and he was on a stretcher. This Harambee business should not be qualified, but it should be outlawed totally and completely.

Mr. Deputy Speaker, still on the issue of Harambees---

Mr. Deputy Speaker: Order! Mr. Wetangula, you will have ten minutes to continue with your contribution tomorrow.

Mr. Wetangula: Thank you, Mr. Deputy Speaker, Sir.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday 19th March, 2003, at 9.00 a.m.

The House rose at 6.30 p.m.