

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 20th May, 2004

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following paper was laid on the Table:-

The Regulations Governing the Constituencies Development Fund.

*(By the Assistant Minister for
Finance (Mr. Katuku) on behalf
of the Minister for Finance)*

QUESTIONS BY PRIVATE NOTICE

Mr. Deputy Speaker: Mr. Sambu's Question! Mr. Sambu is not there! I am informed that he has been in a meeting and maybe, that is why he is late. This is the same Question I deferred yesterday. I am not sure whether I deferred it to today, because Mr. Sambu had asked for more time, and not just one day. So, I will defer the Question until some other time. He said that when he goes upcountry, he would have the affidavit sworn. I am sure that he has not travelled upcountry since yesterday. So, the Question is deferred.

HARASSMENT OF MOSOP RESIDENTS BY POLICE

(Mr. Sambu) to ask the Minister of State, Office of the President:-

- (a) Is the Minister aware that armed police officers from Kabiye Police Post travel daily through Mosop Constituency harassing and arresting innocent people?
- (b) Is he further aware that the arrested people are only released after payment of bribes?
- (c) If the answers to (a) and (b) are in the affirmative, what action is the Minister taking against the officers involved?

(Question deferred)

Next Question, Mr. Ngoyoni!

COMPENSATION FOR VICTIMS OF UNEXPLODED ORDINANCE

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

(a) Is the Minister aware that on 18th February, 2004, two boys, namely, Sukule Timado (12 years) and Iltinga Mirgichan (14 years) were injured by unexploded ordinance at the British Army Training field at Lore Soro?

(b) Is he further aware that 15 head of cattle were also killed during the above incident?

(c) What measures is the Minister taking to ensure that the families of the victims are compensated and hospital bills incurred at Wamba Hospital settled?

(d) Could the Minister halt any further military exercises until the area is cleared of any unexploded ordinance?

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

(a) I am not aware.

(b) I am not aware.

(c) Given my answers to parts (a) and (b) of the Question, part (c) does not arise.

(d) The Government will not halt military exercises in Samburu Range as it is Government trustland availed for military training dating back to pre-Independence times.

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, it is quite outrageous. One can control his anger, but when pushed to such limits, probably, one can use unparliamentary terms. You are aware that this Question has been deferred four times. I have answers given by the same Office acknowledging that the incident occurred. These young men are still being detained at Wamba Hospital and yet the Assistant Minister has the courage to stand here and cheat Kenyans by telling them for the fourth time that he is not aware.

Mr. Deputy Speaker: Order! Order, Mr. Ngoyoni! The word "cheat" is unparliamentary. You can put it in another way.

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, could the Assistant Minister be truthful and confirm to this House that the incident took place? There is evidence and his officers have admitted that the incident occurred. I can table the previous answers that were given to me.

Mr. Deputy Speaker: You do not have to do that, Mr. Ngoyoni. Let us hear the Assistant Minister, in view of what you have said.

Mr. Tarus: Mr. Deputy Speaker, Sir, the answer I have given is with respect to the incident that purportedly took place on 18th February, 2004. We have no record that such an incident occurred on that particular day. However, we have different incidents that took place on different dates. We also have the names of those who were affected, and whose cases we have given due consideration. We will take appropriate action.

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

Mr. Deputy Speaker: Relax, Mr. Ngoyoni. Give other hon. Members a chance to ask questions. I will come back to you. Let me ask your friend, Mr. Lesrima, to help.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I do think I am able to help, because this is Samburu East Constituency. However, it appears as if the Assistant Minister does not have the correct information, or he is just veering towards terminological inexactitudes.

Mr. Deputy Speaker: Order! Mr. Lesrima, could you speak a language that all of us can understand?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I do not want to say that the Assistant Minister is lying. The British Army is in Kenya with the full knowledge of the Government of Kenya. They are under the supervision of the Office of the President. So, if the Assistant Minister does not have specific information on the matter, would it not be in order for this Question to be deferred? This is a very serious matter affecting the lives of these young people, their families and Wamba Hospital,

which is incurring very heavy expenses. Could he answer the Question, if he knows the answer or we defer the Question?

Mr. Deputy Speaker: Mr. Lesrima, you have not really come up with any question because you are now requesting the Chair to defer the Question. So, really you have not come up with a question that I can ask the Assistant Minister to address. Could I get another hon. Member to ask a question?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the Assistant Minister admits that there are other incidents he is aware of where people have been affected by these explosives. Could he mention the names of those persons and what the Government has done in respect of them?

Mr. Tarus: Mr. Deputy Speaker, Sir, the first incident that we have in our records is the one that took place on 15th February, 2004 at about 0845 hours. Two Samburu boys; Gabriel Lenyakoro and Lengoitei Lekomom, reported to Wacha Police Station that two boys namely; Kapua Lekomom, aged between 15 to 16 years and Siwaye Losankuri, aged 10 years, were burnt by an incidental bomb on 14th February, 2004, at about 1200 hours at Lore Soro British Army Training area. The victims were grazing their cattle when they picked an object and played with it. The object exploded and both of them were burnt. They were admitted at Archers Post Mission Hospital in fair condition. The extent of their burns was not recorded. At the scene of the incident, the police recovered two bronze wires and some of the victims' clothes.

Mr. Shitanda: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to read out an answer to a question which he has not been asked?

Mr. Deputy Speaker: Order, Mr. Shitanda! Mr. M. Kariuki did ask the Assistant Minister to cite other similar incidents which the Assistant Minister said he was aware of. Those are the incidents that he is alluding to. I could only ask him to be brief because it is not a Ministerial statement, but an answer to a question.

Proceed, Mr. Tarus!

Mr. Tarus: Mr. Deputy Speaker, Sir, the second incident is one that occurred on 25th March, 2004. It involved a child by the name of Lasin Leshedule. The third incident is one that occurred on 15th April, 2004. It involved one, Lechuku Lekuruki. The fourth incident is the one which occurred on 20th April, 2004 in Loresoro area. Reports that were received from Kenya Armed Forces officers conducting range duties indicated that the bomb was a drill. A board of inquiry has been instituted to conduct further investigation with regard to issues of compensation. These issues will be addressed once the investigations are complete.

Dr. Galgalo: Mr. Deputy Speaker, Sir, this is very strange Government. This is a Government that allows foreign military personnel to use its ground and leave undetonated bombs. Those bombs maim citizens, yet, the Assistant Minister has the audacity to stand up in this House and say he is not aware! He has been aware of this. We have been told now that there are children who were admitted in Wamba Hospital. This is real because their names are known. Since the Assistant Minister says he is not aware, and he stands his ground, could we ask him to accompany the hon. Member to Wamba Hospital to verify that those children are actually in that hospital?

Mr. Tarus: Mr. Deputy Speaker, Sir, there are two sides to this particular incident. Either the names that hon. Member has may not be accurate, or what the hon. Member is raising could also be possible. So, considering the magnitude of this problem, we will undertake to make sure that if there are children, or people who were hurt as a result of this, appropriate action will be taken once they receive treatment.

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, I asked a specific Question. The names of the two young men are in the Order Paper. They are Sukule Timado, aged 12 years and Itinga Mirgichan. This incident has been reported to Sorolivi Police Station, and I have all the documents to prove

this. I have the X-ray results of these young men. For his information, as I speak now, one of these young men has been transferred to Kenyatta National Hospital because Wamba Hospital cannot handle that magnitude of injury. This is quite outrageous! Could the Assistant Minister admit this, failure to which, I will present the young man here? These boys have been maimed by the bombs and they are on the verge of dying! What action is this Government taking to compensate the family and also pay the hospital bills?

Mr. Tarus: Mr. Deputy Speaker, Sir, when somebody is hurt, it is common sense to assist in the treatment of that person. I am not refuting the names. If the incident occurred, I undertake to make verification again and assist where necessary.

Dr. Ali: Mr. Deputy Speaker, Sir, the hon. Member said this incident was reported at Sorolivi Police Station. It is there in the Occurrence Book (OB). Therefore, is the Assistant Minister in order to say, "if this incident happened?" This matter has already been reported to the police. Furthermore, these young men are in hospital and the injuries can be seen.

Mr. Tarus: Mr. Deputy Speaker, Sir, I have not denied this, but, as I said, we do not have the incident in our records. However, that does not stop us from going further and making sure that we get these records so that we can assist where possible.

Dr. Godana: Mr. Deputy Speaker, Sir, this Question is coming back to this House for the third or fourth time now. This is a matter which involves the lives of innocent Kenyans; innocent Kenyan children. It is understandable that at one time the Assistant Minister could say he is not aware or he does not have the records. However, he should not keep on coming back with the same story that he has not got the information! We have been told that one of the children is now admitted at Kenyatta National Hospital. It is possible for him actually to send one of his officers, or to personally go there to verify. Could the Assistant Minister take this House more seriously? Will I be in order to request you to defer the Question and direct this honourable Assistant Minister to come back with a comprehensive statement, giving full details of the incident? He should also tell us whether he visited both Wamba Hospital and Kenyatta National Hospital to see the individuals concerned!

Mr. Deputy Speaker: Well, I do not want to dictate to the Assistant Minister, but I think he made a lot of progress before you came. Mr. Assistant Minister, could you respond to what Dr. Godana has said?

Mr. Tarus: Mr. Deputy Speaker, Sir, I take the sentiments expressed by hon. Members very seriously. I undertake to visit Wamba Hospital and ascertain that those children who were injured received treatment.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Member! Before I call out the next Question, I would like hon. Members to consult in low tones. I cannot call what is happening now "consulting". This is particularly the case with my left Front Bench. Please, could you consult in low tones, so that we can proceed and make progress?

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

Mr. Deputy Speaker: Order, Mr. Ngoyoni! I had given you a chance. I will give you no more chance. Look at the clock. We have already taken 15 minutes on one Question!

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

How much money does the Government intend to set aside to resettle tribal clash victims in Molo in the year beginning 1st July, 2004 and ending 30th June, 2005?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I would like to seek the indulgence of the Chair to defer this Question to a later date because we have not received enough information with regard to the Question. I request the Chair to defer this Question.

Mr. Deputy Speaker: Yes, Mr. Mukiri!

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

Mr. Deputy Speaker: Order, Mr. Angwenyi! The Question has been asked by Mr. Mukiri, whom I have asked to respond to what the Assistant Minister has said.

Mr. Mukiri: Mr. Deputy Speaker, Sir, I do not know how much time the Assistant Minister wants because I am asking about money which is already---

Mr. Deputy Speaker: Mr. Mukiri, that is not the issue! We know what the Question says. The Assistant Minister has requested to be given time to answer this Question, and I have asked you: Is it okay we defer this Question?

Mr. Mukiri: Mr. Deputy Speaker, Sir, I hope the Assistant Minister will take this Question very seriously and that, when he comes to answer it on Tuesday, next week---

(Applause)

Mr. Deputy Speaker: The Question is deferred! That is all, Mr. Mukiri!

Let us move on to the next Question by Mr. Omondi!

Mr. Omondi: Thank you, Mr. Deputy Speaker, Sir. The written answer I have here---

Hon. Members: Ask the Question first!

Mr. Deputy Speaker: Order, Mr. Omondi! You have not asked your Question!

VIOLENT ATTACKS AGAINST POLICE OFFICERS

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

(a) Is the Minister aware that there is an upsurge in violent attacks on serving and retired police officers which has led to several deaths?

(b) What has caused this systematic attacks?

(b) What action has he taken to protect retired and serving police officers from such attacks?

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

(a) I am not aware of an upsurge in violent attacks on serving and retired police officers.

(b) Violent crime in society is caused by poverty, unemployment and the proliferation of illicit small arms among other reasons.

(c) The Government has taken various measures to adequately equip the police to respond to violent crime. Among these, are provision of additional vehicles, acquisition of firearm detecting equipment and action against proliferation of illicit small arms and light weaponry by implementing the Nairobi Declaration in co-operation with neighbouring ten states.

Mr. Omondi: Thank you, Mr. Deputy Speaker, Sir. The answer which has been given by the Assistant Minister is far from being satisfactory. This is because what is actually happening is not a normal occurrence. This is because in the last one month or so, we have witnessed the deaths of more than three police officers. One was killed in Kitui Town, two were killed here in Nairobi -

one in Dandora and another one near Kenyatta National Hospital - and another police officer was killed in Ngong. This is not a normal thing. I think it must be associated with the upsurge in violent attacks on police officers under the pretext of police reforms.

Mr. Deputy Speaker: Mr. Omondi, you were asking a question. Could you ask it?

Mr. Omondi: Mr. Deputy Speaker, Sir, I was trying to explain. Could the Assistant Minister tell us the remedial measures he will take to protect, particularly, police reservists whose services were terminated but are still handling serious cases in court?

Mr. Deputy Speaker: Mr. Omondi, please, let the Assistant Minister now answer your question.

Prof. Kibwana: Mr. Deputy Speaker, Sir, as the hon. Member is aware, the services of the Kenya Police Reservists were terminated so that reforms could be carried out. I do not see how termination of services of police reservists for purposes of carrying out reforms is tied to an increase in crimes against those individuals. Nonetheless, if there are specific examples of policemen or women who have retired or are serving in the police force, and have been attacked, such officers or their families should complain in the ordinary manner. Obviously, those complaints would be dealt with by the police.

Mr. Omingo: Mr. Deputy Speaker, Sir, I cannot understand how policemen can get justice and protection when, in fact, the Assistant Minister answering this Question has actually been accused of harassing police officers? Could the Assistant Minister confirm to this House now that starting from his office, they will uphold the rule of law, respect and provide security to policemen, including their officers?

Prof. Kibwana: Mr. Deputy Speaker, Sir, the Office of the President is very much protective of the rule of law.

Mr. Midiwo: Mr. Deputy Speaker, Sir, could the Assistant Minister deny or confirm that he threatened his district police boss, Mr. Odol with a sack within a week because of the incident where the Assistant Minister wanted to grab somebody's land?

(Applause)

Prof. Kibwana: Mr. Deputy Speaker, Sir, I do not employ or sack police officers.

Mr. Munya: Mr. Deputy Speaker, Sir, the question which should be answered here is that we have some very good police reservists who assist the police to fight crime. Some of them are witnesses in serious cases pending in court and they are in danger because their guns were withdrawn. What has the Assistant Minister done to protect those good police reservists?

Prof. Kibwana: Mr. Deputy Speaker, Sir, I have to concede that protecting the former police reservists is a good consideration. We will raise that matter with the Commissioner of Police, so that appropriate action can be taken.

Mr. Omondi: Thank you very much, Mr. Deputy Speaker, Sir. Could the Assistant Minister confirm or deny whether the former police reservists are still required to continue with the cases they handled before their services were terminated or they will not handle those cases on account of not being on duty?

Prof. Kibwana: Mr. Deputy Speaker, Sir, the entire country has asked us to reform the police service, so that insecurity can be dealt with properly. I am, therefore, at a loss to explain, when we are asked why we are taking measures against errant officers. For the time being, those officers have been---

Archbishop Ondiek: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not addressed the question by Mr. Midiwo, about the sacking of Mr. Oduol. He says he was not responsible, but he was at the scene together with Mr. Oduol!

Mr. Deputy Speaker: Order! Archbishop Ondiek, that is not a point of order. I would have

wished that if you wanted to ask a question, you should have stood up, caught my eye and I would have given you a chance! Will you please sit down, so that the Assistant Minister can finish answering the question?

Archbishop Ondiek: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order! Archbishop Ondiek, please, sit down! Proceed, Prof. Kibwana!

Prof. Kibwana: Mr. Deputy Speaker, Sir, as I was saying, police reservists have been suspended to give room for the review of the system. Police reservists who were investigating some matters and are now suspended, cannot proceed with the work. We have to examine all of them and those who are found to be fit will be reinstated. But until then, they cannot proceed with police work.

Mr. Deputy Speaker: Next Question by Mrs. Kihara!

CARJACKING OF MR. NDIRANGU MWANGI

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

(a) Is the Minister aware that Mr. Sammy Ndirangu Mwangi was carjacked on 10th December, 2002 around Naivasha Town while driving vehicle No.KAK 920M?

(b) Is he further aware that the incident was reported at Naivasha Police Station on 11th December, 2002 and two suspects; namely, a Mr. Vincent, a resident of Naivasha and a Mr. Musaku, a Tanzanian national arrested?

(c) Why did the District Criminal Investigations Officer, a Mr. Thomas Mage, release the suspects on 17th January, 2003?

(d) Could the Minister explain the whereabouts of Mr. Mwangi, as the family has not seen him since the incident?

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

(a) No, I am not aware.

(b) Yes, I am aware that a case was reported on 11th December, 2002, involving the disappearance of a motor vehicle registration No.KAK 920M and arrest of four suspects, among them being Vincent and Musaku, a Tanzanian national.

(c) They were released because evidence collected did not connect them with the case.

(d) Mr. Mwangi is suspected to be living with the associates whom they committed the crime with. File case No.764/18/2003 was opened pending the arrest of the known accused.

Thank you, Mr. Deputy Speaker, Sir.

Mrs. Kihara: Mr. Deputy Speaker, Sir, I find this answer very unsatisfactory, considering the fact that, the Assistant Minister has said that he is not aware of the carjacking. Then, the rest of the answers are irrelevant! He should stop telling me about a car. What I want to know is the whereabouts of Mr. Mwangi!

Mr. Tarus: Mr. Deputy Speaker, Sir, according to our records, Mr. Mwangi is suspected to be living in Tanzania. We are making every effort to get him back here, so that he can face the law.

(Laughter)

Mr. Sasura: Mr. Deputy Speaker, Sir, you heard the Assistant Minister explain very clearly that Mr. Mwangi is suspected to be living in Tanzania with the person who carjacked him. Could he

tell us - because the two people who were initially arrested and released were just suspects. Considering that we have representatives in Tanzania and International Police, what efforts has the Assistant Minister taken between January, 2003 to date, to arrest the person who carjacked Mr. Mwangi and is keeping him in Tanzania?

Mr. Deputy Speaker: Mr. Assistant Minister, is the way Mr. Sasura--- is explaining not funny? Under what circumstances was Mr. Mwangi taken to Tanzania if he was not carjacked? I think that is the matter you need to clarify.

Mr. Tarus: Mr. Deputy Speaker, Sir, the case of carjacking was reported. But records held show that it is possible that Mr. Mwangi and whoever is said to have carjacked him were accomplices.

With regard to Mr. Sasura's question, I want to say that we have put in place a mechanism using our existing machinery, which I cannot elaborate now because we want to make sure we arrest him, to make sure that we handle this case conclusively.

Mr. Deputy Speaker: Last question, Mrs. Kihara!

*(Mrs. Kihara and Mr. Waithaka
stood up in their places)*

Last question, Mrs. Kihara! You want Mr. Waithaka to ask it? Mrs. Kihara, it is your chance! Okay, allow Mr. Waithaka to ask the question! But do not come back asking for a chance too!

Mr. Waithaka: Mr. Deputy Speaker, Sir, the family of Mr. Mwangi has reported about his disappearance. Two suspects were arrested with the car that Mr. Mwangi was driving! The information we have is that the motor vehicle was released to the owner. It should have been kept at the police station as an exhibit. Under what circumstances was the motor vehicle released to the owner by the name Mr. Gichuru, and the suspects released before Mr. Mwangi's whereabouts were known?

Mr. Tarus: Mr. Deputy Speaker, Sir, with regard to the release of the vehicle, it is true that it was supposed to be an exhibit. But I want to say that officers on the ground do not just release a vehicle, unless it is supported by facts.

Secondly, with regard to--- I have missed the second part of his question. Could he repeat it?

Mr. Waithaka: What I am asking is this: The relatives of Mr. Mwangi reported to the police that he had disappeared. Two suspects were arrested driving the motor vehicle that Mr. Mwangi was driving and held at the police station. Then, the owner of the motor vehicle came and said: "This motor vehicle is mine", and it was released to him. By that time, the whereabouts of Mr. Mwangi were not known. The Assistant Minister seems to be treating the issue of the disappearance of the car more importantly than the disappearance of Mr. Mwangi! That is why he is saying that he is not aware and yet, a report was made that Mr. Mwangi is still missing to date. Under what circumstances did the District Criminal Investigation Officer (DCIO), Naivasha, Mr. Mage, release the motor vehicle without knowing the whereabouts of Mr. Mwangi?

Mr. Tarus: Mr. Deputy Speaker, Sir, I have said that there are records indicating that Mr. Mwangi is in Tanzania. Secondly, it is not true that we are not keen on getting him back. We have to use the existing machinery with regard to international relations to make sure that we get him back. We cannot just do it as if we are getting him from Namanga here.

The hon. Member has also asked why the suspects were released. When people are arrested on suspicion or allegation of involvement in a particular crime, evidence is gathered with regard to their real involvement in that particular crime. If no evidence leads to the fact that they, indeed,

participated in the crime, the police have no point of holding them!

ESCAPE OF PRISONERS FROM
NAIVASHA PRISON

Mr. Salat: Mr. Deputy Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice.

(a) Under what circumstances did 28 murder and robbery suspects escape from the Naivasha Maximum Security Prison on the night of April 21, 2004?

(b) How many of the 28 suspects have been arrested?

(c) What steps has the Minister taken to ensure that hardcore criminals do not escape from prisons, as this will compromise security in the country?

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr. Machage): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I wish to clarify that the escape of 28 prisoners on the night of 21st April 2004 occurred at Naivasha Annex Prison and not at Naivasha Maximum Prison, as the hon. Member for Bomet has said. The prisoners escaped on the said day at 2330 hours after breaking the prison accommodation ward door and scaling the prison's main gate. They were all remandees. The escape was partly contributed to by inadequate personnel in the station and laxity on the part of the staff. This is being investigated.

(b) Out of 34 inmates who were accommodated in the ward, 28 escaped while five were re-arrested before they joined the rest in escaping. Of the 28 who escaped, three have since been re-captured.

(c) Measures have been taken to ensure that all high risk security prisons are secured and that prisoners cannot escape from where they are being detained.

Mr. Salat: Mr. Deputy Speaker, Sir, it does not actually matter whether these prisoners escaped from Naivasha Annex Prison or Naivasha Maximum Prison, since we still have dangerous criminals on the loose. The Assistant Minister has said that out of the 28 remandees who escaped, three have so far been arrested. Considering that the escape took place on 12th April, 2004 and so far, we have had so many crimes being committed, could the Assistant Minister tell Kenyans, whose security is now at stake, the offences which these criminals were remanded for? This is because we are actually facing a crime wave in this country and the same Government which has arrested criminals cannot keep them where they belong. Could the Assistant Minister tell us what were these criminals in remand for?

Dr. Machage: Mr. Deputy Speaker, Sir, the remandees had been held in Naivasha Annex Prison for diverse offences and periods of between one day and ten months. As they came from courts, they were facing robbery with violent crimes, contrary to Section 296 of the Penal Code.

Mr. Waithaka: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that after these criminals escaped from Naivasha Annex Prison, members of the Prisons Department and the Kenya Police harassed the residents of Naivasha as if they were the ones who had committed the offence, instead of taking action against the irresponsible prison warders?

Dr. Machage: Mr. Deputy Speaker, Sir, I am not aware.

(Laughter)

Mr. Nderitu: Mr. Deputy Speaker, Sir, since the Assistant Minister said laxity and shortage of staff were the reasons behind this escape, what is the Ministry doing to make sure that

the number of the wardens are increased? Secondly, what has he done about the lax officers who more or less assisted the escape of the prisoners?

Dr. Machage: Mr. Deputy Speaker, Sir, indeed, it is true that there was laxity and shortage of staff. Of the expected 33 wardens that were expected to be on guard, only 22 of them were on guard that night, thus a shortage of ten officers. We have redeployed officers from other stations to enhance the security in maximum prisons in this country. We also request that this House votes more money for us to employ more officers.

Mr. Salat: Mr. Deputy Speaker, Sir, since it has become a policy in this Government that when a commanding officer is not trusted by his juniors, another one is picked from another force, the way it happened to the Kenya Police, could the Assistant Minister hire another brigadier to come and head the Prisons Department?

Dr. Machage: Mr. Deputy Speaker, Sir, that is a very good idea. I will consider it.

(Laughter)

SUSPENSION OF INSURANCE
SERVICES PROCUREMENT

Mr. Billow: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Is the Minister aware that procurement of insurance services by state corporations, ministries and other public institutions has been suspended?

(b) Why did the Minister take this drastic action?

(c) Why are the procurement regulations not being complied with in the current award of tenders for insurance services?

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that procurement of insurance services by state corporations and other public institutions has been suspended.

(b) In view of my answer to "a" above, "b" does not arise.

(c) I am satisfied that procurement regulations are being complied with in the current award of tenders for the insurance services, since I have not received any complaints on the matter.

Mr. Billow: Mr. Deputy Speaker, Sir, I wish to seek the indulgence of the House for one minute, so that I can explain that, indeed, this has actually happened; that the insurance services have been suspended. I want to lay on table, a circular by the Permanent Secretary in the Ministry of Finance dated 23rd January on procurement of insurance services in which he is requesting all state corporations, Ministries, universities, local authorities and all public institutions to obtain professional valuation of all assets and in the meantime, asking that the tender committees extend their existing insurance contract agreements until that exercise is completed. I want to table one other letter from the National Social Security Fund (NSSF) giving an example of one public institution that has now cancelled the provision of insurance service tenders that they had advertised. They had cancelled it because of this circular and I am laying both of them on the Table.

*(Mr. Billow laid the documents
on the Table)*

Now, the impact of this is that this year, there will be no renewals or no new contracts for insurance services that will be provided because most companies, institutions and public entities

cannot afford at all, to provide for valuations which they did not budget for. My question to the Assistant Minister is: Could he agree with me that the aim of that circular was to retain the services of the insurance brokerage services providers who were appointed last year, when the procurement officers and regulations were suspended by the same Permanent Secretary? In other words, it is a direct way of retaining the same people? Could you please agree with me that was the aim of this?

Mr. Katuku: Mr. Deputy Speaker, Sir, I do not agree with the hon. Member on his argument. However, I can confirm that I have a copy of the circular with me here, which I was ready to table for the hon. Member to see. That circular does not in any way, suspend the procurement system. What we did is that we realised there were some deficiencies in the manner of procurement of insurance services and through a circular which we sent out, dated 23rd January 2004, we gave out some information in order to ensure that what we were doing was right. We wanted to ensure that professional valuation was done because some of the institutions were just getting insurance services blindly, without any value. We realised, with time, that it was expensive to value some of these assets. That was why we did request that contracts for the companies which had insured be extended time, so that valuation can be done because insurance covers were given on issues whose value was not known. It is prudent management that you should know the value of the cover you are buying. So, it was done in the best interests of all.

Mr. Khamasi: Mr. Deputy Speaker, Sir, when many of the hon. Members on the Opposition side were on the Government side, they used to say that this insurance brokerage was being given to a few individuals without proper assessment and evaluation and yet the same thing is still happening. When we came over to the Government side, we thought it wise that it would be necessary for some of us to take those insurances on our own. Could the Assistant Minister confirm now that, from now henceforth, all insurances will be provided by the people who have actually bid on competitive terms so that we do not have this insurance being given to a few individuals who own defective insurance firms?

Mr. Katuku: Mr. Deputy Speaker, Sir, in fact, I want to confirm that this circular is intended to ensure that what the hon. Member is saying happens. We want all procurement procedures to be followed so that the best bidder is given the job to cover our institutions. So, we are trying our best to ensure that the proper procurement procedures are followed. This circular I am talking about purposes to streamline and harmonise the same.

Mr. Nyachae: Mr. Deputy Speaker, Sir, the Assistant Minister in his reply said that the circular was meant to extend the insurances that the public institutions had procured previously. When there is renewal of insurance, then, it has to cover an indefinite period. How does this work? Was the insurance based on the valuation that the Permanent Secretary was talking about or was it based on the renewal? When the insurance expires and the circular has already been released then it means you have to renew on the basis of the earlier valuation. Was the insurance renewed without valuation or was it suspended until valuation had been done?

Mr. Katuku: Mr. Deputy Speaker, Sir, this circular was issued to ensure that proper procedures were followed. We were demanding valuation of assets that were to be insured. When we realised that it was not possible in some cases to value in good time, it was on those incidents that Heads of parastatals were seeking exemption to have the cover in place even as they conclude valuation. So, once valuation is completed, the cover will be issued. We are monitoring the process and we have given instructions that it must be completed as soon as possible.

Mr. Billow: Mr. Deputy Speaker, Sir, they are not seeking exemption, rather they have actually been directed to extend the contract. The public procurement of goods and services in this country is governed by the Public Procurement Regulations, 2001 and to a limited extent, the Exchequer and Audit Act. Nowhere is the Permanent Secretary, Ministry of Finance empowered to

override the decision of the board of directors and the tender committees of State corporations and Local Authorities in determining the procurement process. Since valuations require budgets--- A single building worth Kshs1 billion of shillings would require valuation of fees of Kshs15 million which has not been budgeted for by most institutions. Could the Assistant Minister consider lifting the provisions of this circular so that the insurance brokerage services can be tendered for competitively and valuations be done gradually by those institutions?

Mr. Katuku: Mr. Deputy Speaker, Sir, it is very important to know that, previously, some of the institutions were over-insuring. That is why it is important to get valuation reports even though it is expensive. In the long run it pays. So, that is why we are urging institutions to make budgetary provisions and then carry out valuations so that we do not go on losing. An item worth Kshs10 million would be insured for Kshs100 million and that is what we want to correct.

TERMINAL DUES FOR MR. ONDANYA

Mr. Opore: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Labour and Manpower Development the following Question by Private Notice.

(a) Is the Minister aware that Mr. Joseph Ondanya's Services were terminated with effect from 1st April, 2004 by Kiwaroga Farm of P.O. Box 42006, Nairobi having worked for the company since October 1987?

(b) Is he further aware the Mr. Ondanya was not paid all his dues?

(c) What action is the Minister taking to have Mr. Ondanya paid his dues covering gratuity, overtime, off-duties, travelling allowance, arrears, a month's salary in lieu of notice and five days he stayed waiting for his salary after termination?

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

(a) No, I am not aware that Mr. Joseph Ondanya's services were terminated with effect from 1st April, 2004 by Kiwaroga Farm of P.O. Box 42006, Nairobi.

(b) I am not aware that Mr. Ondanya was not paid all his dues. Apparently, this case was never reported to the Kiambu Labour Office. Kiwaroga farm is located in Kiambu District.

(c) I shall address Mr. Ondanya's case regarding payment of his terminal benefits as soon as he presents his complaints to the Kiambu Labour Office.

Mr. Opore: Mr. Deputy Speaker, Sir, this case explains the fact that employees in our country are faced with the problem of merciless and dishonest employers. Mr. Ondanya has worked for 17 years and is one of those who were sacked from his place of work. He and others were dismissed without being paid their dues. All they got was their salaries for the month they left work. What is the Ministry doing to defend employees who get sacked simply because their employers just want to have their wage bill reduced?

Mr. Mwakwere: Mr. Speaker, Sir, whenever cases such as this one are reported to us, we take appropriate action. I would like to assure hon. Opore that once Mr. Ondanya reports his complaints to the Kiambu Labour Office, we shall do the needful and he will get his terminal dues accordingly.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, many a time, it may not come to the attention of the Minister or the very few labour officers in this country that there are problems to do with payment of dues and particularly in a region like North Eastern Province where there are no labour officers. What does the Ministry intend to do to ensure that we get labour officers where they have not yet been deployed?

Mr. Mwakwere: Mr. Deputy Speaker, Sir, we have just posted a labour officer to Wajir

District. Perhaps, he has just not reported. I would like to assure all hon. Members that we have made a provision for more labour officers to be appointed to possibly all districts in the country. However, that will depend on what this House will allocate the Ministry of Labour and Manpower Development.

(Mr. Ngoyoni stood up in his place)

Mr. Deputy Speaker: Mr. Ngoyoni, you have no powers to question that.

Mr. Opo: Mr. Deputy Speaker, Sir, in some instances when employees report such incidences to the labour offices, they are sent away. It is possible that they reported that incident, and I am willing to get in touch with the employee to confirm that. But the shortest way I thought the Minister would take, was to ask the Labour Office in Kiambu to take up the matter immediately so that the employee is saved the bother of staying around Limuru awaiting payment.

Mr. Mwakwere: I will be very pleased to receive the names of labour officers who sent complainants away from their offices. I can assure the House that I will take drastic punitive measures against such officers.

Mr. Deputy Speaker, Sir, in the case of Mr. Ondanya, we shall take action once details are filed with us. In the first instance, the firm in question is no longer in existence. We have even established that it changed hands and that it is now owned by Kariarana Management Services. We need to get details from the complainant. I would also like to assure hon. Members that we shall do the needful and he will be paid accordingly.

Thank you, Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well. The next two Questions by Mr. Mganga and Mr. Khamasi will have to be deferred because both the Minister and the Assistant Minister are out of the country. Therefore, the Chair has consented that we defer these Questions generally.

COMPENSATION FOR VICTIMS
OF BUFFALO ATTACK

(Mr. Mganga) to ask the Minister for Environment, Natural Resources and Wildlife the following Question by Private Notice:-

- (a) Is the Minister aware that Messrs Mwazuma Chimmvasi and Mwagudu Katana were killed by a rogue buffalo on 30th April, 2004, at Wangala Ranch, Maungu, in Voi Division?
- (b) What urgent measures is the Minister putting in place to ensure that all wildlife is permanently confined within the national parks?
- (c) When and how much will the families of the two victims be compensated?

(Question deferred)

MONKEY AND BABOON MENACE
IN ILEHO DIVISION

(Mr. Khamasi) to ask the Minister for Environment, Natural Resources and Wildlife the following Question by Private Notice:-

- (a) Is the Minister aware that monkeys and baboons from Kakamega forest have invaded farmers' *shambas* in Ileho Division and caused extensive damage to the crops?

(b) What urgent measures is the Minister taking to curb this menace?

(Question deferred)

Mr. Lesrima: Mr. Deputy Speaker, Sir, last week I consented to defer a Question that I had asked. To this day---

Mr. Deputy Speaker: Now, are you talking about the two Questions?

Mr. Lesrima: The Minister is not here, he is in Mombasa--- He is not out of the country with his Assistant Minister!

Mr. Deputy Speaker: Order, Mr. Lesrima! I called Question No.9 and Question No.10. Are you talking about either of the two?

Mr. Lesrima: But it is about the same Minister.

Mr. Deputy Speaker: Yes, but the Minister has informed the Chair that he together with his Assistant Minister, are all out of the country. Now, even if you argue, I will not bring them back here because they are not here!

Mr. Khamasi: On a point of order, Mr. Deputy Speaker, Sir. We know that the Chair cannot bring these people here. All we know is that the Minister is not out of the country. He is here, and he is travelling to Mombasa this evening. How can a whole Minister and his Assistant Minister all be out of the country at the same time? Nevertheless, the reason why we ask these Questions is to get immediate solutions to some problems. Because in my situation, these funny animals are finishing the crops grown by the farmers. What do I do? Could the Leader of Government Business stand here and tell us something?

Mr. Deputy Speaker: Mr. Khamasi and hon. Members, I do appreciate that these Questions ought to be answered within 48 hours. That is the rule, as a matter of fact, and I appreciate the urgency. That is why we approved them as Questions by Private Notice, because of their urgent nature. Now, the information I have is that the Minister and his Assistant Minister are both not there. It may not necessarily be that they are out of the country, but that is the information I have. Nevertheless---

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

Mr. Deputy Speaker: Order! I have to make progress on this issue. It is already past Question Time, and we still have five Questions to go. What is it, Mr. Sungu?

Mr. Sungu: Mr. Deputy Speaker, Sir, perhaps, somebody should allow us to deal with these animals on an individual basis because the same thing is happening in my constituency. These crops are not going to be able to grow again, and we are going to go hungry because of these baboons!

Mr. Deputy Speaker: Order, Mr. Sungu! That is it. Proceed, Mr. Mganga!

Mr. Mganga: Mr. Deputy Speaker, Sir, I agree that you cannot bring the Minister here, but my concern is that three weeks after the incident, the rogue buffalo is still roaming around there, and people are really scared as to what might happen. Could the Chair order the Minister of State, Office of the President, to ensure that this buffalo is contained and confined to a particular place before it causes any further harm?

Mr. Deputy Speaker: Order! The Clerk will be in touch with the Minister on these two Questions with a view to getting immediate remedial action, pending the answers.

I cannot see the Leader of Government Business, but the Minister for Health is there.

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I think this is a serious Question because it is about people's lives and food, which is their livelihood. I will pass this on to the relevant Ministry and something has to be done immediately.

Mr. Deputy Speaker: Very well. While waiting for the answers, some action will be taken.

Mrs. Ngilu, that should be the message.

Next Question by Mr. Munya!

IRREGULAR ALLOCATION OF
MAU FOREST LAND

Mr. Munya: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice:-

(a) Is the Minister aware that the Mau Forest is on trust land reserved by the Narok County Council as water catchment area for the Mara, Enkare, Ngiro, and the Enkare Narok rivers and tributaries?

(b) Is he further aware that titles to this land have been issued and others are about to be issued irregularly?

(c) What steps has the Minister taken to have these titles cancelled and the culprits involved in these illegal allocations punished?

Mr. Deputy Speaker: Minister for Lands and Settlement!

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, could the hon. Member declare his interest before that Question is answered?

(Applause)

Mr. ole Ntimama: On a point of order, Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: We already have a point of order, Mr. ole Ntimama. Can you sit down so that we can clear Mr. ole Ntutu's point of order first?

Now, Mr. ole Ntutu, what is it that you want Mr. Munya to declare his interest on?

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, the hon. Member was paid some money to come and ask this Question on the Floor of this House by---

Hon. Members: Shame, shame!

Mr. Deputy Speaker: Order!

Mr. ole Ntutu: No, I am serious! He was paid some money by an acting District Commissioner (DC) of Meru North, called Mr. ole Langas, who has been implicated in many scandals in our county councils.

Hon. Members: Out! Out!

Mr. Deputy Speaker: Order, Mr. ole Ntutu! Order! Order, Members! Could you sit down? Everybody, please sit down.

That is a very serious allegation made on the Floor of this House by an hon. Member. Mr. Munya, what do you have to say? I am asking hon. Members to hold their pressure.

Hon. Members: Out! Out!

Mr. Deputy Speaker: Order!

Mr. Munya: Mr. Deputy Speaker, Sir, that is an extremely disturbing allegation coming from a sitting Member of Parliament. Under the Standing Orders of this House, I have a right to ask a Question about any place in this country.

(Applause)

Mr. Deputy Speaker: Order, Mr. Munya!

Mr. Munya: Mr. Deputy Speaker, Sir, there is no iota of truth in those allegations, and I

want him to table evidence---

Mr. Deputy Speaker: Order, Mr. Munya! Sit down! Mr. ole Ntutu, I hope that you are aware of the seriousness of the allegation you have made.

First of all, under the Standing Orders, you do not make any statement to impute improper motive on a hon. Member, unless through a Substantive Motion. That by itself is a serious breach of the rules of the House. Apparently you may not be aware, but you have made a very serious allegation. So, may I ask you to substantiate that--- But I do not even want you to substantiate because it is completely out of order to discuss a matter like that. Could you withdraw your allegation before I decide what other action I am going to take against you?

Hon. Members: Apologize!

Mr. ole Ntutu: Mr. Deputy Speaker, Sir, I do not think it is going to be fair for me to withdraw, because it is the talk of the day in Narok.

Mr. Deputy Speaker: Order, Mr. ole Ntutu! Therefore, you are disorderly and in serious breach of the rules of this House. You are, therefore, ordered to go out of the precincts of Parliament, and when I say out, I mean outside the precincts of Parliament, and that includes County Hall and Continental House for the rest of the day!

Hon. Members: Eight days, Mr. Deputy Speaker, Sir!

*(Mr. ole Ntutu withdrew
from the Chamber)*

Mr. Deputy Speaker: That matter is finished. Mr. Munya has already asked his Question. Let the Minister now answer it.

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

Mr. Deputy Speaker: Order, Mr. ole Ntimama.

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

(a) I am aware.

(b) I am aware of some irregular title deeds that are being issued.

(c) We have instituted investigations on the ground and action will be taken against all the culprits involved in the issuance of fake title deeds accordingly.

I wish to clarify that the answer I have just given is at variance with the answer we had submitted earlier because of some emerging evidence that I have just received in the office.

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

Mr. Deputy Speaker: Mr. ole Ntimama, are you on a point of order? If you want to ask a question, I want to give the first chance to Mr. Munya.

Mr. ole Ntimama: On a point of order, Mr. Deputy Speaker, Sir. The answer given by the Minister is totally unsatisfactory. The Mau Forest is so important to this country. It does not matter whether it is the watershed on the east or on the west. The Government has to choose between a few illegal settlers in the forest and the National Mara Game Reserve, and the whole of the water catchment area.

Mr. Deputy Speaker: Mr. ole Ntimama, you know the rules. You are a very old hon. Member of this House. That is not a point of order.

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, could the Minister now consider removing all the illegal settlers including a District Commissioner called Mr. Kimiwi, who has opened a floodgate of the whole illegal settlements in the Mara and the Mau Forest? He is also involved in the issuance of the fake title deeds.

Mr. Kimunya: Mr. Deputy Speaker, Sir, I have just said that we have instituted investigations on the ground. Action will be taken against all those who are involved in the process

of issuing fake title deeds and amending the registry index maps, so that they can cheat the wananchi on Mau. For purposes of assisting our investigations, I would like to ask hon. Members not to discuss this further, so that it does not jeopardise our investigations on the ground.

Mr. Munya: Mr. Deputy Speaker, Sir, I would like to thank the Minister for being candid enough to admit that there are serious irregularities in the allocation of land in Mau region. This is destroying our environment and almost making the entire region a desert. I am disheartened by the unsubstantiated remarks made by the hon. Member of the area.

Mr. Deputy Speaker: Order, Mr. Munya! Would you ask a question!

Mr. Munya: Mr. Deputy Speaker, Sir, in view of the fact that the Minister has said that investigations are still going on, can we give him time to carry out the investigations and defer the Question until they are complete?

Mr. Deputy Speaker: There is no Question that I can refer to the Minister.

Mr. Nyachae: Mr. Deputy Speaker, Sir, let me declare my interest in Mau Forest. This is a very important catchment area. Could the Minister confirm that he will retain Mau Forest as a catchment area?

Mr. Kimunya: Mr. Deputy Speaker, Sir, I confirm that in addition to the Mau Forest, we are going to protect all the other catchment areas in this country from encroachment by those who have done it in the past and those who are doing it now.

Mr. Sirma: Mr. Deputy Speaker, Sir, has the Minister considered that this is a trustland and the local county council has the ultimate right over it? The council should be given a chance to make a decision on its resource.

Mr. Kimunya: Mr. Deputy Speaker, Sir, part of the problem with the Mau Forest is the council itself. It is only after the investigations that we will see who will be the rightful custodian of this national resource.

Mr. Deputy Speaker: Next Question!

*(Several hon. Members stood
up in their places)*

Order, hon. Members! When we exhaust a Question and the Chair rules that we go to the other one, we move on. We are already 15 minutes past Question Time.

Next Question, Mr. Ndile!

OUTBREAK OF MYSTERIOUS DISEASE IN KIBWEZI

Mr. Ndile: Bw. Naibu Spika, ninaomba kumwuliza Waziri wa Afya Swali Maalum lifuatalo.

(a) Je, Waziri anaelewa kuzuka kwa ugonjwa huko Kibwezi unaosababisha watoto kuvimba tumbo na kutapika, na muda mfupi wanaaga dunia?

(b) Ni hatua gani ya dharura Wizara imechukua hivi sasa ya kugundua na kutibu ugonjwa huo ili kuepuka maafa zaidi?

The Minister for Health (Mrs. Ngilu): Bw. Naibu Spika, ninaomba kujibu.

(a) Ninaelewa kuzuka kwa ugonjwa unaosababisha macho kuwa na rangi ya manjano, kuvimba tumbo na miguu na kutapika hata kufariki. Wizara iliarifiwa kuzuka kwa ugonjwa huu tarehe sita, mwezi wa Mei mwaka huu, kwenye Kata Ndogo ya Ulilinzi, Taarafa ya Kibwezi, Wilaya ya Makueni. Hadi sasa, watu 46 wameripotwa kuugua na 26 kati yao wamefariki. Wagonjwa wengine walirudi nyumbani na hatujui jinsi wanavyoendelea, lakini maofisa wa afya wameagizwa kuwaangalia.

(b) Mara nilipoarifiwa kuhusu ugonjwa huu, niliongoza ujumbe wa wataalamu kutoka makao makuu ya Wizara na Taasisi ya Utafiti wa Kimatibabu (KEMRI) kufanya utafiti ili kugundua aina ya ugonjwa na kinachosababisha ili kuchukua hatua za kuzuia kuenea kwa ugonjwa huu.

Matokeo ya utafiti yanaonyesha kwamba ugonjwa huu unatokana na kula maharagwe, ndegu na mahindi yaliyohifadhiwa vibaya. Hatua zifuatazo zimechukuliwa:-

(i) Kutibiwa kwa wagonjwa wote wanaopelekwa kwenye vituo vya afya. Wagonjwa wote watapatiwa matibabu bila malipo.

(ii) Kuelimisha umma kuhusu ugonjwa huu kupitia kwa baraza za umma, makanisa na shule.

(iii) Ukaguzi wa nafaka kwenye soko za magala umeimarishwa pamoja na utafiti kwenye maabara.

(iv) Kamati imeundwa ya kutafuta njia ya kuthibiti na kuzuia kuenea kwa ugonjwa huu.

(v) Wakaaji wa maeneo yanayohusika wamepewa chakula cha msaada. Magunia 4,000 ya mahindi na magunia 1,100 ya maharagwe yamepelekwa huko Makueni.

(vi) Magunia 4,000 ya mahindi na magunia 1,100 ya maharagwe yamepelekwa Kitui.

(vii) Maafisa wa Wizara ya Afya na wakaaji wa maeneo yanayopakana na sehemu zilizokumbwa na huu ugonjwa wameambiwa wawaelimishe watu wao jinsi ya kujizuia kutokana na ugonjwa huu. Kukaguliwa kwa mahindi, unga na maharagwe---

Mr. Ndile: Asante sana, Bw. Naibu Spika. Ninamshukuru Waziri kwa jibu hilo, na pia ninamshukuru kwa hiyo hatua ambayo amechukua ya kuwatembelea wagonjwa, ijapokuwa anashindwa kidogo kujibu vizuri kwa Kiswahili. Tulisema kwamba, kwa hii miaka mitano, Mawaziri watajifundisha hii lugha ya taifa ambayo ni muhimu. Kulingana na hesabu ambayo ametupatia, wale watu ambao wamefariki ni 31, lakini kufikia sasa wamezidi. Nimepata ripoti leo kwamba wamefika watu zaidi ya 40.

Bw. Naibu Spika, nimeteta siku nyingi kwamba wale ambao wameathiriwa ni wale maskwata ambao hawana chakula hata kidogo. Na ndio sababu wakipelekewa chakula cha aina yoyote wananunua kwa sababu ndicho kinauzwa kwa bei rahisi. Ni hatua gani Waziri atachukua kuhakikisha kwamba hao watu hawauziwi chakula hicho, na pia kwamba atashurutisha Wizara ya Ardhi na Makao iwapatie hao watu mashamba ili wasile chakula kibaya?

Mrs. Ngilu: Bw. Naibu Spika, kama vile nilivyosema hapa jukumu la Wizara ya Afya ni kuwapatia hao watu dawa. Hao watu wamepelekewa chakula safi, na wakati huu wakila, hawatakuwa wagonjwa. Lakini Serikali imesikia vile mhe. Ndile amesema, na swala la ardhi litaangaliwa na mhe. Kimunya.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, the people who sold maize to the residents of Kibwezi have already committed a crime. It is actually murder. What action is the Government going to take to ensure that those people are arrested and arraigned and brought before justice?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I personally travelled to Mutomo and I found one lorry from which people were buying maize. We inspected it, and we found that actually the maize was rotten. We stopped that sale, and we would not know where else the other maize or bad food had come from. We stopped the sale of that maize and took the culprits to the police station. However, there are a few people who had not kept their food properly in their homes. The Government has intervened and taken to the area, clean food to help the people.

Mr. Ndile: Bw. Naibu Spika, ninamuomba Waziri atuhakikishie kama Wakenya ya kwamba, wakati atakapowachukulia hatua hao watu ambao wamewauzia watu wangu chakula kibaya, pia atawachukulia hatua kubwa wale ambao walinyakua mashamba yao, kwa sababu hiyo shida inasababishwa na huo unyakuzi.

Mr. Deputy Speaker: Order, Mr. Ndile! Mrs. Ngilu, I really do not see what you are going to answer.

Mr. Ivuti: Bw. Naibu Spika, Waziri amesema kwamba alienda Mutomo ambayo ni sehemu yangu ya Uwakilishi Bungeni kwa masingizio kwamba alikuwa akienda huko---

Mr. Deputy Speaker: Order, Mr. Ivuti! I think the issue is now becoming too parochial. I gave you an opportunity to ask a supplementary question regarding this matter, and now you are introducing another issue. That is the end of that matter. Next Question!

Mr. Ivuti: Bw. Naibu Spika, Waziri anaenda huko kama---

Mr. Deputy Speaker: Order! Mr. Ivuti this is a completely different forum. You can deal with that matter elsewhere and not here. Next Question!

RECONSTRUCTION OF KIMULOT
PRIMARY SCHOOL CLASSROOMS

Mr. S. C. Koech: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Is the Minister aware that Kimulot Primary School in Kimulot Division, Buret District, had its four classrooms and roof structure destroyed by winds on 13th April, 2004?

(b) What urgent steps is he taking to repair the school?

(c) How much money has been earmarked for this reconstruction?

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

(a) I am aware that Kimulot Primary School in Kimulot Division had its four classrooms and roof structure destroyed by wind on 13th April, 2004. Luckily, nobody was hurt. The extent of damage is estimated at Kshs112,230. My Ministry, through the efforts of the district education office and the management committee, has embarked on the repair work. The school's tea bonus funds, managed by the school committee are being used for this purpose. Meanwhile learning is going on in the old school building as well as under a tree. There is no fund set aside for the construction of schools. The District Education Board and parents are expected to find a solution to such problems. Under the Free Primary Education Programme, every primary school receives Kshs127 per child towards repairs and maintenance, on top of other funds for teaching materials and payment of support staff.

Mr. S. C. Koech: Mr. Deputy Speaker, Sir, while I thank the Assistant Minister for the answer, I would like to say that the Kshs24,000 she is talking about under the Free Primary Education Programme is not enough. Considering that this Government has killed the Harambee spirit in this country, we have no other source of raising funds. Could the Assistant Minister consider raising the amount of the estimated cost of reconstruction. That is Kshs112,000?

Mrs. Mugo: Mr. Deputy Speaker, Sir, it is not possible at the moment to increase the amount although we have factored some money for repairs in the new Budget. When it is approved, then it will be possible to support some of the construction works. However, Harambee for building schools is not prohibited. There is a process and I wish hon. Members could read the guidelines because they are there. The school management committee is supposed to follow certain guidelines where the Education Officer informs the Ministry, then the authority is given to raise those funds. Every principal, head teacher, management committee and education officers know the procedure. Unfortunately, some hon. Members are trying to politicise education and it is not fair.

Mr. Deputy Speaker: Next Question! As a matter of fact, these Questions are similar.

RECONSTRUCTION OF MARAMTU
PRIMARY SCHOOL ROOF

Mr. Wario: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education, Science and

Technology the following Question by Private Notice.

(a) Is the Minister aware that the roof of Maramtu Primary School has been blown off by wind?

(b) Is he further aware that the children of the said school have nowhere to learn?

(c) What immediate intervention measures has the Minister put in place to address this calamity?

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Deputy Speaker, Sir, it is true that these Questions are similar. If you agree, maybe without reading the whole answer, I would like to add that money has already been budgeted for this financial year, for schools in the arid and semi-arid areas. That money is there, whether it will be approved here or not. It is support from our development partners and, therefore, come the new financial year, we will be able to provide some money for construction or repair work.

In the meantime, we suggest that as an emergency, the school can use the Kshs50,000 which is being dispatched for construction of latrines and harvesting of water. It should use this amount as it waits for the bigger amount and then refund the used amount. We also have people who have started supporting construction of the school. The school committee managed to get some donors to give it support. Our District Education Officer (DEO) paid for the ferrying of construction material to the school. Construction is now ongoing.

Mr. Wario: Mr. Deputy Speaker, Sir, we have had this Question coming back to this House on several occasions. What disaster preparedness plans does the Ministry have to respond to such a calamity when it strikes?

Mrs. Mugo: Mr. Deputy Speaker, Sir, there was some little money allocated for this kind of disaster, although it has run out. We are now at the end of this financial year. The new Budget is just about to be read. We will use the funds it will allocate to us to repair schools. Otherwise, the money that was available has run out. We did not think that there would be so many disasters. The ASAL regions are the most catered for in the Ministry's new budget.

RECONSTRUCTION OF SCHOOLS
BUILDINGS IN GEM CONSTITUENCY

Mr. Midiwo: Mr. Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Is the Minister aware that the following schools have collapsed buildings and children are either not attending school or are sitting under trees:

- (i) Odok Primary School,
- (ii) Ahono Primary School,
- (iii) Ujumbe Primary School,
- (iv) Wambusa Primary School,
- (v) Ojwaya Primary School,
- (vi) and, Kudho Primary School?

(b) What urgent measures will he undertake to make sure that the situation is corrected?

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

(a) I am aware that the above schools have dilapidated physical infrastructure but have not collapsed. However, I am aware that teaching and learning is still taking place in five schools. I am yet to receive information on Ahono Primary School. There are no urgent measures required for this school because the buildings have not collapsed. Through the free primary education policy, the Ministry allocated money for repair, maintenance and improvement per child for every school. Every school has been provided with funds for instruction material, storage facilities, sanitation, electricity, water and support staff wages. I wish to emphasise that construction of school buildings

has always been a responsibility of the local community and parents.

I, therefore, wish to challenge hon. Members of Parliament to work closely with parents to facilitate construction of new buildings in schools so as to replace those that may appear dangerous to their users.

Mr. Deputy Speaker: Order, Members! Before Mr. Midiwo asks his question, I have repeatedly asked the Assistant Minister for Education, Science and Technology to come up with a policy on this matter.

(Applause)

We get Questions in this House everyday concerning school roofs that have been blown off and toilets that have broken down. The Ministry should come out clearly and tell this House what it is doing about it. We now have three Questions in a row concerning the same matter. The Ministry should listen to the Chair. I started pleading from last year that the Ministry comes up with a policy statement on how parents should handle this matter.

Mr. Midiwo, you can now ask your question.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I am happy that you have talked to the Assistant Minister. This has become like a song. She is answering my Question by reading to me the same answer she has just read to another hon. Member.

We contacted the Ministry through the DEO and it sent the District Works Officer (DWO) to these particular schools. I have in my hand their own assessment of the problems in the schools. In fact, in one of the schools, there are only three classrooms. I want to ask the Assistant Minister to consider giving funds to Kudho Primary School because the buildings collapsed last Sunday, so that we can have makeshift structures for the pupils to learn. Thank God this did not happen on a school day.

Mrs. Mugo: Mr. Deputy Speaker, Sir, we have heard your request and advice in this House, as well as that of other hon. Members. That is why the Ministry has factored some money for renovations in to the coming Budget. If you look at the last Budget we passed in this House, you will see that there was no money allocated for construction and maintenance, save for a very small amount which has run out. As soon as the next Budget is passed, there will be some money to be used in infrastructure. The money allocated for the free primary education programme is for teaching purposes. It is for paying teachers and acquiring instructional materials. Construction of classrooms still remains the responsibility of teachers and the communities. We should also use some of our constituency funds for the reconstruction of our schools.

Mr. Deputy Speaker: Order, Members, I do not intend to go further on this matter. We have already had three Questions on the same matter, and we are way beyond Question Time. As far as I am concerned, Question Time is over. I want to stop the matter there.

Last question Mr. Midiwo!

Mr. Midiwo: Mr. Deputy Speaker, Sir, I am surprised that the Assistant Minister is saying that Harambees are not banned and is even instructing us to go to schools and raise money. That is a different matter. The Assistant Minister did not address herself to my request on if she is going to provide funding for Kudho Primary School, which has no buildings but has only a field.

Mrs. Mugo: Mr. Deputy Speaker, I said that there are absolutely no funds available at the moment for any repair work in schools. That is why we are waiting for the new Budget to be ready. In the meantime, could the hon. Member start using the Kshs50,000 that we have dispatched to all primary schools in the country for maintenance?

Mr. Billow: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that there was no provision for rehabilitation of schools in the last Budget, when, in fact, there was Kshs100 million for rehabilitation of primary schools? This was

especially so for the ASAL areas.

Mr. Deputy Speaker: Mr. Billow, Mr. Midiwo is not from the ASAL regions. The Assistant Minister is addressing Mr. Midiwo's Question. Mr. Billow, you have just said that the money was allocated to the ASAL areas. Mr. Midiwo is not from an ASAL area district.

Madam Assistant Minister, could you finish this matter now? Or, have you finished?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I have finished.

Mr. Deputy Speaker: That is the end of Question time. It is now time for Ministerial Statements.

MINISTERIAL STATEMENT

STRIKE BY KENGEN

EMPLOYEES

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, yesterday Mr. Kipchumba demanded a statement on the condition of the KENGEN workers. The Ministerial Statement is already overtaken by events because the matter has been adequately addressed. The workers are already back to work and they are very happy.

Mr. Deputy Speaker: Very well.

HARASSMENT OF LEADER OF

OFFICIAL OPPOSITION

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I would like to, with apologies, seek the indulgence of the House because we were unable to bring the Statement which was requested by Mr. Nkaisserry. We will still bring the Statement---

Mr. Deputy Speaker: Order! Which one is this now?

The Assistant Minister, Office of the President (Mr. Tarus): The one on the purported harassment of the Leader of the Official Opposition.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Hopefully, we are going on a short recess before the Budget Speech. Some of us come from areas where the police are harassing people even in churches, and they are using dogs to attack us. In some communities, it is a taboo to unleash dogs on people. Could the Assistant Minister table a statement to tell the Nandi people why he is harassing them using dogs?

Mr. Deputy Speaker: Order, Mr. Sambu! Mr. Assistant Minister, you say that you cannot produce the Statement now. You said you would do it on Tuesday. Could you explain the problems in getting it? Did I hear you say "purported harassment"? What do you say about that?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, my language may not have been pleasant, but I apologise for that. Maj.-Gen. Nkaisserry did request a Ministerial Statement and we go by his request. If my use of the word "purported" is unpleasant, then I withdraw it. I seek the indulgence of the House. We shall issue the Statement.

Maj.-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, when I sought the Statement, there was a very serious matter affecting the Leader of the Official Opposition, and the Assistant Minister did assure this House that he would bring this statement today. The country is waiting for his action on this harassment. Let me say one thing before I seek your direction. Those who make bad use of their time are the first to complain of its shortness. Time is running out for the NARC Government. I would like to say that this harassment of Kenyans, not only MPs, by the Government is uncalled for and should stop. I seek your direction on this matter because it is a very serious one.

Mr. Deputy Speaker: The matter is not being debated. I just want to emphasise that it is very important because it affects Members of this House. The Government should come to the

House and explain itself. Mr. Assistant Minister, the House will agree that you will bring the statement in the shortest possible time, so that this matter can be resolved.

Mr. Assistant Minister, do you have another statement?

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

Mr. Deputy Speaker: I have just asked the Assistant Minister a Question.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I do not have another Statement, but I wish to assure the House, before I bring the Statement, that everybody shall be protected. Nobody has a right to break any rally or harass anybody.

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

Mr. Deputy Speaker: Order! That matter is finished.

(Mr. Sambu consulted loudly)

Order! You can discuss these matters outside the House, but not across the Floor!

Mr. Khamasi: Mr. Deputy Speaker, Sir, yesterday you did rule that the Assistant Minister in the Office of the President brings here a Ministerial Statement which I requested. He agreed that he would issue that statement this afternoon. Now he says he has no Statement. How honourable can this be?

Mr. Deputy Speaker: Mr. Khamasi, could you remind the Chair what statement this is?

Mr. Khamasi: Mr. Deputy Speaker, Sir, this was a Ministerial Statement relating to an Assistant Minister and an Member of Parliament. People who are supposed to be well versed in the law led others to illegally invade other people's land in Makueni District.

Mr. Deputy Speaker: Mr. Assistant Minister, I remember you did undertake to bring a Ministerial Statement.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I, indeed, undertook to bring a Ministerial Statement, but the Minister would have wished to issue this Statement himself.

Mr. Deputy Speaker: When will the House be given the statement?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I want to believe that it will be brought to the House in the shortest time possible.

Mr. Poghiso: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to re-define the term "Minister" by saying that a proper Minister will respond, when, by definition in our Standing Orders, the term "Minister" includes him, the Assistant Minister? He is the one who undertook to bring it here to this House. Is he really in order?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I want to believe that the House does expect this Statement. The Statement will be issued. I said that the Minister himself will issue the Statement. We have a Minister and an Assistant Minister, but we play complementary roles. In view of the fact that the Minister said he would want to issue the Statement himself--

Mr. Deputy Speaker: The Chair directs as follows: You cannot tell us to sit here and wait until when the Minister will want to come and give a Ministerial Statement. So, Mr. Serut, the Chair directs that in the next sitting of this House, whether it will be on Tuesday or any other day, that Statement will be issued along with the other one.

The Assistant Minister, Office of the President (Mr. Tarus): I oblige, Mr. Deputy Speaker, Sir. I am not called Serut. My name is Tarus and I am very allergic to the name Serut.

Mr. Serut: On a point of order, Mr. Deputy Speaker, Sir. Can I get direction from you? Let the Assistant Minister explain why he says he is allergic to my name.

Mr. Deputy Speaker: Order, hon. Members! First of all, I apologise because it appears like it was me who created the problem. Mr. Tarus and Mr. Serut, my apologies. Let us stop the matter

there.

Mr. Angwenyi!

RECEIPT OF FERTILIZER
CONSIGNMENT

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Agriculture regarding the prices of fertilizers. One-and-a-half months ago, the Minister assured this House that within two weeks, we would receive a consignment of fertilizer which would be affordable by our farmers, but to date, that consignment has not arrived in this country, and the farmers are still suffering.

Mr. Deputy Speaker, Sir, I would like to have a Ministerial Statement regarding this matter. I wish the Chair could kindly ask these Ministers to give pledges that they can fulfil before this House.

Mr. Deputy Speaker: There is a demand for a Ministerial from the Minister for Agriculture. Mr. J. Nyagah, do you undertake to give one?

The Assistant Minister for Agriculture (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I will issue a Ministerial Statement on this very important subject.

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

Mr. Deputy Speaker: Order, Archbishop Ondiek! Could you, please, hold your peace? I will give you a chance to seek a Ministerial Statement after Mr. Arungah.

MURDER OF DR. ODERO

Mr. Arungah: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State in charge of internal security on the circumstances leading to the death of one Dr. Jeremy Omondi Odera who was murdered on the night of 15th May, 2004. Dr. Odera was murdered in cold-blood in Doho sub-location in Kisa West of Khwisero Constituency. The country spent a lot of money training this doctor and, unfortunately, he has been eliminated just like a common thief. So, I would like the Minister to tell us under what circumstances he was murdered.

Mr. Deputy Speaker: Mr. Tarus, do you undertake to issue that Ministerial Statement?

The Assistant Minister, Office of the President (Mr. Tarus): Yes, Mr. Deputy Speaker, Sir, I will do so.

Mr. Deputy Speaker: Very well. Let us have the last point of order from Archbishop Ondiek.

Archbishop Ondiek: Mr. Deputy Speaker, Sir, yesterday, the Chair made a ruling that the Minister of State in charge of internal security was to issue a Ministerial statement on the sacking of an OCS who was sacked when he was doing his lawful job. Could the Minister issue that statement now?

Mr. Deputy Speaker: Order! Archbishop Ondiek, there was a Question on the retirement of 67 police officers. I expected it to be on the Order Paper because I approved it yesterday, but it is not there. Therefore, could you, please, hold your peace because it is coming? I will ensure that it comes as soon as possible. The Minister for Livestock and Fisheries Development has a Ministerial Statement to make!

MINISTERIAL STATEMENT

QUALIFICATIONS OF KMC
BOARD MEMBERS

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Deputy Speaker, Sir, yesterday, Mr. Wario requested for a Ministerial Statement on the appointment of members to the Kenya Meat Commission (KMC) Board.

(Loud consultations)

Could I have some peace, please?

Mr. Deputy Speaker: Order, hon. Members! May I, please, ask that you to consult quietly. The Minister is issuing a Ministerial Statement. I think it is in your interest that you listen!

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Deputy Speaker, Sir, yesterday, Mr. Wario queried the appointment of the board of KMC and he requested for a Ministerial Statement. As I issue this Ministerial Statement, I want this House and the world to know that Kenya is made up of 31 million people. Any Kenyan can settle, do business or work in any part of this country, so long as he or she is qualified. It is this House which will do away with issues of clanism, tribalism and regionalism and we build one Kenya. It is, therefore, my pleasure to even plead with hon. Members to let us do away with forms which request applicants to specify their tribe, location and even division. We should identify ourselves as Kenyans. I would like Mr. Wario and this House to know that our appointments are based on merit. We should not care if we appoint, for example, Mr. Wario one, two or three as long as one can perform.

Finally, it is true that I appointed 16 members to the KMC board. All of them are highly qualified Kenyans. I would like the House to support them so that they offer good services to Kenyans.

Mr. Wario: Bw. Naibu Spika, nafikiri Bunge hili linakubaliana nami kwamba Waziri hakuleta tarifa ya Wizara niliyomuuliza jana. Ikiwa ameileta, kama anavyodai, basi aiwasilishe mbele ya Bunge hili. Nilimuuliza kuhusu elimu ya wakurugenzi wa bodi ya KMC, na kwa nini alichagua mwenyekiti, naibu wa mwenyekiti na katibu kutoka kabila moja. Hata hivyo, Waziri hajatoa taarifa yoyote kuhusu maswali yangu.

Ms. Abdalla: Mr. Deputy Speaker, Sir, my query to the Minister is the same as Mr. Wario's. We want him to lay on this Table the list and qualifications of the members of the KMC board. We do understand that the constitution of KMC allows for every tribe to be represented. However, it is the diversity and qualifications in that group that we are interested in.

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, all the Minister has done is to lecture us about unity, among other things. However, one important thing is that we cannot run away from ethnicity in this country. We are really trying very much to run away from ethnicity, but some people are still going back to it. We understand that most of the people who have been appointed to this board come from the Minister's sub-location and location. If that is not the case, I request him to lay the document on the Table of this House because all pastoralists in this country are supposed to support KMC. They are the ones who deliver cattle for slaughter there. It is not only people from one location or sub-location who could only be appointed as directors of KMC.

Mr. Billow: Mr. Deputy Speaker, Sir, it is the declared policy of this Government that they will use meritocracy and professionalism in appointing people to offices. Several of the people who have been appointed to this board lost in the last general election and the 1997 general elections on a Democratic Party (DP) ticket. I am concerned that the appointments were not above board. Could the Minister tell us why he only appointed people who stood for the general elections and lost on a DP ticket?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Deputy Speaker, Sir, do I wait for more questions or I respond to these ones?

Mr. Deputy Speaker: That is all. Proceed, and particularly address yourself to the issue of

qualifications because that is actually what Mr. Wario asked.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Deputy Speaker, Sir, I will begin with the last question by Mr. Billow. I understand the feelings and constraints of Mr. Billow that one of the directors, although I do not know who, might have competed with him in the last general elections. However, I would like to assure him that during the next general elections, that director will not be free to offer himself as a candidate. During the 2002 general elections, there was no DP. It was NARC against KANU.

Secondly, I will answer Mr. ole Ntimama's question. He is wondering when this country will start thinking universally. Everything has got a beginning, and if it begins with Mr. Munyao, there is nothing wrong. However, days that Mr. ole Ntimama is thinking about--- I have got the appointment of the chairman. The rest were there taking care of what remained of the Kenya Meat Commission (KMC). They have been there together with their advocates.

Ms. Abdalla and Mr. Wario wanted me to table the list of those who have been appointed and their the qualifications. Our Standing Orders state that whatever is available in the library is not laid on the Table. Why duplicate? The qualifications of those people are available in the library and everywhere---

(Loud consultations)

Mr. Khamasi: On a point of order, Mr. Deputy Speaker, Sir. We know, and I think the Chair should not allow the Minister to mislead this House, what is in the common domain is the names in the Kenya Gazette. Their qualifications, backgrounds and locations or origins are not contained in the Kenya Gazette. So, could you, please, direct the Minister not to mislead this House with his statements?

Mr. Deputy Speaker: This matter must end and it ends this way: According to the HANSARD - and I was on the Chair - I know that the Minister was not in the House because someone else sent a brief to him. There was a Minister who sent a brief to him about what Mr. Wario had requested. For sure, that included the details of the people and their qualifications. It is not the first time that this House has demanded such details and they have been produced. Therefore, I take it that the Minister was not properly briefed! If you look at the HANSARD of yesterday--- Please, supply the information that is required by Mr. Wario when the House meets next.

Next Order!

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Deputy Speaker, Sir, I would be the last person to argue with the ruling of the Chair. But following the issue raised by Mr. Khamasi and Mr. Wario, it may be true that, that information is not available. But, somehow, all that information is on the internet. Could I also duplicate--- I am ready to bring whatever you please.

Mr. Deputy Speaker: Order, Mr. Minister! The ruling of the Chair, as previously ordered, stands!

Next Order!

BILL

Second Reading

THE GOVERNMENT FINANCIAL MANAGEMENT BILL

(The Minister for Finance on 14.4.2004)

*(Resumption of Debate
interrupted on 19.5.2004)*

Mr. Deputy Speaker: Who was on the Floor? Mr. J. Nyagah was on the Floor!

The Assistant Minister for Agriculture (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I thank you for giving me the opportunity. Just to summarise what I said yesterday, I welcomed this new Bill that the Minister for Finance brought to this House. I went on to say that more authority should be given to the various Ministries, so that we do not over-centralise everything in the Treasury. That is basically what I covered as we closed last night.

Mr. Deputy Speaker, Sir, the Government Financial Management Bill is critical for the development and management of our finances. We had serious problems in the past, which are becoming obvious to all of us. Weak financial management in the past allowed us to do things that led to corruption and misuse of resources. The effect was that Ministries budgets were never used properly and projects were never completed with the money that was made available through the Budget.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, one of the critical areas that we need to address in our financial management, is the donor funding that we get. We have, as a country, to be careful, so that we do not become over-dependent on funding from overseas. Over the years, we have become very dependent. It has almost reached a point where we have convinced ourselves that there is nothing we can do without aid or donor support from Western countries.

Mr. Temporary Deputy Speaker, Sir, Kenya is, potentially, a very rich country. We have the resources. We should be embarrassed with ourselves. When you visit a country like Malaysia, you feel embarrassed! At Independence, Malaysia was behind us in terms of development. About 40 years later, Malaysia is miles ahead of us. It is a great pity. So, I do hope that some of the financial management techniques that we are going to introduce will help us to become a new Malaysia or Singapore; countries that were behind us 40 years ago. I do hope that we will not continue to be over-dependent on resources from external people.

Mr. Temporary Deputy Speaker, Sir, the problem of external funding is also the conditions that we are given. A year ago, I had the honour of telling the then new Minister for Finance, Mr. Mwiraria, to be careful of what we had suffered in the past! There was changing of goal-posts, where donors would give one condition after another. We can see it again. The Minister is complaining that some of the things that he had expected after negotiating with the donors who came to Nairobi--- He is experiencing the changing of the goal-posts, which makes it very difficult for him to plan. That is what forced him to come back here for Supplementary Estimates that we passed a few weeks ago.

Mr. Temporary Deputy Speaker, Sir, the donor countries also insist on conditions that benefit their people. If you analyze the amount of money that stays in Kenya from the funds that we get from overseas--- About 30 to 40 per cent of it is used for purchases and taking care of people who have been sent from those countries to come and work for us.

In concluding this particular subject, I would like to advise the Minister that, as he deals with the donors, he should be very careful, so that we do not become over-dependent on them! We should not do some of the things that we have done in the past. I do pray and hope that the new Government Financial Management Bill will reduce the opportunity that exists for corruption. As you know, we have overtaken Nigeria in the last few years in corruption. A few years ago, if you

were told about corruption in Africa, everybody thought of Nigeria. Today, if the term "corruption" in Africa is used, Kenya has overtaken Nigeria. It is a very sad day to be put in the same category with Nigeria and yet, Nigeria has the advantage of oil and huge resources.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to compare us with Nigeria on corruption, when we all know that Nigeria is the second in the world index and we are number 34?

The Temporary Deputy Speaker (Mr. Khamasi): Order! I thought hon. J. Nyagah, who is a senior Member of this House knows that our Standing Orders do not allow him to mention adversely a country that is friendly to Kenya. So, Mr. J. Nyagah, steer clear of that.

The Assistant Minister for Agriculture (Mr. J. Nyagah): I am sorry, Mr. Temporary Deputy Speaker, Sir. I was not talking of Nigeria as a country; as you know, I was an ambassador. I was not talking about the Federal Republic of Nigeria, I was talking about Nigerian businessmen and people who have worked in Nigeria. I have great respect for the Government and the people of Nigeria.

Mr. Temporary Deputy Speaker, Sir, the problem with a weak financial management system, which this Bill is trying to sort out, is the issue of security tenders. Historically, this is a very tricky area where we must balance between national security considerations and being open.

In many Western countries, there is a supervision mechanism, very often through Parliament, where what happened, like in the passport scandal, would not have happened, because the Committee would have supervised certain aspects of the so-called security tenders. In advanced countries, this happens. I hope the Minister, in order to protect himself in future, could find a way of adding some clauses in this Bill that will authorise a third party, be it a Committee of Parliament or some other body to supervise. If that does not happen, I want to assure you, scandals like the recent passport scandal will keep cropping up and they will never come to an end. So, we must find a way of ensuring these controls. Yes, there is the balance between disclosing too much to the public for security reasons but, at the same time, we must supervise to ensure that security tenders are not misused by officials.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the national debt because part of the Bill will address the management of our national debt in the Treasury. As we have seen in the last few days, it is going up and up, and I hope the controls that are being introduced here will assist us so that we can monitor more closely; we can keep an eye on the national debt and the appropriate Committee of this House and Parliament can maintain some controls on the national debt.

A national debt beyond a certain point can be dangerous not only to ourselves, but also to our future generations. We do not want to leave our children and grandchildren, for some of us, with huge debts. We must monitor what the national debt is being incurred for; that it is being incurred for; productive projects that will generate more revenue and development for this country. Therefore, I am happy to see that this Bill has been introduced and that it will address those issues. It is the responsibility of Parliament to monitor the Treasury's activities in terms of the national debt, as they try to balance between long-term and short-term; as they try to balance between external borrowing and local or domestic borrowing.

Mr. Temporary Deputy Speaker, Sir, yesterday I spoke of the need to decentralise some of the powers of the Treasury in so far as management of finances is concerned. There is a great danger today, where almost every single decision is made in the Treasury in terms of financial matters. I would like to see decentralisation.

We have a situation today where even the minutest decision has to be taken to the Treasury. There is something wrong with that. A system that does not decentralise to some extent, where even a very basic decision has to go to the top, is not good. Decisions to do with procurement must be given to the parastatals, Ministries and relevant departments in order that Treasury is left to think of the bigger issues of the nation. Very often, our officials in the Treasury believe their job is to

control, control, control and they forget they have other responsibilities of looking at the bigger picture of the economy so that our economy can grow and become bigger for the betterment of the country.

I am not very sure that some of the people we have in the Treasury are not tired. I think some of the people there are tired. We have very many young, qualified Kenyans and I think we need to bring more and more of the young Kenyans into the Treasury. The Treasury is in danger of having no 'fresh blood' circulating within it. There is a tendency for an officer, when posted to the Treasury, to remain there forever and ever, amen. That is what is causing problems. From my experience, that is the biggest problem.

I feel sorry for the Minister for Finance. As long as that is the situation, he will continue to suffer. In many countries, there is a group called "technocrats" in the Treasury. I said the other day that the Minister for Finance needs to watch a film called, "Yes, Mr. Minister." If I may repeat, this film says civil servants, particularly in the Treasury, will sit down in dark rooms, decide on what to do and they bring it to the Minister. The Minister, who is very busy, will somehow sign the document only to realise later on that he was acting as per the film called "Yes, Mr. Minister." We have seen the experience of it only this week. So, I would like the Government Financial Management Bill to address the training of the people who work in the Government financial sector, either in the Treasury, other Ministries or the districts.

Finally, I want to talk about the whole field of procurement. We know the problem we had last year when an entire department was wiped out; it was very sad. Some of those people had Masters Degrees in the field of procurement. Some of them had been trained by the World Bank and other institutions. Some of them were very experienced people. They were all sacked and we have seen the effects of it.

I hope that the Bill will address how we can quickly bring these people on board. I hope we can give enough resources to the Treasury so that the new people that we have recruited could go for a lot of quick training, as I said the other day, in polytechnics, Kenya Institute of Administration (KIA) and even overseas, so that we can have a generation of young people who are professionally qualified. Some of the people that we now have as a result of the sacking that took place last year are not qualified. They will find it difficult to settle down and get jobs and, therefore, some of the problems we have had will continue. I have a lot of faith in the Minister for Finance. I think he means well and I wish him well in his job, which he is doing under very difficult circumstances.

With those remarks, I beg to support.

Mr. Kagwe: Thank you, Mr. Temporary Deputy Speaker, Sir. From the outset, I support this Bill. But on the whole, the Bill has certain weaknesses that need to be addressed, if it is going to succeed in the purpose for which it is set.

Mr. Temporary Deputy Speaker, Sir, you will find that the Bill does not really create any responsibility centres as such. Indeed, it talks about decisions being made by the Treasury; "The Treasury will decide---" The question is, who is the Treasury? Is it the Minister? Is it the Permanent Secretary or others within the Treasury who are supposed to take responsibility in the event of a problem? This is not something that is aimed at an individual. The current situation is a very good example of this matter. I have a lot of respect and faith in our Finance Minister. However, as you can see, even in his goodness, something goes wrong basically because of this idea of responsibility centres. Where does the buck stop? In terms of management of Government resources, where does that buck stop? Who ultimately takes the responsibility if something happens?

The other issue about Government management is that it ignores the issue of technology; developing E-government. Throughout the world today, governments are being managed via electronic means of management, where different sectors and different departments within the same Government are able to communicate quickly and hastily. This ensures that decision-making can be shortened. We all know that the so-called bureaucracy is as a result of the difficulties in communicating. However, with E-government, the decision making process becomes faster. That is

why, in spite of all the goodwill that the NARC Government has got, the implementation process of projects takes very long. By the time the Budget is read, processed, procurement is done, and implementation has started, it is time to return the money back to the Treasury because nothing has happened. Therefore, I would really urge that the Bill addresses the issue of the necessity of having E-government so that we can shorten this whole period.

I believe that this Bill must be tied to other Bills as well. For example, I feel that it is a multisectoral kind of Bill. It needs to be tied up, for instance, with the Government Procurement Bill. This is because no matter how good the management process is, if the Government Procurement Bill is 180 days and above, then all the good things that we are putting on paper are going to end up as nothing. It has also got to be tied up with the Money Laundering Bill which I hope the Minister for Finance is going to introduce to this House sooner than later. The reason why I believe that a Money Laundering Bill is necessary is because it will define, I hope, that corruption is part of money laundering, so that if one is caught and taken to jail because of corruption, the next step must be to recover whatever money was stolen by that individual. That is the only way that we will recover money from Permanent Secretaries who are multi-millionaires in spite of the fact that their salaries were in the Kshs10,000 range; yet they have huge quantities of wealth. The Money Laundering Bill should be tied with the Government Financial Management Bill to say that if you have property, you must explain it. If you cannot explain, then it should go back to the Government. In addition, we are also looking at moving forward to a federation of the East African countries; Kenya, Uganda and Tanzania. It is, therefore, necessary that as we debate the issue of the Government Financial Management Bill here in the Kenyan Parliament, it is necessary that we harmonise it with similar Bills in Uganda and Tanzania. This will ensure that eventually, as we move towards the federation, we can have similar management systems working within the three East African States.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to just mention that while the issue of corruption has been cited intensely, and while, indeed, the media has focused very clearly on fighting corruption, which it rightly should do, we must recognise that there is a serious difference between corruption during the KANU regime and the NARC regime. History has been made in the case that was raised by our able Official Opposition where we are now seeing corruption being unearthed before it occurs, and not after. For the first time, we have money from corruption proceeds actually being returned to Kenya. This is historical; it has never happened in all the years that we have known KANU. We have never heard of money coming back to Kenya. We have always known corruption in the KANU regime to be found out after the money has long gone to the Swiss banks, the UK and other places. However, this is the first time that we are actually stopping corruption before it happens. Indeed, we should be grateful to our able Official Opposition for pointing out this issue. I am sure even the Minister for Finance must be very happy that this thing has been pointed out before it has happened. There is no need of talking about corruption long after the money has flown if we have no ability to bring it back. However, we should be grateful and see the seriousness with which the Kibaki Government is fighting corruption. At least, we can see things being stopped and money being brought back. It is good for the nation to recognise this historical event.

I believe that the Government Financial Management Bill is also intent on focusing on certain aspects of our economy that are going to make money. For example, we should think seriously in terms of policy of Government management; where is it that we should be putting our money? Should we be putting our money in tourism where we can see immediate benefits from investing in it? I would like to end up by just saying that it is good that we have this Bill. I hope that we pass it in this Parliament and that the few areas of creating responsibility centres that the Bill does not do, will be addressed when we come to the amendment time.

With those few remarks, I beg to support.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an

opportunity to contribute on this important matter.

The intention of the Bill seems to be okay. However, it is at the same time contradicting itself. The intention is to have proper management of our financial resources in this country. The intention is to see that the monies which are raised through taxes from Kenyans are applied properly. In the next breath this Bill says that we want to concentrate power in one centre called the Treasury. This is an era of reform, devolution and sharing out responsibilities. Who says that we shall have angels in the Treasury and devils in the other Ministries? Is it not the Treasury that committed, single-handedly, the Goldenberg scandal? Which other Government Department was involved in that scandal? Since the Treasury was given inordinate power to decide on what to pay, when to pay and from where to pay, that is why the scandal of the magnitude of Goldenberg was capable of being committed without notice.

Mr. Temporary Deputy Speaker, Sir, we realise that because of the Goldenberg scandal, maybe millions of Kenyans have died because they were denied health care and education. This is because we sent out our resources to foreign banks. What is it that the Treasury has got that cannot be found elsewhere in Government Departments? I thought that the Bill would address the issue of making Government Ministries and Departments responsible for the operations of those Ministries and Departments. You have seen recently what has happened. It has happened in the Treasury. How does this Bill address some of those issues? It does not! If anything, it compounds them. This Bill does not address the issue of accounting standards. We have International Accounting Standards which are applied so that we can ensure proper management of financial resources.

We can make anybody a Permanent Secretary in the Treasury. At one time we had a doctor who was a Permanent Secretary at the Treasury. He said that he was perplexed and shocked when he was appointed to the position because he did not know the difference between a credit and a debit. That is the person we want to give all these powers. We have not even specified what qualifications and experience a Permanent Secretary to the Treasury should have before being appointed to that position and so that he can take care of our resources countrywide.

Mr. Temporary Deputy Speaker, Sir, we have a problem. Our tax regime is probably the highest in Africa. Twenty-three per cent of this country's per capita income goes into taxation. That is twice the taxation rate in Tanzania and 1.8 times the taxation rate in Uganda. No wonder the economic growth rate in Uganda and Tanzania is much higher than in Kenya. We are taking away money from the people who could be using it for economic activities and giving it to the Treasury, where Government officials do not know how to manage it.

I thought that this Bill would address the issue of performance targets. Every year, we pass the Budget in this House, but do we ever get periodic reports on its performance? For instance, do we know how much of the amount we voted for health care has been spent to date? This House does not know, and it will never know, yet the matter is raised in the Report of the Controller and Auditor-General. Currently, in financial management, the in-thing is that you have to get periodic management reports indicating the amount of money spent on item by item basis. They will also indicate where there is an over-expenditure or under-expenditure. This House must demand that before this Bill becomes law, we include a provision for Parliament to be given quarterly or monthly reports indicating the performance of our Budget. That way, we can be able to tell Kenyans that we can now manage our financial resources.

Mr. Temporary Deputy Speaker, Sir, in a country like New Zealand, Parliament cannot pass the next budget or the supplementary budget unless it gets all the periodic performance reports on the previous budget.

Mr. Billow: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very important Bill. The contributions that we are making are very significant to the enactment of this Bill. I do not notice anybody from the Ministry of Finance taking notes of all these contributions. Is it appropriate to continue discussing the Bill when the Ministry is not taking interest on the contributions being made?

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Billow! That is not a point of order. There is no Standing Order which says that the Minister should be here to take notes. There is nowhere in our Standing Orders which says that somebody from the Ministry must be here on the Civil Service Bench taking notes. So, that is completely frivolous.

Proceed, Mr. Angwenyi!

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir---

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker. From what the hon. Member has said, there appears to be need for a seminar for the new hon. Members.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! What is your point of order?

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Speaker, is the hon. Member in order to say that there is nobody from the Ministry of Finance when I am here?

The Temporary Deputy Speaker (Mr. Khamasi): I have already ruled on the matter, Mr. Katuku!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, on a light note, I think we need a seminar, so that we can be taught about the Standing Orders of this House.

Mr. Temporary Deputy Speaker, Sir, I was saying that this House is a rubber-stamp House on matters of financial management. We pass a Budget over which we have no control and no reference is made to this House. Sometimes, we approve the expenditure of taxpayers' money under the Exchequer and Audit Act. Public funds are committed and we have no recourse. I would have thought that this Bill would address the issue of the budgeting process. Because we are creating the position of Director of Budget in this Bill, we should demand that the budgetary process be transparent and accountable. We should know in advance the projects we will be taxing our people for. It should not be secret that we will be taxing our people. The relevant Departmental Committee of this House should be involved in determining the priorities for which we will be taxing our people.

We should demand, through this Bill, that this House should have the ability to vary the requirements that will be proposed by the Minister, or even transfer them from one item to another. Today, if you are a very pushy Minister, your Ministry will be given so much money. If you are a docile Minister, your Ministry will not get as much money. So, when the Minister for Finance brings the Budget proposals to Parliament, we should be able to say: "This Ministry would have got more if it had a pushy Minister. Therefore, we want to relocate money from, say, the Office of the President, to the Ministries of Planning and National Development or Agriculture or Water Resources Management and Development."

This House only waits for proposals, which are prepared in secrecy and presented here. After that, we talk about those Budget proposals for four months, just like a talk show. I have been here for seven years and I have not seen a single year when this House has varied the Budget proposals even by one shilling for any Ministry or department. We should provide for a provision to empower this House, which taxes Kenyans, to direct, when necessary, how those resources should be spent. It is good that Eng. Muriuki brought the Bill on the Constituency Development Fund. Probably, that is the only amount of money that we can tell our constituents that it is being disbursed there for development. Otherwise, we do not know how the other monies are allocated and spent.

Mr. Temporary Deputy Speaker, Sir, once this Bill becomes law, the Permanent Secretary, Treasury, will become the "prefect" of all other Permanent Secretaries in the Government. Kenyans have raised a hue and cry over the concentration of powers in one institution. We should, therefore, amend this Bill to provide for sharing of the responsibilities being given to the Permanent Secretary, Treasury. The current Minister for Finance has tried to do a good job. He has achieved something

which could not be achieved in the last Parliament; that is, reducing the interest rates from between 30 and 15 per cent to between 3 and 5 per cent. We commend him for that. That is not reason enough to add them more powers. This is because we may not have the same person next day, year or decade. So, let us make a law that will provide for progeny; for the future. Let us make a law that will ensure and reassure Kenyans that their financial resources are well managed.

This Bill should have provided for our people to account for the money that they bank overseas. In Israel, for example, one cannot hold a foreign account overseas without the express authority of the government. The Government shows and gives a periodic report of all those who hold foreign accounts. In addition, it gives a periodic report of the amounts that every individual holds in a foreign account. We must begin to control our national assets.

QUORUM

Mr. Billow: On a point of order, Mr. Temporary Deputy Speaker, Sir. It appears there is no quorum in the House, and yet, this is a very important Bill. So, I would suggest that hon. Members are called in.

The Temporary Deputy Speaker (Mr. Khamasi): Yes, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

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

Mr. Angwenyi, could you continue?

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir. We have got a problem which is related to management of resources in this House. Sometimes, we cannot even raise a quorum of 30 hon. Members. We waste Kenyan resources when we do not raise a quorum in this House. But the worst thing is that the Government, which spends our money, cannot be here in full force to enact laws. I do not know why they have got tired so soon. Former President Moi was not tired, even after ruling this country for 24 years. The Government side should stay in this House and learn more.

But be that as it may, we must make sure that our national resources, especially financial resources, are well-managed. For example, three years ago, we passed a law here that we cannot break a meeting being conducted by a leader; that a leader does not need a licence to hold a public meeting. If money is spent to break a meeting of a leader or any other citizen, and the meeting does not pose any security risk, then the officers involved in its disruption must be surcharged and the money refunded to the Treasury. That is the only way we can manage our money. I thought we would provide priorities in the Budget as to how we should spend our resources. Those priorities should be given by this House and not by the Treasury. The Treasury does not have the monopoly of knowing what hurts Kenyans.

We must provide services to those who pay revenue. Kenyans pay taxes. For example, 20 per cent to 25 per cent of the total revenue collected in Kenya is collected here in the Capital City of Nairobi, and yet it is in this City where we have roads with potholes. It is in Nairobi where we have got slums; it is in Nairobi where people do not have clean water to drink; it is in Nairobi where we have garbage; it is in Nairobi where we have got insecurity. Why can we not set aside more resources for the development of this City which generates a lot of revenue for this country? We have not clearly demonstrated how we will manage our Appropriations-in-Aid (A-i-A). One of the major avenues for looting Kenyan resources is through non-accounting of A-i-A. That money is spent elsewhere and we do not account for it.

Mr. Temporary Deputy Speaker, Sir, we must also address the issue of the national debt.

The Government goes out there and borrows money which is not spent equitably among Kenyans. This is the case, and yet all Kenyans are required to pay that debt. We must say what proportion of our Gross National Product (GNP) can go into paying the national debt. If any debt is incurred, then this Parliament must approve it because that is like having an expenditure. This House must demand to know the terms of any debt which is incurred. This House must also know about any grant we receive from overseas because it is the people of Kenya who are given the grant. This House is responsible to the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, with the amendments we will propose at the Committee Stage, I would like to support this Bill.

Mr. Temporary Deputy Speaker (Mr. Khamasi): Mr. Billow, are you the Official Opposition respondent?

Mr. Billow: Thank you very much, Mr. Temporary Deputy Speaker, Sir. The Government Financial Management Bill, as a concept, is important. We need a comprehensive Government Financial Management Bill in the light of the problems we have faced in this country. One of the fundamental problems that even donors are complaining about today, is related to financial management. In fact, there are many donors who give some credit to this Government but when it comes to financial management, they still query, or there is a lot of concern that nothing much has changed. My plea is that this Bill be withdrawn for re-drafting because it is very shallow and does not address critical issues of financial management. These are issues of today.

Mr. Temporary Deputy Speaker, Sir, as an example, if you look at the Financial Management Act of 1999, of South Africa, you will find that it took nine months for that Bill to be drafted by a team of experts and a Select Committee of Parliament. They sat down and addressed all aspects of financial management. This is the case, and yet we have a Bill which does not address many issues of financial management as I will explain later on. So, my appeal is that the Bill should be withdrawn for proper re-drafting. The emphasis of this Bill is on administrative procedure. This Bill does not cover much on outcomes of public expenditure. As the last speaker has said, issues concerning reporting on the outcome of the financial expenditure are not covered at all in this Bill. There is nothing in this Bill on fiscal transparency. There is nothing in the Bill about participation of Kenyans in the preparation of the Budget or financial management in general.

Mr. Temporary Deputy Speaker, Sir, the Bill, as we have seen, lacks a policy platform because, in financial management, you cannot have it in a policy vacuum. As you will appreciate that policy is the basis on which this Government was elected. Every government is elected on its policies. The voters elect a government because of the policies it comes up with. You cannot draft this Bill if there is no financial management policy. This seems to be the case in this Bill.

If you look at the structure of this Bill, you will find that the relationship it has with the Public Audit Act, the Exchequer and Audit Act, the Internal Loans Act, and all the other Acts which deal with financial management, is not clear. It appears as if somebody sat down and took some aspects of the Exchequer and Audit Act and the Public Audit Act and put them together to form the Government Financial Management Bill. There is overlapping of responsibilities and administrative issues to be addressed by the Treasury in this Bill. This Bill does not cover the very important aspect of financial management. For example, the Budget is a fundamental aspect in financial management, and yet this Bill does not address it at all.

The Bill should also have consolidated all the other Acts; for example, the Internal Loans Act and External Loans Act. All those Acts should have been put together in the Government Financial Management Bill, so that it can address the loans, the guarantees and the requirements which must be met before agreements are entered into by the Government. The problem we experienced last month, and this month, regarding the Anglo Leasing and Finance Ltd. on the

passport contract was--- That deal involved getting an external credit, and the contract was signed without the approval of Parliament. This is the case, and yet the External Credit and Loans Act states that any borrowing, loan or external guarantee must be approved by this House before the contract is signed. Because of not implementing the requirements of the Act, we ended up almost losing billions of shillings of taxpayers' money in that deal which has now gone sour.

Mr. Temporary Deputy Speaker, Sir, one of the most important things in financial management is fiscal responsibility. It is the responsibility of the Government to develop policies which are consistent with our financial ability; policies which deal with debt levels, the levels of tax which will be charged from the society and so forth; the ratio, for example, of Recurrent Expenditure to Development Expenditure.

Mr. Temporary Deputy Speaker, Sir, that is what fiscal responsibility is about. Yet, we are simply being required to approve spending by the Government in an expressed policy, without providing some legal framework. We must have a legislative framework that will deal with the budget deficit. We must have a legal framework that will deal with, among other things, how to reduce or maintain a limit for the national debt. As I said, the ratio of the Recurrent Vote and Development Vote is very important. We have seen that 90 per cent of the resources of this country are spent on the Recurrent Expenditure. We saw that even in a Question yesterday. It is important that this Bill addresses that aspect and provide a benchmark, ratio or criteria for determining the relationship between Recurrent and Development expenditure.

The Bill should also address the issue of liquidity. One of the main problems that we have seen in this country is that, there are budgets which are voted for Ministries, but they never get the money because of liquidity problems. That is because there are no guidelines, rules or laws regarding how to handle the issue of liquidity in the Government.

Mr. Temporary Deputy Speaker, the issue of taxes and opportunities for lowering taxes can all be provided in a legislative framework, and this Bill should address that. Let me go back to the issue of fiscal transparency. We need to be open about the structure and functions of Government. We need to be open about the structures, policies and functions of Government. We must have a legal framework that will deal with all types of taxes. We must have public availability of information. For instance, information must be available to the civil society and Members of Parliament so that, at any one time, if somebody needs information on the Government's assets, levels of external and internal debts and the Budget, it is available. The availability of information is very important. The reason why we almost ended up falling for the passport deal is because of the secrecy that the Government always maintains on information. Even the Budget is being used as a secret weapon! Yet, that trend is no longer there in many parts of the world. In countries which have excellent public administration systems, budgets are done through a participatory process. Members of Parliament are involved! The public is also involved, so that everyone knows what the outcome is, even before the Budget Day. I think that concept is very important in terms of getting the ownership of the whole process, and making sure that accountability is enhanced.

Mr. Temporary Deputy Speaker, Sir, clarity of responsibility is very important. We need to know what is the role of the Treasury. What is the role of Minister for Finance? What is the role of the Central Bank of Kenya vis-a-vis the Treasury? What is the role of the Kenya Revenue Authority vis-a-vis the Treasury? One of the fundamental problems that we have is the lack of clarity. In the example that I would want to use again, that of the passport deal, there is a question of the relationship between the principal and the agent. The Minister is the principal and is in charge of a Ministry. A Permanent Secretary, when he or she is authorised to act, is an agent in that context. One of the problems we have is that we are not getting those relationships or roles coming out clearly. This Bill does not add any value in that regard at all. It does not address that issue. So, we

read in the newspapers that the Minister said: "No! I had a Permanent Secretary and that is his responsibility!" The Permanent Secretary is also saying: "It was the Minister." This Bill should have addressed those kinds of problems, but it does not! This is one of the weaknesses that we have today.

I have already mentioned the need for an open budget preparation and reporting system. Another important thing which has been mentioned by the previous speaker is that, we must always think in terms of results. The results must also be linked to goals. For instance, we have been talking of the Poverty Reduction Strategy Paper (PRSP). Where does the PRSP goals come in the budgetary system that we have? We also have the Millennium Development Goals (MDG). Yet, the results of the financial management processes that we have do not, in any way, link with those internationally declared goals! I have given the example of the PRSP and the MDG! This Bill should, therefore, be re-drafted, so that it takes cognisance of that fact. All the time, as Members of Parliament, we want to see the Budget and say: "Fine! We are addressing the PRSP issues! We are addressing the issues of the MDG!" We must be able to link those things together, and I think the Bill is very important in that regard. But this particular one does not address that.

Then, there is the need for independent assurance of integrity, for both those in the Legislature and the civil society. They should be able to assess the activities of the Government.

Mr. Temporary Deputy Speaker, Sir, on the outcomes, I have mentioned the need for reporting. One of the most important weaknesses that we have seen in this Bill is that there is no provision for reporting to Parliament on a timely basis. We need quarterly reports from the Government on the expenditure and that is not provided for here. There is no time-frame at all that is provided for. There is no information on the format, content or detail that is required in the reports which must be submitted to this House or which must be published, even for public scrutiny.

Mr. Temporary Deputy Speaker, Sir, the Bill does not define the word "Treasury". It makes extensive use of the word "Treasury" and it does not even define who the Treasury is and I think it is very important that it must tell us what is the Treasury. In many parts of the world today, the Treasury is no longer a Minister who runs the Ministry of Finance. In countries like Canada and New Zealand, countries which are known to have the best public administration systems in the Commonwealth, Treasury is now composed of a financial management board. It is a Ministerial team composed of several Ministers who, together, form the Treasury, so that this issue of finances should not be left to an individual and that is one of the weaknesses that we have had.

Mr. Temporary Deputy Speaker, Sir, this Bill does not make provisions for penalties. It does not make provisions for penalties for those who contravene the provisions of the Bill. It does not say anything about the penalties for irregular expenditure or for unauthorised expenditure, the kind that we have seen in the scandals recently. The role of the Treasury needs to be defined much more clearly. We have just seen, even this afternoon, situations where the Treasury issues circulars to the entire public administration system, even to State corporations where the Government has minority shareholding. Treasury issues circulars which override the boards of directors of those institutions; which override the management of those institutions. I think it is important that we clearly specify, in this Bill, what is the function and the role of the Treasury with regard to the other public entities.

Mr. Temporary Deputy Speaker, Sir, one other aspect that I need to mention is on the qualifications of the Accounting Officers. The words "Accounting Officer" are used here and I am sure this is in reference to the Permanent Secretary but all the officers who are mentioned here, none of them has qualifications as defined in the Bill. So, when you mention an Accounting Officer, we need to know what are the requirements for being an Accounting Officer. There must be a benchmark. There must be a minimum requirement, so that we do not have people who do not meet those requirements running those institutions and ending up in the crisis that we have seen.

Mr. Temporary Deputy Speaker, Sir, lastly, it is my view that we must, at all times, ensure that our accounts are prepared in accordance with generally accepted accounting practices and this Bill does not, in any way, address that. So, once again, I want to emphasise that the Bill lacks depth. It is very shallow. It does not address fundamental issues that would seal some of the gaps that we have seen in the management of our finances and the Minister should withdraw this Bill and make sure that he prepares a proper Bill and brings it to this House.

Thank you very much.

The Assistant Minister for Trade and Industry (Mr. Miriti): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Bill. This Bill is long overdue. As you know, for a long time in Kenya, we have had many cases of financial mismanagement. If we could refresh our memories a bit, for example, in the sector of roads, there are so many roads which are supposed to have been constructed in Kenya, but if you go there to check whether the roads do exist, you find that there are forests and not roads.

The same applies to so many other projects in Kenya. We have thousands of projects in the country which are supposed to have been implemented but the people responsible for finances have misappropriated all the monies and we have heard in this Parliament, cases of people who have large bank accounts---

Eng. Muriuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Observing that the Bill before the House has been debated for some time, I request that the Mover be called upon to reply.

(Applause)

The Temporary Deputy Speaker (Mr. Khamasi): I will put it to vote.

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

The Assistant Minister for Finance (Mr. Katuku): Thank you, Mr. Temporary Deputy Speaker, Sir. First and foremost, I would like to take the opportunity to thank hon. Members who have had a chance to make contributions to this important Government Financial Management Bill, 2004. We have received a lot of comments. I want to assure hon. Members that we will take these comments into consideration and, come the Committee Stage, we will be introducing key amendments to address some of the issues raised by hon. Members.

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

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, it is important for me to clarify one important issue which has come up frequently, which is the issue of Accounting Officers. It is the practice, and the Bill maintains the same, that the Accounting Officer is always appointed by Treasury in any Ministry and that is the same principle we are still maintaining in this Bill. The same will still follow in the new Bill. So, there is no question of two Accounting Officers in this case. So, hon. Members should get it clear from me that the duties of these Accounting Officers will be to ensure there is accountability in the funds we provide for spending in each Ministry.

Mr. Deputy Speaker, Sir, it is important and this Bill tries to address issues of---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members!

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, the Bill tries to ensure that we have accountability in terms of spending our resources. I want to assure this honourable House that any Accounting Officer, or civil servant, who will be on the wrong, irrespective of his or her position, the NARC Government is out to ensure that we have a clean way of doing things. Anybody going contrary to the rules will have to go.

Mr. Deputy Speaker, Sir, with those few remarks, I want to say that any hon. Member who has any issue he or she feels we need to discuss so that this Bill can be improved, is welcome. We are inviting any hon. Member, in terms of bringing in amendments, so that we can improve the Bill. The idea is to have a legislation which will assist us all. So, I am inviting any hon. Member who has an input on any section of this Bill to come and discuss, so that we can see how we can bring on board the amendments.

With those few remarks, I beg to move.

(Question put and agreed to)

NOTICES OF MOTIONS

The Assistant Minister for Finance (Mr. Katuku): Mr. Speaker, Sir, I beg to give notice of the following Motions:

APPROVAL OF DRAFT CONSTITUENCIES DEVELOPMENT FUND REGULATIONS, 2004

THAT, this House approves the Draft Constituencies Development Fund Regulations, 2004, laid on the Table of the House on Thursday, 20th May, 2004.

APPROVAL OF APPOINTMENT OF CONSTITUENCIES DEVELOPMENT FUND COMMITTEE MEMBERS

THAT, pursuant to provisions of Section 5, Subsection 4 of the Constituencies Development Fund Act of 2003, the following be appointed Members of the National Constituencies Development Fund Management Committee:

Ms Winny Oyugi, representing the Kenya National Union of Teachers; Mr. Nduati Kariuki, Kenya Farmers Union; Ms. Margaret Mburugu, National Council of Churches of Kenya; Mrs. Jane Ogwapit, Kenya National Chamber of Commerce and Industry; Mr. Everestus O. Okumu, representing the Catholic Church; Mr. Joel Mutungu Wanyoike, representing the Institute of Engineers of Kenya; and, Mr. Al-Haji Saad M. Khairallah, representing the Supreme Council of Muslims.

Mr. Deputy Speaker: Hon. Members, we now have to move on to the next Order. The notice had to be given; though shortly. So, we are now moving on to the Motions. If you look at the Order Paper, we still have a Motion for the Adjournment at 6.00 p.m. I do ask that we deal with matters on the Order Paper in the remaining 20 minutes.

MOTIONS

APPROVAL OF DRAFT CONSTITUENCIES DEVELOPMENT FUND REGULATIONS, 2004

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I beg to move the following Motion:

THAT, this House approves the Draft Constituencies Development Fund Regulations, 2004, laid on the Table of the House on Thursday, 20th May, 2004.

Mr. Deputy Speaker, Sir, you are aware that we enacted this Act to ensure that we can access resources to do development in our constituencies. It is mandatory that regulations be formulated to govern the operations of the Act. It is those regulations that we are going to discuss today that will guide the operationalisation of this Act. It is our hope that the monies that will be allocated will go a long way in meeting the needs of various constituencies. If you look at Regulation No.3, it says that the initial capital of the Fund shall be a sum of Kshs1,200,000,060 which, of course, we appropriated here recently through the Revised Estimates of 2003/2004 Financial Year.

Mr. Deputy Speaker, Sir, the rules are very clear because they are intended to ensure that there is clarity in implementing the Act. It is important also to point out that---

Mr. Deputy Speaker: Mr. Katuku, could you please wind up so that I get a Seconder for your Motion?

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, it is important to point out that this Committee must start operation immediately. I want to assure hon. Members that, once this is passed, the Committee will start operating and money will be sent to the various constituencies.

Mr. Deputy Speaker Sir, with those few remarks, I beg to move and request hon. Eng. Muriuki to second.

Eng. Muriuki: Thank you, Deputy Speaker, Sir. I stand to second this Motion.

Let me first thank the Assistant Minister for Finance and also, inform hon. Members, through the Chair, that the Constituencies Development Fund Committee had the occasion to look at the rules in draft form. We did ask the questions which you wanted to be asked, and we did receive clarifications both from the Treasury and from the Attorney-General's office. The Committee is reasonably satisfied that the rules are in order.

Mr. Deputy Speaker, Sir, there is only one comment on which I would like to seek the direction or advice of the Chair; and that is on how to deal with one item which, although the Committee had agreed, I have had representations or requests by hon. Members that there be a small amendment on Clause 15(4). This Clause gives the names of those people who will be signatories to the Constituencies Development Fund Bank Accounts, and which is currently comprised of two people from the District Projects Committee and two people from the Constituency Development Committee. We would like that Clause to be amended so that it becomes "Any two members of the Constituency Development Committee" because in some cases, hon. Members may not be chairmen, and we thought it will be important to give a leeway on that.

Other than that, Mr. Deputy Speaker, Sir, I wish to second the Motion. Thank you.

(Question proposed)

(Question put and agreed to)

Next Order!

APPROVAL OF APPOINTMENT OF
CONSTITUENCIES DEVELOPMENT
FUND COMMITTEE MEMBERS

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to provisions of Section 5 Sub-section 4 of the Constituencies Development Fund Act of 2003, the following be appointed Members of the National Constituencies Development Fund Management Committee:-

Ms. Winny Oyugi - representing Kenya National Union of Teachers; Mr. Nduati Kariuki - representing Kenya Farmers Union; Ms. Margaret Mburugu - representing National Council of Churches of Kenya; Mrs. Jane Ogwapit - representing Kenya National Chamber of Commerce and Industry; Mr. Everestus O. Okumu - representing the Catholic Church; Mr. Joel Mutungu Wanyoike - representing the Institute of Engineers of Kenya; and, Mr. Al-Haji Saad M. Khairallah - representing the Supreme Council of Kenya Muslims.

Mr. Deputy Speaker, Sir, these are Members who are supposed to serve in the National Committee and, as you are aware, the Constituencies Development Fund Act requires that we get representation from these organizations. These organizations took time to give us these names and that is why it was not easy for me to table these names. I also want to point out that as of now, one organization has not yet given us their representation, and that is the Non-Governmental Organization Council. But if you look at Section 9 Sub-section 4, it gives me powers to go ahead and table the names which are available, and we can table the remaining names as they come. So, we are perfectly in order to go ahead and approve these names.

Mr. Deputy Speaker, Sir, I want to assure hon. Members that, as a Government, we had no hand in deciding who should be forwarded to us as a member of this Committee. It is the organizations which forwarded the names, and not the Ministry.

With these few remarks, Mr. Deputy Speaker, Sir, I beg to Move, and ask Eng. Muriuki to second the Motion.

Mr. Deputy Speaker: Who is seconding the Motion?

Proceed, Eng. Muriuki!

Eng. Muriuki: Mr. Deputy Speaker, Sir, I wish to inform the hon. Members that the Constituencies Development Fund Committee had prior access to the draft list of these names. We had looked at them and we had no objection. We recommend that the House passes the Motion. Again, hon. Members will notice that there are seven names instead of the eight names provided for in the Act. The Regulations allow that, should one of the organisations not submit a name, we should not get grounded because of that. So, the eighth name should be brought in due course.

With those few remarks, I wish to second.

(Question proposed)

Mr. Deputy Speaker: Hon. Members, I want to urge you to take the shortest time possible.

Mr. Sirma: Mr. Deputy Speaker, Sir, I wish to support the Motion. However, the names in the list represent two communities in this country. Secondly, there are even people who are interested parties to this and may scuttle the efforts of the sitting hon. Members. For example, Mr. Nduati Kariuki is a former hon. Member of this House. Definitely, a politician never retires. He can use all the means to frustrate the sitting hon. Member from performing his rightful role. So, I wish to move that we delete the name of Mr. Nduati Kariuki because of his interest.

Mr. Deputy Speaker, Sir, proper consultation has not been done on this and regional balance has not been taken into account. Four people in that list come from the Central Province and the other three come from Nyanza Province. We are not saying that we should be in that list, but there are other areas in this country---

Mr. Deputy Speaker: Order, Mr. Sirma! In view of the short time that we have, let me guide the House on how we go about it. If there is any proposal to amend the Motion by deleting the

names that you do not want, they will be deleted and the organisation that has nominated that person will be asked to nominate another person and his name will eventually be brought to the House for approval. Therefore, that is the procedure we have to follow. If there is any proposal to amend this Motion, let us have it, as quickly as possible, in writing. For example, Mr. Sirma, you have proposed a deletion. You must do it in writing as an amendment. This is a Motion and it can only be amended through a written notice to the Chair. Otherwise, I do not take something that you just say there.

Mr. Sirma: Mr. Deputy Speaker, Sir, you can also appreciate the speed at which this process is moving. If we have to give that notice to you, then we should adjourn the House, prepare those amendments, so that by next week we can come and sort out this issue. It seems as if we are being rushed and we are expected to follow procedures. How do we do the two at the same time and achieve anything?

Mr. Deputy Speaker: Order, Mr. Sirma! I guided the House. You have already made your contribution. Could you let someone else contribute?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, I support the Motion, so that we do not delay the disbursement of money from the Constituency Development Fund and the Government will not have an excuse. If we start bringing in technicalities in law, or other procedural matters, the Constituency Development Fund will be delayed. As a matter of principle, we better support this Motion, so that nobody will try to say that we defer the setting up of the Constituency Development Fund.

Secondly, I think we are going back to the dark days in this country; when a few people considered themselves to be in power. This is a typical example. I do not see any representative from the Rift Valley in that list. The Government must look at the marginalised groups. They are not giving them a chance to participate. Some of these things will break up this country into too many small factions. Let us pass this Motion, so that we can receive the Constituency Development Fund money. However, somebody will have to bring a Motion later to balance this representation.

Mr. Kimeto: Mr. Deputy Speaker, Sir, first of all, as Mr. ole Ntimama has said, this is unfair representation. We are alienating hon. Members from the Committee. I want to support the Motion, but the members of the Committee should be drawn from all the eight provinces and not one province.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Deputy Speaker, Sir, we want to have our cake and eat it. The Act is very clear about this. These names are not from the Government. We specified that the organisations named here were to send names to us. If those are the names they sent to us, unfortunately of people from one or two communities, this is a matter we should have addressed when we drew up the Act. I do not think we can go back and begin to argue. I support the Motion that we approve these names and move ahead.

*(Several hon. Members stood
up in their places)*

Mr. Deputy Speaker: Order, hon. Members! Will you sit down and hold your peace? As of now, I have one proposed amendment to the Motion by Mr. Sirma. Could you now move the amendment?

Mr. Sirma: Mr. Deputy Speaker, Sir, Section 8 of the Regulations says:-

"In nominating and approving persons to the members of the National Committee, the nominating body and the National Assembly shall have regard to---".

Section 8(c) says:-

"Importance of representing Kenyan diversity on the National Committee--"

Mr. Deputy Speaker: Mr. Sirma, I told you to move the amendment.

Mr. Sirma: Mr. Deputy Speaker, Sir, I am building on that.

Mr. Deputy Speaker: Then could you move it?

Mr. Sirma: Mr. Deputy Speaker, Sir, because of the concentration in one region---

Mr. Deputy Speaker, Sir, I wish to move:-

THAT, we delete the name of Mr. Nduati Kariuki from the list.

Mr. Deputy Speaker: Mr. Billow are you seconding Mr. Sirma's amendment?

Mr. Billow: Mr. Deputy Speaker, Sir, I would like to second, but with an amendment to it. My colleague proposed the removal of one name, but I think, in order to comply with Rule No.9 Sub-section 8, it is important that the Motion be amended to ask the Minister to reflect the diversity as a region---

Mr. Deputy Speaker: Mr. Billow, you should only address yourself to the amendment proposed by Mr. Sirma!

Mr. Billow: Mr. Deputy Speaker, Sir, I beg to second with the amendment that the name---

Mr. Deputy Speaker: Order!

Mr. Billow: Then, Mr. Deputy Speaker, Sir, I sit down!

Mr. Deputy Speaker: Hon. Members, I have explained that the proposal here is to delete. You should not add any other name. It will be the organization to be informed and they will come up with another name. So the proposed amendment has been proposed and seconded.

(Question, that the word to be left out be left out, proposed)

(Question, that the word to be left out be left out, put and negatived)

Hon. Members: Division! Division!

Mr. Deputy Speaker: Order! You have stood up, but you have not meet the requisite number!

(Question put and agreed to)

MOTION FOR THE ADJOURNMENT

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

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House do now adjourn until Tuesday 8th---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members!

(Dr. Khalwale stood up in his place)

Mr. Deputy Speaker: Order! That is Dr. Khalwale! Hon. Members ought to have respect

for the Chair! Let us be orderly!

Proceed, Mr. Awori!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House do now adjourn until Tuesday, 8th June, 2004.

Mr. Deputy Speaker, Sir, this has been a very hectic sitting, there have been temperature in House and other fora. I think we need time to reduce the temperatures. The people who elected us look upon us for leadership. Leadership is a quality that is required very badly. When we are called leaders we are supposed to lead very many people. There are about 31 million people in this nation. We have to try and bring about peace in this country. Just because we have never had serious conflict in this country, we do take this for granted.

Mr. Deputy Speaker, Sir, what we need is to understand one another. We want to try and make allowances for one another. Perhaps, in the next two weeks, it might help if we start visiting one another. We have tried to emphasise, a great deal, this question of tribe. There is no shame in one talking about his tribe. We should be proud of where we were born, but let us not use it to undermine or overpower anybody. We just want to work together. We have so much to do. Service delivery is what we need. There is no need to continue arguing here and there.

Mr. Deputy Speaker, Sir, we have heard a great deal about corruption in this country. We set ourselves as a Government that would wipe out corruption. This is being done. When we now start hurling abuses here and there, we may be pleasing ourselves, but let us remember, for instance, what Dr. Kituyi said yesterday in this House. He said that when we continue to talk about the Export Processing Zones (EPZ) or any other place where there is slave trade or slave labour, we are frightening people who could bring investment into this country. We do not have any slave labour in this country. Let us not exaggerate various things. Let us remember that whatever we say is printed in the media. The media has got the freedom. People read and tend to believe what they read in the newspapers; particularly with the new technology where everything that is said is on the internet and is read around the world.

Mr. Deputy Speaker, Sir, when you are outside the country, you would think that perhaps Kenya is on fire. Kenya is not on fire. We should agree that we need dialogue between ourselves in everything that we do. Let us now go back to our constituencies and try to educate our constituents on what the Government has done. We should go and talk about the Constituency Development Fund and what it is supposed to do. Let us see how we can improve our primary schools which are now very congested. All I am asking is, let us use this short period, before 8th June, to change the habits that we have now acquired.

With those few remarks, I beg to move.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Deputy Speaker, Sir, I beg to second the Motion. We all need time with our constituents. Those of us who have not put together their Constituency Development Fund committees and all the prioritised projects that will be implemented immediately will now have time to do so; to facilitate utilisation of the funds. Those of us who may not have launched their Constituency Aids Control Committees will now have a chance. Those of us who need to find out what is happening with the bursaries will have the opportunity to do that. I am very hopeful that the Ministry of Education, Science and Technology will disburse the bursaries to enable us see what is happening in our areas. We now have time to meet our constituents, to liaise with them off from our busy schedule and to come back with vigour to return to our jobs which are quite demanding.

I beg to second.

(Question proposed)
(Mr. Kenyatta stood up in his place)

Hon. Members: Oppose! Oppose!

Mr. Kenyatta: Mr. Deputy Speaker, Sir, as a Member of the House Business Committee, I cannot stand up and oppose this Motion for the Adjournment. We had all agreed that we would support it. I, however, agree with the sentiments of hon. Members that, indeed, we should possibly be talking about opposing this Motion as opposed to supporting it. This is because of the Motion we have just passed. The issue still needs to be gazetted. We hope that the Ministry of Finance will not change its mind or use this Motion as an opportunity not to fulfil its yet unwritten pledge to Members of Parliament. We have already committed these funds.

As the hon. Vice-President and Minister for Home Affairs has said, we are going to go back to our constituents, who will ask us for the funds we promised for various projects. It would be a pity if we were to go to them in June and tell them that the Government has once again let down the people of the Republic of Kenya.

As I support this Motion, it is important for us to recall that, during this period, a number of pertinent issues have been raised on the Floor of this House with regard to the fact that corruption is still rife in our Government and in our society. It is clear that the Government has yet to show true commitment to its fight against corruption. As I have said severally in this House, the true taste of this Government's commitment to that fight, is not how it shall deal with the corruption of yesteryears but it is, however, how it shall deal with the corruption amongst its own ranks.

We hope that the Government will not use these two weeks to breath a sigh of relief now that there will not be Members of Parliament to contend with and continue, as opposed to taking action, to take this lull to back-track on some of the pledges that it has made here. We have been waiting for a report from the Permanent Secretary for Governance and Ethics, which we are yet to receive and debate on. It is my hope that, on resumption of this House, the report will be ready and hon. Members will be given an opportunity to debate it.

As the hon. Vice-President has said, we need time with our constituents. We need time to reflect on the growing number of national issues. I agree with him that we also need time to talk amongst ourselves, visit each other's constituencies, get to know one another and create understanding among our people. A nation divided is a nation that can easily fall. As leaders, we have the responsibility of trying to unite our people, and cater for their various interests.

Mr. Deputy Speaker, Sir, as I conclude I would also like to remind the Government of its 100-day commitment for a new Constitution, and of the June deadline, which is approaching. It is, indeed, our hope that when we resume in the month of June, the new Constitution will be a top priority for this Government. It should realise that the people of Kenya are expecting that Constitution. We are not against consensus building. We are indeed, against any attempt by the Government, or any other body to go for unstructured talks. We do belong to political parties that have positions, and which have made commitments to their people. Let us talk through institutions and not through the back door in an attempt to pursue the agenda of certain individuals.

With those few remarks, I beg to support.

Mr. Deputy Speaker: I want to tell hon. Members that we will close this debate at 6.35 p.m. This debate is for 30 minutes. Therefore, I will be closing very shortly.

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, I stand to oppose this Motion; on principle. We did ask the Leader of Government Business to give us the revised list of the House Business Committee, but this has not been done. Therefore, the Government is taking the Back Bench majority for granted. I want the Back Bench majority to register their protest by voting against this

Motion and compelling the Government to come back to this House next week and seek an adjournment. That is our strength. The strength of this House is its Back Bench majority. The Government must not take us for granted.

One condition we are putting is that we do accept that the Leader of Government Business, for whom we have a lot of respect--- In fact, we fondly call the Leader of Government Business "hon. Uncle Moody". "Uncle" is very much respected here; so this is not directed at his character. Definitely, the matter of principle is to resurrect the dignity of this House by insisting that our will must prevail. Even if we have to go to the ballot, I want the hon. Members to assert themselves, because we are demanding the control of the calendar of Parliament.

At the moment, because of its preponderance majority in the House Business Committee, the Executive is controlling us and the Business of this House. A true Parliament is the Parliament of the people of Kenya. We have moved away from a rubber stamp Parliament into a people's Parliament. A rubber stamp Parliament is one which is controlled by the President and the Executive. A people's Parliament is a free Parliament like this one, where we can actually assert ourselves and tell the Government what to do.

This power is enormous, but we want it to be exercised responsibly. You know, as well as I do, that here we are very responsible people. It is very unfortunate that a Minister can tell us to go and meet our constituents all these years. We do not need education on how to live in our constituencies, because that is where we were born and where we shall die.

(Applause)

Mr. Deputy Speaker: Order, hon. Members!

Mr. Oloo-Aringo: With a lot of respect, this paternalism from the Front Bench must stop! We must treat each other with respect. The first reason why you are here is because you are a Member of Parliament. Any other office you hold is a privilege. So, we are equal as Members of Parliament, and that is the starting point. It is for this reason that I am asking my colleagues to demand a counting of votes, so that we can reject it and register our protest against the Government.

Mr. Rotino: Mr. Deputy Speaker, Sir, I stand here to oppose this Motion for the following reasons. One, people are saying that we are going to see our constituents. Every weekend we all go to our constituencies. If you do not go to your constituency you are not supposed to be here. We cannot be told that we are going for recess to go and see our people because we normally break every weekend to do that.

We are talking about the Constituencies Development Fund (CDF). The accounts must be opened before we go on recess because the Front Bench are taking us for a ride. As the previous speaker has said, we should assert ourselves as the Back Bench and the Opposition and tell the Government: "You must wake up and be able to implement what the hon. Members have said". We promised our people that Kshs20 million was coming and asked them to pull up their socks, but a lot of time has passed. The Government is now saying: "Let us have Kshs6 million". We are going back having promised our people that we would give them Kshs6 million. What shall we tell them?

If the Ministry of Finance does not open the accounts by next week before the proposed recess starts, I can bet that this money will never be in the accounts. We shall come back on 8th June and the money will not be there. I am very much opposed to this Motion and I want us to go for Division and defeat it!

With those few remarks, I beg to oppose.

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I beg to support the Motion. I would like to appeal to hon. Members to give the Government a chance

between now and when we will be coming back here for the Budget. Most of the things we have said, for example the gazetting of the Regulations and the names, will be done. I want to assure the hon. Members that this will be done immediately and the money will go to the accounts. It will not go to the Treasury come the end of the financial year.

The other thing I would like to assure hon. Members about is that the report they are talking about will also be tabled here once investigations are complete. So, it is important that we go on recess to try and implement the projects we have promised our people, because in two weeks' time the money will be there after the accounts are opened.

With those few remarks, I beg to support.

Mr. Shitanda: Thank you, Mr. Deputy Speaker, Sir. I stand to oppose this Motion basically because---

(Loud consultations)

Excuse me, Mr. Deputy Speaker, Sir. Could you protect me from these hon. Members?

We are being rushed to go home because we are being told the Government has no Business for next week. It is the business of the Government and the House Business Committee to create Business for this House. It is not the responsibility of the hon. Members. You have seen how we have hurried through these two Motions. This is not because of the Back Benchers or Parliament. It is because of the inefficiency of the Government. It could have brought up these issues much earlier, so that they were discussed and passed much earlier. We will still oppose this Motion on Tuesday if the Treasury will not have released money for the Constituency Development Fund (CDF).

Mr. Deputy Speaker, Sir, in opposing this Motion, I am appealing to the Government to become more responsive; to talk to the Backbenchers and do a lot of consultations with them. We will respect the decisions the Government comes up with in this House in as much as they respect our wishes and will.

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

Mr. Deputy Speaker: Yes, Mr. Omingo!

*(Several hon. Members stood
up in their places)*

Order! I do not want to take action against some hon. Members! I think this is disrespect of the Chair! I have already given Mr. Omingo the Floor and yet, some hon. Members are insisting it is their chance. I think we are getting out of hand.

Mr. Omingo, you have the Floor!

Mr. Omingo: Mr. Deputy Speaker, Sir, I stand here persuaded to oppose this Motion. This Parliament must assert itself. We have had things promised in the House, but they are never implemented. For example, recently we sought a Ministerial Statement with regard to insecurity in this country, and even the security of hon. Members of Parliament, but nothing tangible has been done about it. I do know that there is a Pandora's box just about to be opened regarding the passports scandal. We must see it to its logical conclusion.

Mr. Deputy Speaker, Sir, before we go on recess, I would like to seek the indulgence of the Chair because some rulings promised to hon. Members of Parliament have not been made. For example, the recruitment of armed forces officers as staff here. There is lack of seriousness from all sides. Hon. Members of Parliament must stand up to be counted.

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

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Deputy

Speaker, Sir, thank you for giving me this opportunity. I stand to support this Motion. This Motion was approved by the House Business Committee in their wisdom. Therefore, it is important that we support it.

The Ministry of Finance has given its assurance and undertaking that this money will not be returned to Treasury. In fact, they have promised that before this House resumes, it will be in the constituencies' bank accounts. This House transacts business on trust. It is important that the Government is trusted. Even us, in the Government, we also have constituents. We have an interest in this Motion, and since we have the assurance of the Minister for Finance that this money will be in our accounts, it is only fair that we support this Motion. Hon. Members of Parliament have been empowered. We now have the Constituency Bursary Fund (CBF), the Constituency AIDS Control Committees (CACCs) and the Constituency Development Fund (CDF), all led by Members of Parliament. Since we have the assurance that this money will be in the accounts, it is only fair that we trust the Minister for Finance.

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

Mr. Deputy Speaker: Hon. Members, I only have five minutes, and I want to give them to the Mover of this Motion to reply.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I want to take these few minutes to appeal to my colleagues to reduce their emotions. Let us try to be a little cooler so that we do not allow our emotions to guide our decisions. There have been two reasons that have been advanced for not going on recess. The first one was brought by my great friend, Mr. Oloo-Aringo about the House Business Committee.

Mr. Deputy Speaker, Sir, you will recall that, on the very first day when we came here, we nearly paralysed the business of the House for another six months. What I had expected is that, during that period, a Motion should have been brought with regard to Backbenchers taking a greater lead in the House Business Committee. That was not done and still continuing on the question of that Committee, we have not forgotten the fact that it is, indeed, the Government that creates business in this House. I do not believe that because we have not changed the structure of the House Business Committee, that should be a reason for refusing to go for recess.

Mr. Deputy Speaker, Sir, the second point is the question of money going into the account for the Constituency Development Fund. No matter what has happened in the past, I think it is necessary that we must try and have some trust. If we continue with distrust and suspicion, even if we stayed here for another two weeks, we will not achieve very much.

(Loud consultations)

Mr. Deputy Speaker, Sir, I want to appeal to all of you to accept that the money will be there. The gazette of the regulations and names will be carried out immediately. You have been told the procedures. The procedures are that, even after we have passed this, you could go back to the nominating organs and discuss with them, so that you can bring the names that would reflect the picture of Kenya. I want to appeal to you, my honourable colleagues that, let us accept this Motion of Adjournment.

Thank you.

COMMUNICATION FROM THE CHAIR

NATIONAL ANNUAL
PRAYER BREAKFAST

Mr. Deputy Speaker: Very well! Order, hon. Members! Before I put the Question, there is a short Communication from the Chair, which ought to have been delivered earlier, but because of an oversight, it was not done. So, I beg your indulgence to listen for a minute or two.

Hon. Members, the Kenya National Assembly Prayer Breakfast Fellowship has organised the second Annual National Prayer Breakfast, which is scheduled to take place on

Saturday 29th May, 2004 at 8.00 a.m. at the Grand Regency Hotel. On behalf of the Members of the National Assembly Prayer Breakfast Fellowship and on my behalf, I take this opportunity to invite all hon. Members to the solemn occasion to provide leadership to our people in self-examination and in seeking God's favour for our nation. It is requested that hon. Members wishing to attend this function do confirm their attendance at the Office of the Deputy Speaker at the earliest opportunity.

Thank you.

Hon. Members, I now wish to put the Question!

(Loud consultations)

Order, hon. Members! When the Chair is putting the Question, there should be silence!

(Question put and negatived)

(Applause)

Hon. Members: Division! Division!

Mr. Deputy Speaker: Order hon. Members! You do not have the requisite numbers for a Division!

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time to adjourn the proceedings of the House. The House, therefore, stands adjourned until Tuesday 25th May, 2004, at 2.30 p.m.

The House rose at 6.35 p.m.