

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th July, 2000

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

LEAVE TO INTRODUCE PUBLIC LAND-LEASEHOLD BILL

Mr. Kihoro: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-
THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled Public Land-Leasehold Bill to provide for better management of leased agricultural land and the revocation of such leases on public land.

LEAVE TO INTRODUCE PENSIONS AMENDMENT BILL

Mr. Musila: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-
THAT, this House do grant leave to introduce a Bill entitled Pensions Amendment Bill to provide for payment of retirement death benefits within a maximum period of not more than 30 days after retirement or death of public officers.

ORAL ANSWERS TO QUESTIONS

Question No.331

LETTERS FROM KENYA MOVEMENT FOR DEMOCRACY

Mr. Deputy Speaker: Mr. Muite is not here? We will come back to that Question later.

Question No.360

CRITERIA FOR REOPENING OF BANKS

Mr. Kariuki asked the

Minister for Finance:-

- (a) if he could explain the criteria being used by the Central Bank of Kenya to open collapsing banks such as Trust Bank and Bullion Bank among others; and,
- (b) if he could inform the House why the same criteria was not used when Kenya Finance Bank Limited made a proposal to re-open.

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

(a) The basic criterion for allowing a closed bank to reopen is a clear demonstration that the bank has restored financial health. This means the bank has the capacity to successfully function as an institution. This can be achieved through various options, for instance, the injection of additional capital, debt collection and so on.

(b) The depositors of Trust Bank Limited and Bullion Bank Limited agreed collectively to capitalise part of their deposits into shares. Additionally, the depositors agreed to convert some of the deposits to ordinary shares. As a result, the two banks were successfully structured and re-opened on 9th August, 1999 and 20th January, 2000

respectively. In the case of the Kenya Finance Bank Limited, the institution was placed under statutory management in July, 1996. At that time, the bank was insolvent to the tune of Kshs1.1 billion. In an effort to restructure the bank for re-opening, the statutory manager drew a plan and invited the stakeholders to support it. On 21st August, 1996, he went public on this strategy and issued a Press release.

Mr. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. Why is it that the criterion which was used in re-opening Trust Bank and Bullion Bank was not applied? Is the Assistant Minister aware that about 5,000 shareholders in the Kenya Finance Corporation lost their investments, including the depositors who had over Kshs3 billion? In the Trust Bank and the Bullion Bank case, we are talking about five or ten shareholders. Is this Government not sensitive to the interests of the public in this country? Why is it taking care of the interests of the selected few?

Mr. Lomada: Mr. Deputy Speaker, Sir, it is unfortunate that the stakeholders in the Finance Bank did not support the proposed strategy. Therefore, the strategy used to re-open the Trust and Bullion Banks could not be used in the case of the Kenya Finance Bank because there was no support from all the concerned parties, namely; stakeholders, depositors and other creditors.

Mr. Wamae: Is the hon. Assistant Minister aware that the Kenya Finance Bank Limited was owned predominantly by Africans while the Trust and Bullion Banks were owned by Asians? Could he confirm that there was special consideration for the Asian banks because the Governor of the Central Bank of Kenya was not willing to give the same considerations to Kenya Finance Bank Limited?

Mr. Lomada: Mr. Deputy Speaker, Sir, once the above requirements are met and it is ascertained that the capital base meets the required level and that the bank can gain public confidence, then the Central Bank of Kenya may allow the restructured bank to reopen with new investors, new directors and improved management.

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. The hon. Assistant Minister did not answer my Question. I asked him why the Kenya Finance Bank was given a different consideration other than the one which was given to the Bullion Bank and the Trust Bank Limited? The Kenya Finance Bank was wholly owned by Africans. Why would the Governor of the Central Bank of Kenya not give the African bank a chance to survive rather than give it to these Asian banks?

Mr. Lomada: Mr. Deputy Speaker, Sir, I have already said that there was no support from all the stockholders, depositors and other creditors of Kenya Finance Bank.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. The question asked by my colleague is why the Central Bank---

Mr. Deputy Speaker: Order, Mr. Lomada! That is a legitimate question and you must answer it.

Mr. Lomada: Mr. Deputy Speaker, Sir, I think I answered that question by saying that the Kenya Finance Bank Limited did not meet the requirements that were used to reopen the two banks we have mentioned here.

Mr. Kariuki: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that as a result of forcing the Kenya Finance Bank Limited into liquidation, the assets of that bank are being sold at throw-away prices, thereby giving some people the advantage of buying expensive assets at throw-away prices? Can you tell us the total worth of the assets of the Kenya Finance Bank Limited and what its valuation figures are?

Mr. Lomada: Mr. Deputy Speaker, Sir, I am not aware of that, but I could give this explanation. In 1998, five banks; Trust Bank, Bullion Bank, Reliance Bank, City Finance Bank and Prudential Bank were placed under statutory management while Prudential Building Society was put under investigation.

Mr. Deputy Speaker: Order, Mr. Lomada! You are answering a question that you have not been asked. Mr. Kariuki asked you how many of the assets of the Kenya Finance Bank have been sold and what their valuation figures were?

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

Mr. Mboko: Mr. Deputy Speaker, Sir, the expression made by the Assistant Minister is amazing. The National Bank of Kenya has always been insolvent. Due to its state of insolvency, it converted a deposit of Kshs5 billion held by the National Social Security Fund in that bank into equity. Why has it not been declared insolvent just like other banks?

Mr. Lomada: Mr. Deputy Speaker, Sir, I think the answer I have given would satisfy the Questioner.

Mr. Odoyo: Mr. Deputy Speaker, Sir, this Government is known for protecting Asian millionaires. Is the Assistant Minister aware that the Kenya Finance Bank Limited, which was the only indigenous bank, was closed down because of political reasons? What is the Ministry doing to ensure that the finance sector remains in the hands of indigenous Africans?

Mr. Lomada: Let whichever bank that wants to do business meet these requirements and my Ministry will be ready to support it.

Eng. Toro: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that despite the fact that the Coffee Bank met all the requirements, it has not been registered? He has told us that any bank that meets the criteria will be registered. What happened to the Coffee Bank?

Mr. Lomada: Mr. Deputy Speaker, Sir, since the Coffee Bank has not met all the requirements, it has not been registered. Whichever bank meets the requirements will be registered without constraint.

Mr. Keriri: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us what conditions the Coffee Bank has not met? As far as we are concerned, it has met all the conditions!

Mr. Lomada: Mr. Deputy Speaker, Sir, the question of Coffee Bank does not arise here. We are talking about three banks whose position I have stated.

Mr. Deputy Speaker: Order! That is a legitimate question, answer it.

Mr. Lomada: Mr. Deputy Speaker, Sir, the conditions will be as follows: major depositors should convert their deposits into equity and further injection of fresh capital by shareholders or new investors. Those are some of the conditions that any bank that wants to be registered has to meet.

Mr. Kariuki: Mr. Deputy Speaker, Sir, I hope you will bear with me that the question has not been answered satisfactorily. Could you give the Assistant Minister adequate time so that he can come with proper answers to this Question?

Mr. Lomada: Mr. Deputy Speaker, Sir, I think the information that I have given is satisfactory. If the Questioner wants us to delve into other issues that are not mentioned here, we are not ready to get into that.

Mr. Munyao: Mr. Deputy Speaker, Sir, I am afraid to repeat the same request. But since the Chair has also noticed that this Question has not been satisfactorily answered, it is rude to transfer it to another able Minister. Could it revert back to the Ministry to decide who can answer it?

Mr. Deputy Speaker: I think the best way to treat this Question, which is of national importance, is for Mr. Kariuki to bring a Motion so that this matter can be discussed fully. I believe there is a feeling in Kenya that Kenya Finance Bank was treated unfairly. That needs to be ventilated for wananchi to get the truth. There would be no point referring this Question back to the Ministry because the same Assistant Minister may come back to answer it. As far as the Question on paper was concerned, he provided an answer. But in respect to supplementary questions, he had a lot of problems. To treat this matter fully we need to discuss it in a Motion.

Mr. Lomada: Mr. Deputy Speaker, Sir, since you have ruled that it comes as a Motion for the hon. Member to get more information, that is allowed.

Mr. Deputy Speaker: Next Question!

Question No.361

MEASURES TO MAKE CELLULAR PHONES AFFORDABLE

Mr. Gatabaki asked the Minister for Information, Transport and Communications, if he could explain the reasons for the high charges of cellular phones in Kenya and what measures are in place to ensure that the cellular phones are affordable and accessible to Kenyans.

The Assistant Minister for Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, I would like, first of all, to apologise to the Questioner for having not supplied a written answer. However, I beg to reply.

The reason for high charges for cellular phones in Kenya is because we have been having a monopoly; one supplier, no competition and the market was closed. This is what has led to the high cellular telephone bills.

The steps we are taking in order to overcome this problem are as follows: Apart from Safaricom, Kencell has been licensed by the Communications Commission of Kenya, and this is set to start operations in September this year. In the policy statement, we have provided that if Telkom Kenya do not hit their target of 580,000 phones, they will be penalised by paying heavy penalties for the shortfall in implementing what they agreed they would do. The other step which has been taken is that, we have totally liberalised the market of the vendors of the mobile cellular telephones and we have so far over 200 phones. We are, in consultation with the consumers and the service providers holding workshops in order to get a clear policy with regard to this industry.

Finally, it is the intention of the Government to review the efficiency of Kencell and Safaricom to see their efficiency with a view to seeing whether there is need for a third and a fourth company to be licensed.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, this is the first time for me to get a comprehensive answer to a Question from this KANU Government. Sometimes there are some things to commend this "dying" system for.

However, we are in the year 2000 and this equipment costs a consumer Kshs30,000. In the neighbouring countries of Uganda and Tanzania, if you have Kshs5,000 you get it. In Bangladesh, women pay the equivalent of

Kshs20 to own this equipment. The question is, how come a country that was for many years far ahead of the neighbouring countries is now the most expensive to operate basic services? Could this Government tell us what reasons Telkom Kenya has caused Kenyans unaffordable services for what is basic on earth? All over the world we are moving to free mobile telephone services whereas we are so behind. This Government owes Kenyans an explanation.

Mr. Keah: Mr. Deputy Speaker, Sir, I do not know where to begin answering, but if I got the gist of it, it is why it has taken so long.

Hon. Members: Why is it expensive?

Mr. Keah: Mr. Deputy Speaker, Sir, I have just explained that when you are in a monopolistic situation and there is no competition---

An hon. Member: Why monopoly?

Mr. Keah: It is because that is the way we have been structured all along. We have been structured in a way that our institutions have been monopolistic for a long time. It is only recently that we have accepted a policy of liberalization. But in a monopolistic situation, these things are inevitable. I have got a list of the charges that make-up the expense, but it does not help for me to give any other reason other than the reality of the fact that Kenya Posts and Telecommunications has been a monopoly.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, now that we have crossed the rubicone from a monopolistic economy to a liberal market, and the prices of those gadgets will come down dramatically, is the Assistant Minister aware that a few year back, those who first bought those sets were paying more than Kshs300,000? Should this level come down to something like Kshs10,000 or Kshs20,000 would the Government consider refunding a little money to those people who paid so much money for a gadget that we now know costs very little?

Mr. Keah: Mr. Deputy Speaker, Sir, since I was not an operator, it is difficult for me to know the truth. I have even never owned a cellular, so I do not know whether it was Kshs200,000 or Kshs300,000. Be that as it may, it will be impracticable to implement what the hon. Member is asking for.

Mr. Kibaki: Mr. Deputy Speaker, Sir, this is a very serious matter. I would like first to congratulate the Assistant Minister for being honest, that monopoly is what has got us where we are. That is very honest of him. Having known that monopoly is what has got us where we are, why do you want to limit yourself to two providers? Why do you not do what the rest of the world has done? Have ten, 12, 15 or whatever number. Open it totally. For example, in Britain where they have opened to many people they are making billions of Shillings, and the same applies to South Africa and our neighbours as you have just been told. Why do you want to limit yourselves to two and give one a five years monopoly under a special arrangement for Nairobi which is the main market? There must be something special about the ownership of these two and why they are being given a monopoly of Nairobi. Continue saying the truth!

Mr. Keah: Mr. Deputy Speaker, Sir, the truth shall always be said by this Government. We only have two because the Government sat down in consultation with the industry, a policy paper was prepared, there were other consultations and within that policy framework which, in fact, culminated in a Bill that was enacted by this House, it was established that this is the way we shall go. It was based on a policy that was promulgated by Government and we are now a "live wire" to the things hon. Kibaki is saying and we will continue to review it. The policy provide that there would be this review in three to five years time.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I would like to comment on the three points presented by the Assistant Minister. First, the fact of giving service providers a target number of lines does not translate into lower charges for the consumer. Secondly, the fact that you have a duopoly that is particularly dominated by Vodafone Air Touch and Vivendi who have entered strategic partnership in international investments creates a condition like the traditional oil companies. There is no guarantee that Safaricom and Kencell will compete; they may "cohabit." Thirdly, the Communications Commission of Kenya cannot regulate downwards the charges because they have no control over prices. Since one of the main inputs in reducing the charges to consumers is investment in modern infrastructure for telecommunications, when the Government sold licence fees to Safaricom and Kencell, why was the money transferred to Treasury to pay other debts and not ploughed back into the infrastructure for telecommunications?

Mr. Keah: Mr. Deputy Speaker, Sir, the truth of the matter is that the Government owned 100 per cent of Kenya Posts and Telecommunications Corporation (KPTC) then. Those funds that had originally been invested into the KPTC needed to revert back to the Government, so that it could utilise those funds properly. That is a Government decision. Therefore, there is no hidden agenda. It did not go to invest in the telecommunications business because it is now privatised. The new investors should inject in more funds in the telecommunications business.

(Dr. Ochuodho and Mr. Keriri stood up in their places)

Mr. Deputy Speaker: Order! Order, hon. Members! You must not stand when another Member is on his

feet, particularly when he is answering your own question, no matter how badly he is doing it.

Mr. Owino-Achola: Mr. Deputy Speaker, Sir, since Kenya signed the East African Co-operation Agreement, could the Assistant Minister consider reducing the tariffs, so that the charges would be similar to those of Uganda and Tanzania, instead of waiting for September, or any other time after that?

Mr. Keah: Mr. Deputy Speaker, Sir, this is now a private business affair. Let us wait and see what they are going to do. If we are not satisfied with that, this House is here to speak. The market is out there and once we have liberalised - once you have married your son or daughter, you do not go to your son and tell him how to do it.

An hon. Member: To do what?

Mr. Keriri: Mr. Deputy Speaker, Sir, the Assistant Minister has told us that to decide on two operators, they had a paper which went to the Government and so on. He is also telling us that any time, this Parliament would be able to speak. Those papers do not come to us to make us know what the Government is trying to do. The Government continues to have papers and reports which they do not implement. Can the Assistant Minister tell us what disadvantages they found in that paper they wrote and decided on? What disadvantage was there that made the Government not to have more than two operators?

Mr. Keah: First of all, Parliament is there to speak any time and not when something will happen in the future. We are speaking about it now. Secondly, whatever was discussed behind the doors by the Government culminated into a Bill that was discussed here by this very same House, leading to the split of the KPTC into three institutions. Hon. Members had ample time to air their views. All I can say in answer to his question is: A policy to enable the two, first, the Government saw advantage in licensing two to begin with as an experiment and then, as we gather experience, we will review the situation. That is the Government policy.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, as the House is aware, the Government wrote off an amount to the tune of Kshs26.7 billion that was owed to the Government by the KPTC. What benefit have Kenyans received by that privatisation which necessitated that write off of Kshs26.7 billion?

Mr. Keah: In the whole process, liberalisation has been allowed in. It was to facilitate that transition and I cannot remember the exact figures, my colleague has the figures at his fingertips, but the whole process was to benefit Kenyans by ensuring that we have a liberalised telecommunications service. For example, telephone costs have come down from Kshs300,000 to Kshs60,000. That is part of the benefits we are reaping from that process.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, I think the Assistant Minister owes this House an explanation. First, he has not read the answer his Ministry has given. I do not know what hurry he had. In this answer, the Ministry says that for the next five years, they would provide 584 lines when Kenya will have about 40 million people. The only explanation which this Assistant Minister deliberately is not saying is that, since 1979, KPTC and now Telkom Kenya Ltd, has been managed by five successive Managing Directors from one region. They have lost Kshs24.7 billion which the Public Accounts Committee has questioned. They are trying to recover the Kshs24.7 billion by hiking the prices of their services.

Mr. Deputy Speaker, Sir, can this Assistant Minister confirm that in trying to get the Kshs24.7 billion, they have kept the services at unaffordable prices to Kenyans? Can he also explain to us why no other community can manage Telkom Kenya Ltd apart from the Kalenjins?

(Applause)

Mr. Keah: Mr. Deputy Speaker, Sir, you know very well that I do not appoint Managing Directors. Therefore, I cannot explain at this point, why it is only people from one ethnic community are the Managing Directors. That is not a fair question.

Mr. Deputy Speaker: Next Question, Dr. Ali!

Question No.231

UPGRADING OF BUNA/BUTE TELEPHONE EXCHANGES

Mr. Wehliye: Thank you, Mr. Deputy Speaker, Sir. Dr. Ali has requested that this Question be deferred until next week. He has gone to the constituency to solve an urgent crisis.

Mr. Deputy Speaker: Yes, Dr. Ali has a border problem in his constituency, I think it is a fair request. We will defer this Question to next week.

(Question deferred)

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. If you may allow me, I wanted to find out, first, whether it was in order for hon. Gatabaki to come in with a mobile phone? Secondly, was the Assistant Minister in order to mislead the House?

Mr. Deputy Speaker: Order! Order! Mr. Speaker and I have ruled on the question of mobile phones. If you have them in your pockets and they are not switched on to disturb the House, they are as innocuous as the small pen in your pocket. Secondly, it is none of your business to order the Chair what answer to accept and which one not to accept. Dr. Ochuodho, if you persist in standing when other Members are on their feet answering questions; I am afraid the Chair will simply "refuse to see you." No argument, no comment!

Next Question, Mr. Angwenyi!

Question No.226

CHERRY AND MBUNI DELIVERIES
TO NYAIGWA/MARANI SOCIETIES

Mr. Angwenyi asked the Minister for Agriculture:-

(a) how much coffee (cherry and mbuni) was delivered to Nyaigwa and Marani Farmers Co-operative Societies respectively, in each of the following years: 1990/91, 1991/92, 1992/93, 1993/94, 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99;

(b) how much was realized from the sale of coffee in each of the years referred to in "a" above for each of the two societies; and,

(c) how much was paid per kilogramme to the farmers in each of the year referred to in "a" above.

Mr. Deputy Speaker: Is anyone here from the Ministry of Agriculture? I will come back to that Question. Next Question, Mr. Mwiraria!

Question 355

TWO TITLE-DEEDS FOR PARCEL NTIMA/IGOKI 1060

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

(a) if he is aware that the widows of Messrs Joseph Mbui Nchurai and Mwithimbu Nchurai still possess the title- deed issued on 2nd March, 1970, for parcel Ntima/Igoki/1060;

(b) if he is also aware that a title-deed with an identical number was issued on 17th June, 1994, to two people who subdivided the land into four equal parcels; Ntima/Igoki 5104, 5105, 5106 and 5107; and,

(c) what action he is taking to ensure that the helpless widows are not evicted from the land they rightfully inherited from their husbands.

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

(a) I am not aware that widows of Messrs Joseph Mbui Nchurai and Mwithimbu Nchurai still possess title-deed for land parcel Ntima/Igoki/1060 issued on 2nd March, 1970.

(b) I am not aware that a title-deed with an identical plot number was issued on 17th June, 1994, to two other people who subdivided the land into four equal parcels, Ntima/Igoki/5104, 5105, 5106 and 5107.

(c) Land parcels Ntima/Igoki/5104 and 5105 are still registered in the name of the widows, M'Inoti Nchurai and Maitima Nchurai respectively. There is, therefore, no need for action on this matter by the Ministry.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I must say that I am horrified by the answer given by the Assistant Minister. I suspect that the officers on the ground in Meru have refused to give the Assistant Minister the correct information.

Mr. Deputy Speaker, Sir, on 2nd June, this year, the two widows were taken to the Registrar of Lands, Meru, by the Assistant Chief of their sub-location, a Mr. Geoffery Mureithi and they were ordered to surrender the title-deed they had, which was dated 2nd March, 1970. A few days later, when they went back for it, they were told that their title-deed was bogus.

Mr. Deputy Speaker, Sir, from what title-deed were the subdivisions he is mentioning in his answer made? What was the original parcel number from which these four subdivisions were made in 1994? I want the Minister to

know that, this is an area under consolidation, and consolidation was done away with in 1970. How come that this area was being subdivided in 1994? I am ready to table a photocopy of the title-deed dated 2nd March, 1970. Unfortunately, I came here in a hurry, I could not trace it, but I know I have a copy somewhere. Could the Assistant Minister tell this House what he intends to do for these two widows?

Mr. Opore: Mr. Deputy Speaker, Sir, with regard to the initial land parcels, where the four subdivisions were made--- On 25th April, 1995, the Register for Ntima/Igoki/1060 was closed upon subdivision of the parcel by the owners and the four new title-deeds were issued; that is, Ntima/Igoki/5104, 5105, 5106, and 5107.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, either the Assistant Minister did not hear my question or he is evading the question. I asked a very simple question! The Ntima/Igoki is a very old land consolidation area, but the Assistant Minister is talking about closing the Register in April, 1995. Now, what Register is he talking about? The registers were closed before 1980; I can tell the Assistant Minister that fact for certain. These widows had the first title-deeds which, according to the law, cannot be changed. So, what steps is the Assistant Minister going to take to ensure justice is done?

Mr. Deputy Speaker, Sir, with a bit of indulgence, I will tell the story because I know it.

There was an old man called Nchurai who had two wives and the two wives had two sons each. Before Mr. Nchurai passed away, he subdivided his land and gave two sons one half of the parcel of land and the other two sons the other half. The sons of the first wife happened to be better off and they sold their parcel and moved off. They came back in 1994 and they must have bribed the Land Registrar, Meru, and got an identical title-deed which I saw last year when I took the lady to the Registrar of Lands in Meru. They took an identical title-deed and that is why the title-deed which the ladies had was being taken away only on 2nd June, 2000. Then the land was subdivided and sold. Unfortunately, the subdivisions are taking the homes of these people who have been there since they were born. So, it is a very complex matter and I would like the Assistant Minister to look at the matter again. He is really not being fair in answering the Question.

Mr. Opore: Mr. Deputy Speaker, Sir, the way the Ministry functions is that we go by documents and papers presented during the time of the registration.

In this particular case, proper documentation was done on whatever was submitted, and if the Questioner feels that there was fraud in this matter, it is only fair that he reports this matter to the police so that investigations can be carried out and necessary action taken because the Ministry has no powers to do anything, once the title-deed has been issued.

Mr. Deputy Speaker: Order! Order! Mr. Assistant Minister, are you saying that the Minister has powers to issue title-deeds, even if they are fraudulently obtained, that he has no powers to cancel them?

Mr. Opore: Mr. Deputy Speaker, Sir, at the time of issuing a title-deed, if you are not aware that it is obtained through fraudulent means, there is no way you can stop issuing a title-deed!

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I do not know whether the Assistant Minister is aware that this issuing of fraudulent title-deeds has now become a common practice in this country. I am a victim of this! My family has owned and run a school for years and years, and we own and hold the original title-deed and somebody went and got an identical title and he is trying to evict us.

Mr. Deputy Speaker, Sir, if this practice continues, what steps is the Ministry going to take to make sure that people do not indulge in obtaining fraudulent title deeds, perhaps, with the connivance of the officials of the Ministry of Lands and Settlement or even the Commissioner of Lands himself? I think it is really a threat. What steps is the Ministry going to take?

Mr. Opore: Mr. Deputy Speaker, Sir, we are aware that certain things happen when the officers are not aware. As a step towards stopping that practice, committees like the special land control boards, have been abolished. This is because from time to time, special land control boards have sometimes gone haywire and issued title-deeds without many officers and many elders being aware. So, that is one thing the Minister has done; abolishing special land control boards.

Mr. Muhiha: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to give us an irrelevant answer while he has been asked a direct Question? He has been informed that, the original title-deeds are still in existence. How were the other title-deeds produced, if the original title-deeds are still in existence?

Mr. Deputy Speaker: Order! You are asking a question! Really, you are better off standing to ask a question than rising on a point of order.

Mr. Mwiraria: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to refuse to answer my Question and refer me to the police? He is the Assistant Minister in charge of Lands and Settlement! I told him that I have a photocopy of the title-deed issued on 2nd March, 1970, for Ntima/Igoki 1060.

Mr. Deputy Speaker, Sir, I will table the photocopy of that title-deed tomorrow. Could he follow up the

matter and find out what happened? This is because he is not accepting the fact that, that is the parcel of land which was subdivided into four and shared amongst the owners plus two other people. In fact, two other parcels have been sold. So, the widows are going to suffer and the mistakes have been made by the officers in the Ministry of Lands and Settlements. I also point out that, the Registrar took the title-deed from the lady on the 2nd of June, this year, yet the Assistant Minister is looking helpless! What kind of Government do we have in this country?

Mr. Opore: Mr. Deputy Speaker, Sir, I would like to have a copy of the document he is talking about, so that we can take-up the matter with the Ministry's officers.

Mr. Raila: Mr. Deputy Speaker, Sir, I am happy that the Assistant Minister has said he is going to take-up the matter. This thing has become a crisis. At Uhuru Garden Estate, Nairobi, a lady has been marooned in her own house by an Asian businessman who has colluded with officers from the Ministry of Lands and Settlement to issue a title-deed for a plot that is at the entrance to the lady's house. The lady was told last week that because the title-deed has been issued, nothing can be done. Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House the Government's policy with regard to title-deeds that are being issued fraudulently? Are Kenyans expected to live in such a state of conflict that is being created by officers of his Ministry? Or, is the Ministry in a position to revoke those title-deeds to restore "righteousness?"

Mr. Opore: Mr. Deputy Speaker, Sir, I think the reversal of a title-deed is only possible through an Act of Parliament. Such reversal is not possible until the matter has been---

Mr. O.K. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister cannot be in order when he misleads this House that a title-deed that has been issued fraudulently cannot be reversed. The legal position is that a title-deed that is issued on first registration cannot be revoked. However, that is not true for a title-deed that has been issued fraudulently.

Mr. Opore: Mr. Deputy Speaker, Sir, only a court of law can determine whether a title-deed has been issued fraudulently or not.

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that a title-deed that has been issued fraudulently by his Ministry has to be subjected to a court of law for determination of its validity?

Mr. Opore: Mr. Deputy Speaker, Sir, what we all know is that no individual can determine whether that title-deed was issued fraudulently until the matter is determined in court.

Mr. Deputy Speaker: Let us proceed to Mr. Kikuyu's Question.

Question No.347

CONSTRUCTION OF NAIROBI/STONY
ATHI DUAL CARRIAGEWAY

Mr. Kikuyu asked the Minister for Roads and Public Works when the Government will implement the Motion passed by this House on 29th July, 1987, which recommended the construction of a dual carriageway between Nairobi and Stony Athi.

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

It is true that the Government plans to construct a dual carriageway between Nairobi and Stony Athi. The only problem is that we do not have the funds with which to implement that resolution. In fact, we plan to extend the said dual carriageway to Mombasa. We have the design for the dual carriageway, ready for implementation.

Mr. Kikuyu: Mr. Deputy Speaker, Sir, considering that this road carries the heaviest traffic in this country; that, it connects Nairobi, parts of Rift Valley Province and Eastern Province, among other areas, with Coast Province, and particularly the Port of Mombasa; and that, fatal accidents occur regularly between Nairobi and Stony Athi due to the heavy traffic that the road carries from Tanzania, Mombasa and the rest of Ukambani, why can the Assistant Minister not consider this resolution urgently? If the Government agreed to construct the said dual carriageway back in 1987, how come it has taken the same Government 13 years to source for funds for that project, when funds for the soya bean project, which was more expensive, have been sourced?

Eng. Rotich: Mr. Deputy Speaker, Sir, the fact of the matter is that we cannot afford to implement the said resolution at the moment. We agree that it is very important to construct the dual carriageway. That is why we designed it to extend all the way from Mombasa to Mau Summit. That design is ready for implementation, but there is no money for that project at the moment.

Mr. Munyao: Mr. Deputy Speaker, Sir, it is surprising that the Assistant Minister has said that the

Government cannot implement that resolution due to lack of funds.

Mr. Deputy Speaker, Sir, is he aware that his Ministry has an application from an individual who intends to construct a private road from Malaba all the way to Mombasa, but they have not sanctioned his application? Why has the Ministry not allowed that individual to construct that road?

Eng. Rotich: Mr. Deputy Speaker, Sir, I am not aware of the application being referred to by the hon. Member.

Mr. Wambua: Mr. Deputy Speaker, Sir, has the Ministry failed to implement that resolution because the Government does not have the money required for that work, or is it because the section of the road in reference covers part of Ukambani? If the Ministry is aware of the importance of that road, why has that project not been included in this year's financial estimates?

Eng. Rotich: Mr. Deputy Speaker, Sir, in the budgeting process, there is a ceiling as to the amount of money that can be raised for projects. That ceiling does not allow us to undertake the project; we cannot afford it.

Mr. Kikuyu: Mr. Deputy Speaker, Sir, with due respect, could the Assistant Minister consider constructing a dual carriageway between Jomo Kenyatta International Airport Road and Namanga Road? The distance between those two roads is about 20 kilometres. Doing so will help reduce the number of accidents on that stretch. How many more people must die on that road for the Assistant Minister to consider my request favourably?

Eng. Rotich: Mr. Deputy Speaker, Sir, we would not like anybody to die. We have the will to construct the dual carriageway on that section of that road. However, the problem is that we cannot afford to undertake that project.

Mr. Deputy Speaker: Very well; let us proceed to Mr. Munyasia's Question.

Question No.329

PROSECUTION OF WITCHES IN
MUSIKARI KOMBO ELECTION PETITION

Mr. Munyasia asked the Attorney-General why he has not prosecuted the self-confessed witches in the Maloba vs Musikari Kombo election petition of 1994.

The Attorney-General: Mr. Deputy Speaker, Sir, I beg to reply.

The Attorney-General (AG) has prosecuted following the judgement in Election Petition Case No.64 of 1993, Joseph Maloba Elima vs Charles Ohare and Musikari Kombo. The AG directed the Commissioner of Police to investigate the matter and prosecute the suspects. Messrs. Evi Khamala Wanyama and Simon Dileti Wawire were arrested and charged before the Chief Magistrate's Court at Kakamega. Following the hearing of the case, the suspects were acquitted.

Mr. Munyasia: Mr. Deputy Speaker, Sir, I find it almost impossible to comprehend the AG's answer. Three Judges of the High Court sat and heard those two people confess that they, indeed, performed that particular oath called "*khulia silulu*". On that account, the judges allowed the petition against hon. Kombo. For the AG to, now, say that those people - who had confessed and impressed the Judges as being truthful - were acquitted, would mean that the lower court at Kakamega found that no such act of administration of *khulia silulu* was performed. Could the AG tell us the number of the case that led to the acquittal of the two mentioned persons and lay the record of its proceedings on the Table of this House?

The Assistant Minister for Energy (Mr. Sasura): On a point of order, Mr. Deputy Speaker, Sir. According to the Standing Orders, we are allowed to speak either English or Kiswahili, but just for the benefit of some of us who do not understand that language, could hon. Munyasia tell us what he means by "*Khulya silulu*?"

Mr. Deputy Speaker: Order! I think the Attorney-General understood the question perfectly. Proceed, Mr. Wako.

Mr. Wako: Mr. Deputy Speaker, Sir, this is Criminal Case No.708 of 1997. I do not have the entire proceedings, but I do have the judgement. The interesting thing is that the magistrate also believed the accused persons, that they were speaking the truth before the court.

Mr. Kajwang': Thank you, Mr. Deputy Speaker, Sir. I was one of the counsels representing hon. Kombo when these two gentlemen carried the bible, swore that they were witches, they were practising witchcraft and that they had performed acts of witchcraft. On that basis, the Judges told us:

"You have lost because we believe these two gentlemen; they are truthful and witches."

So, which offence were they charged with of which they were acquitted?

Mr. Wako: Mr. Deputy Speaker, Sir, the two men were charged under Section 5 of the witchcraft Act, which is being in possession of articles --- Unfortunately, I only have the judgement, and not the file. From the judgement, it is clear that they were charged under Section 5 of the witchcraft Act which reads:

"Any person who is in possession of a charm or other article usually used in the exercise of

witchcraft, sorcery and enchantment for the purpose of causing fear, annoyance and injury to another in mind person or property or fails to show reasonable cause why he should retain any such charm ... commits an offence."

Mr. Orengo: Mr. Deputy Speaker, Sir, I was also involved in this case and now, this is confirmation. I said in court that the witnesses who confessed that they were witches were agents of the State; they were witnesses sponsored by the State. Now, it emerges quite clearly that when they were being charged two years after committing the offence, the Attorney-General, whom I thought read law very well, is charging somebody with being in possession of apparels of witchcraft. Two years after the offence, how is he going to get those apparels of witchcraft? It was a conspiracy to make sure that they were acquitted and the Attorney-General should actually own up and say that he was part of this conspiracy. This is because if he was being truthful, he should have charged them under the Election Offences Act. But the Attorney-General, knowing very well that they had confessed for committing an offence under the Election Offences Act now chose to charge them under a different Act, knowing that they were going to be acquitted. To absolve the office of the Attorney-General from this very serious offence, because he can also be accused for abuse of office, which is an offence under the Penal Code; to make sure that I do not take action against him under private prosecution, that he has abused his office, can he assure this House, because there is no limitation, that he will have these people re-arrested and charged under the Election Offences Act, since he is the only one with those powers under Section 26?

(Applause)

Mr. Wako: Mr. Deputy Speaker, Sir, I dismiss the threat or intimidation on the part of hon. Orengo that he can undertake private prosecution against me. I would like to urge him to go ahead and we shall deal with the case in court. Secondly, in this particular case, the election offence was found to have been committed by hon. Kombo. That is what it was. He was barred from standing for elections. Thirdly, if you read the judgement, which is very clear, you will find that the person admitted in the Magistrate Court that he was in possession of all these things. He also admitted that people think that he is a witchdoctor and so on, but the magistrate appeared to have believed him when he said that all these things which he had and was exhibited in court were his own medicines for the illness he had suffered since 1962; and since they had been taken away from him, this particular person had been suffering very much. That was proved in court. So, a doubt was created.

Mr. Ochillo-Ayacko: On a point of order, Mr. Deputy Speaker. Is it in order for the Attorney-General to mislead this House that hon. Kombo, who was found to have committed an election offence, that his conviction absolved his alleged accomplices? Is the Attorney-General in order to mislead this House that the fact that hon. Kombo was convicted, absolved from blame the people who administered the oath?

Mr. Wako: Mr. Deputy Speaker, Sir, I never said that, but I said that hon. Kombo was found guilty of an election offence in that election petition.

Mr. Raila: Mr. Deputy Speaker, Sir, we are dealing with a very serious matter indeed, because from the evidence of these two people, hon. Kombo lost his Parliamentary seat and was barred from standing for elections for five years. Had it not been for the IPPG, hon. Kombo would not be here chairing the Parliamentary Select Committee on Corruption!

(Laughter)

Was Mr. Kombo, who was the subject matter, called by the prosecution as a witness during the trial of these two gentlemen?

Mr. Wako: Mr. Deputy Speaker, Sir, that is one of the unsatisfactory features of this case. But I am saying that, indeed, this particular court did accept the evidence of the accused person and other people that he is known to be a witchdoctor in that area. They did accept that, but they tended to have given him the benefit of doubt, because the instruments he was using were medicinal to him.

Mr. Wamalwa: Thank you, Mr. Deputy Speaker, Sir. I think the Attorney-General has left us all lost. Hon. Kombo was accused of having participated or was found guilty of having committed the crime of oathing under the Election Offences Act. He was found guilty because these two gentlemen confessed in court that they were the ones who administered that oath. Now, when they are charged upon what they admitted to have done; self confession, the court finds that they are not guilty of having committed that offence. That shows that there is some sort of semblance of logic about this thing. Would it be possible, therefore, for the Government to institute proceedings to absolve hon.

Kombo of the offence that he is alleged to have committed since the perpetrators and administrators have now been found not to have committed that offence, because they are not witches any more, and pay hon. Kombo all the money he lost during the time he was out of this House?

(Applause)

Mr. Wako: Mr. Deputy Speaker, Sir, I think the Government did contribute to the amendment of The Statute Law (Miscellaneous Amendments) Act under the section on the National and Presidential Elections Act. It provided that a person disqualified as a result of conviction of or a report for an election offence prior to the dissolution of Parliament and ensuing elections in the year 1997, shall cease to be so disqualified. I think the Government did make a contribution, that law was passed and Mr. Kombo stood for election. He may have not stood for election and that is why he is here in the House today.

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir, The Attorney-General is side-stepping my question. This is because The Statute Law (Miscellaneous Law Amendments) Act was not directed specifically at Mr. Kombo's case. This was purely general. But I asked him a specific question which was that, since Mr. Kombo had been convicted upon the self-confession of those two witches who were later on absolved by the court of not having been witches and, therefore, Mr. Kombo had not committed any election offence whatsoever. So, passing the Statute Law (Miscellaneous Law Amendments) Act did not do Mr. Kombo any favour at all because he was innocent. Would the Government, therefore, consider paying him his benefits that he missed when he was out of Parliament?

Mr. Wako: Mr. Deputy Speaker, Sir, this amendment may not have referred specifically to Mr. Kombo, and as hon. Wamalwa says, it was a general application. But we do know and it is in the HANSARD, that this Clause then became known as the "Kombo Clause."

Mr. Munyasia: Mr. Deputy Speaker, Sir, the Attorney-General has not laid on the Table of this House the proceedings and the judgement. But he decided to charge Mr. Eli Khamala and Mr. Wawire with possession of charms. But the matter before court should have been that they participated in the election offence by administering the oath. So, why did the Attorney-General choose to charge them with possession of charms which they might not have had at that particular time in court instead of charging them with having participated in the administration of oath which was the matter that the Judges had directed to his office?

Mr. Wako: Mr. Deputy Speaker, Sir, the direction of the Judges related to an offence under witchcraft. And that is the offence under which they were charged. The Judges did not and could not have found them to be guilty of an election offence. They found Mr. Kombo to be guilty of an election offence.

Mr. Orenge: On a point of order, Mr. Deputy Speaker, Sir. The Attorney-General is continuing to mislead the House. The offence that was under consideration in the election petition was a corrupt practice under the Election Offences Act. It had nothing to do with witchcraft. Although those people self-confessed witches, the offence was a corrupt practice under the Election Offences Act, which the Attorney-General under the law at that time, was required to sit in court. In fact, he was sitting in court throughout the proceedings, so that he could have evidence to take before a subordinate court in relation to the matters which would arise from the election petition. But the case that went to Kakamega had nothing to do with the election petition. Could the Attorney-General assure us, if he is committed to the oath he took in this House and as the Attorney-General to serve this Republic faithfully, undertake that, probably the police made a mistake and he is going to ensure that those people are arrested and charged under the Election Offences Act which was the matter under consideration?

Mr. Wako: Mr. Deputy Speaker, Sir, it is true that my officer was there. Allow me to read part of that judgement which is very clear. The Election Court is saying that these people have committed offence under the Witchcraft Act.

Let me read what the Judges said. I know Mr. Orenge was involved in the case. He was there personally. I was not there personally and I go by what is written in the judgement. It says:- "PW2, PW3, stated that they were witch-doctors. They also said that they were licensed to practice traditional medicine by the Government. These witnesses could not be licensed to practice witchcraft, since they cannot be licensed to do that which is prohibited under the Witchcraft Act. We, therefore, leave that to the hon. Attorney-General to investigate." That is what the Attorney-General was supposed to investigate.

Mr. Orenge: Whether they were licensed or not?

Mr. Wako: Mr. Deputy Speaker, Sir, not whether they were licensed because the court was aware that they were not licensed. But because they had admitted that they were witches, then they ought to have been charged under the Witchcraft Act. I investigated and they were prosecuted, but they were acquitted by the court. What I can say is this: I do not necessarily agree with the judgment of the court. But the procedure which was taken to charge them

under the Witchcraft Act is the correct procedure because that was the order of the election court as I have read.

Mr. Muturi: Mr. Deputy Speaker, Sir, the Attorney-General as the Chief Government Legal adviser, should not create the impression in this House that in detecting the commission of offence within the country, he relies on judgements of the courts. The offence alleged to have been committed was an offence under the Election Offences Act. Why is the Attorney-General not owning up and assure this House that he is going to ensure that, that offence is going to be investigated and culprits prosecuted?

Mr. Wako: Mr. Deputy Speaker, Sir, I have read what was the contents of the judgement of the election court which directed me to carry out further investigations. As is normal in this type of case, I did my duty; I investigated and prosecuted but the court acquitted. We may or we may not agree with the decision of the court but there it is.

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

Question No.331

LETTERS FROM KENYA
MOVEMENT FOR DEMOCRACY

If he is still not there, the Question is dropped.

(Question dropped)

Mr. Angwenyi's Question for the second time.

Question No.226

CHERRY AND MBUNI DELIVERIES TO NYAIGWA/MARANI SOCIETIES

Mr. Angwenyi asked the Minister for Agriculture:-

(a) how much coffee (cherry and mbuni) was delivered to Nyaigwa and Marani Farmers Co-operative Societies respectively in each of the following years: 1990/91, 1991/92, 1992/93, 1993/94, 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99;

(b) how much was realized from the sale of coffee in each of the years referred to in "a" above for each of the two societies; and,

(c) how much was paid per kilogramme to the farmers in each of the year referred to in "a" above.

Mr. Deputy Speaker: Is anyone here from the Ministry of Agriculture?

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

Mr. Deputy Speaker: Mr. Angwenyi, can you not wait until I make a ruling?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I want to raise something important.

Mr. Deputy Speaker: But wait until I have finished what I am doing. The Question is deferred until Tuesday next week.

(Question deferred)

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. You realised that you deferred this Question last week and the Minister said that he would be ready today with an answer. As you realise, the Assistant Ministers who were here in the House have ran away before the Question could be asked.

Mr. Deputy Speaker: Order! Mr. Angwenyi, apart from wanting to be heard, what do you want the Chair to do?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I want the Chair to tell the Ministers to take this House seriously. I told you in the morning that these Ministers are failing our Government. They run away from answering Questions and they give wrong answers to Questions---

Mr. Deputy Speaker: Order! Mr. Angwenyi, it is quite simple. I informed you in the morning that the matters between you as KANU Back-Benchers and your Ministers, you reserve for KANU PG meeting. As for the Minister failing to come to answer the Question, I hope that a Minister present here will bring to his attention that this House takes it very seriously that they should not fail to answer a Question two weeks in row.

Let us move to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

REGISTRATION OF MUNGIKI RELIGIOUS SECT

Mr. Muchiri: 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 residents of Kasarani, Nairobi, are being subjected to harassment by the Provincial Administration on suspicion that they belong to the unregistered Mungiki sect?

(b) Why has the Mungiki religious sect not been registered as a religious organisation?

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

(a) I am not aware of any harassment of members of the public suspected to be Mungiki sect members. However, I am aware of persons and meetings which have been held by the unregistered sect and dispersed, because they have held such meetings without notifying the police so that the police can provide the relevant security.

The sect has not applied for registration, and therefore, it has not been registered.

Mr. Muchiri: Mr. Deputy Speaker, Sir, you are aware that this House received the Report on Devil Worship in Kenya. Members of the Mungiki sect have been dispersed everywhere all over the country by the police while praying. My question is: Can the Assistant Minister give the identification marks that make them to be identified as members of the Mungiki sect, which makes them different from the ordinary Kenyan citizens?

Mr. Samoei: Mr. Deputy Speaker, Sir, we have no such identification marks.

Mrs. Mugo: Mr. Deputy Speaker, Sir, it is common knowledge that these young people have chosen to be orderly, instead of being out there harassing the wananchi, and yet when they get together for their prayers, or whatever they do, they are dispersed. Could the Assistant Minister tell this House why, then, if the Mungiki sect members do not notify the police of their meetings, the police are always there harassing them when they pray, when we know that there are so many people doing bad things, harassing wananchi and stealing, and they are not arrested? Why are these youths who are organised and committing no offence not given time or allowed to come together, associate and say their prayers? Why is the Government so concerned with these harmless youths when they associate together by preventing them not to meet, which is their natural right?

Mr. Samoei: Mr. Deputy Speaker, Sir, if the harmless youths that the hon. Member is referring to is a group which identifies itself with mutilation of women genitals among other ugly things---

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

Mr. Samoei: Mr. Deputy Speaker, Sir, I beg to be heard. I regret that if that is the kind of group that hon. Mugo identifies herself with, and even speaks for them---

However, I did state that, this or any other group, unless they seek registration--- We have made it very clear that they do not intend to seek registration. This is a lawful country and it is this House that makes laws, and laws must be followed.

Mr. Kathangu: Bw. Naibu Spika, kwanza ninataka kusema kwamba sababu ya Serikali kutoheshimu mambo yanayohusiana na kumtukuza Mola, ni kwamba imesajili vikundi kama 850 ambavyo vinasemekana ni vya Kikristo, na vingi vyao si vya Kikristo. Vijana hawa wameenda kila pahali kuelembisha watu vile tamaduni za Mwaafrika zinatakiwa kufuatwa ili nchi iwe moja. Nashangaa sana, na ningetaka kuuliza: Vile vyama vya siasa havijasajiliwa, na ni vinane, ni kwa sababu vinahusiana na kikundi cha Mungiki; ama ni kwa nini havikusajiliwa?

Mr. Samoei: Mr. Deputy Speaker, Sir, honestly, I do not know why the eight political parties he is talking about have not been registered.

Mrs. Mugo: On a point of order, Mr. Deputy Speaker, Sir. He mentioned me by name!

Mr. Deputy Speaker: Yes, Mr. Murathe!

Mr. Murathe: Mr. Deputy Speaker, Sir, this Government has been arresting Mungiki youths since 1987. Can the Assistant Minister confirm or deny that there have never been any convictions of Mungiki members, and why is it that for the last 10 years this Government has been harassing Mungiki sect members and denying them their freedom of association, while allowing devil worshippers like the Freemasons to meet?

Mr. Samoei: Mr. Deputy Speaker, Sir, as and when members of the Mungiki sect, or any other sect for that matter, do not recognise that there is law and that they need to seek registration, they will continue to experience difficulties with the law.

Mr. Mbitiru: Mr. Deputy Speaker, Sir, could he deny or accept the position that the Mungiki sect creation is

a Moi-phobia to fight united and development-conscious Kenyan youths who are living peacefully in this country, but due to the phobia of the association encouraged by those people, then, the Mungiki sect has always to be fought even when they come to Laikipia to perform their rightful roles of baptising one another and accepting the religion as their own?

Mr. Samoei: Mr. Deputy Speaker, Sir, I think the phobia is with those who encourage and actively participate in that sect. Otherwise, I deny whatever the hon. Member has said.

Mr. Muchiri: Mr. Deputy Speaker, Sir, could the Assistant Minister accept or deny that members of the Mungiki sect have on several occasions gone to see His Excellency the President at State House, in Nakuru?

Mr. Samoei: Mr. Deputy Speaker, Sir, I deny.

IMPLEMENTATION OF COURT ORDER

Mr. Wambua: 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 a court order was given in favour of Mavoloni Company and that the District Commissioner, Machakos and the OCPD, Thika, were required to implement the order and assist the farmers to settle in their farms?

(b) Is he further aware that the farmers have had no access to their farms and cannot even pick their coffee which is rotting in the farms as policemen have been posted to prevent them from doing so?

(c) What urgent measures is the Minister taking to have the court order implemented and assist the Mavoloni people to take possession of their property to avoid further losses?

Mr. Deputy Speaker, Sir, I would like, at least, the Chair to know that regardless of the many orders that the Ministers and Assistant Ministers should supply the Questioners with written replies before they ask the Question, the Ministry concerned has not yet submitted to me a written reply.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, you will recall that this Question was asked on 21st June, 2000, and at that time the hon. Member said that the District Commissioner had received the order, and in fact, the order was just received that morning, and not before. I am now in a position to say that it is true that the order was received and action had been taken.

Mr. Wambua: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House what action had been taken because up-to -date the OCPD of Machakos has placed police officers in Mavoloni Farm regardless of the wish of the farmers? After I met you in the morning, I went there and I found that the police officers are there. What action have you taken if you have not removed those police officers from there?

Maj. Madoka: Mr. Deputy Speaker, Sir, when I spoke to the OCPD, he advised me that the police officers have been removed. So, if they are still there, maybe I will try and follow it up, but that is the answer that I got.

Mr. Katuku: Mr. Deputy Speaker, Sir, there are two versions. The hon. Member said that there are police officers in the farm who are preventing the rightful farmers to enter the farm, and the Minister says that they have been removed. I do not know who to believe, and I think I should believe the hon. Member, because he comes from there. Could the Minister, in view of the information he has been given by the hon. Member from the area, undertake to give fresh instructions for the police officers to be removed because I am sure they are there today? If we find them there tomorrow, we will burn them?

Maj. Madoka: Mr. Deputy Speaker, Sir, if, indeed they are still there, I will give the instructions. I would like to state that there is also a police post at Mavoloni which serves like any other police post.

Mr. Maitha: Mr. Deputy Speaker, Sir, three weeks ago a Committee of this House, of which I am a Member, visited this farm and we were given evidence by the farmers that the area OCPD, the DC and the whole Provincial Administration had refused to take that court order because the DO who serves that area is a brother to a powerful Minister. If that DO is not removed that order will not be carried out. Can the Minister assure this House that he is giving us information which he received this morning because when we went there the police were still harassing the farmers and also officers of the Provincial Administration were refusing to take the court order?

Maj. Madoka: Mr. Deputy Speaker, Sir, when that Committee visited the area, it is true that an earlier order was being enforced, but after that a new one was issued and that is the one we are talking about.

Mr. Wambua: Is the Minister aware that the court order has not been implemented? He has agreed now that he is aware that an earlier order was given. Can he tell us why, and when this court order was implemented? Who did it? Was it the DC or the OCPD? If so, why is he saying that there is a police post in Mavoloni Farm without the request of the farmers? How can you place a police post in a farm without the request of the farmers? Why are you doing it?

Maj. Madoka: Mr. Deputy Speaker, Sir I said there is a police post around Mavoloni Farm.

Mr. Wambua: On a point of order, Mr. Deputy Speaker, Sir! Can the Minister tell this House where that other police post is unless it is the one which is using the Mavoloni Farm houses? Where else do you station your police post?

Maj. Madoka: Mr. Deputy Speaker, Sir, unless I went to the ground I would not really be able to say. I would undertake to do that.

SHOOTING OF MR. MICHAEL NGIGI

Mr. Kiunjuri: 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 the police officers shot and killed Michael Ngigi and wounded Mr. George Ngugi on 30th June, 2000, at Westlands roundabout?

(b) Under what circumstances did the police open fire?

(c) What measures has the Minister taken to ensure the safety of Mr. George Ngugi who is currently admitted in Kenyatta National Hospital?

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

(a) Yes, I am aware.

(b) On 1st July, 2000, a report was made by a Mr. Peter Mungai Waweru and Mr. David Mbeta Mberia at Kabete Police Station that two gangsters had robbed a lady driver of her white Toyota Car registration number KAH 549Z. They had further reported that the gangsters abducted the lady driver. Following the report the details were circulated to neighbouring police stations and patrol teams. This was at about 9.00 a.m. At around 11.00 a.m. along Waiyaki Way, this car was spotted carrying these two people and the police tried to stop the driver, but he defied the instructions. The police then fired and killed one individual and injured Mr. Ngugi. We have checked on this information and there is no evidence to show that the police were threatened in any way by these people in the car or that they had any guns. Therefore, the shooting was totally unjustified and we apologise for this. Since there were about six policemen involved we are trying to establish who actually fired the fatal shot - the shot which injured Mr. Ngugi - and the appropriate action will be taken.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I am happy with the answer given by the Minister. However I am not happy with the last sentence that they are trying to establish who shot and killed Mr. Ngugi. The six of them were involved and murder was committed. There is no accomplice or principle offender in this case. All of them committed the murder so they should all be charged in a court of law. It has become a habit for the police officers to be happy pulling triggers on innocent Kenyans. The other day they killed Mr. Jordan Odhiambo and the case is still pending in court. Last week at Mariwa in South Mugirango they killed two innocent people. We do not know whether the police officers are being subjected to psychological tests before they are admitted to the police force since most of them must be mad. These police officers shot these people at close range. Why did they not immobilise the vehicle, arrest suspects and arraign them in court for prosecution instead of killing them?

Maj. Madoka: First, let me state that although the six police officers were all there, obviously maybe one or two of them fired the fatal shot and we will establish who did that. Certainly [**Maj. Madoka**] those officers will be charged for murder. The other people who might have fired the shots that did not get any of the individuals will be charged for some other offence.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, recently the Head of State gave directives that policemen should not shoot to kill. However, a few days later these policemen shot and killed Mr. Ngigi and injured Mr. Ngugi. Who is going to give directives to the police force in Kenya so that they can desist from shooting to kill?

Maj. Madoka: Mr. Deputy Speaker, Sir, I think it depends on the circumstances. First, let me state that for those who have used firearms, if you are panting and chasing somebody, even if you aimed for the foot you could easily get the heart. That is a fact because even in a firing range where you are given all the time with a still target, you could still miss it. Imagine shooting at a moving target and you are panting. It is easy to miss aim. Police have instructions to try and maim any criminal, but we do accept that because of the various circumstances, sometimes the bullet does get the place which really knocks out the individual.

Mr. Magara: Mr. Deputy Speaker, Sir, we heard from the Minister that someone called the police station and reported that some people had carjacked a car with a lady inside the car. What was the intention of those police officers? They shot to kill without taking into account that there was an innocent lady in the car. She could have been shot dead by the same police officers who were trying to rescue her!

Maj. Madoka: Mr. Deputy Speaker, Sir, I have already said that we believe they acted unprofessionally.

Mr. Karume: Mr. Deputy Speaker, Sir, the Minister said that there were six police officers. He said that

investigations were going on to establish who, among the six police officers, shot the victims. How come that it has taken the Minister and his Office 12 days to investigate who shot the victims among just six police officers?

Maj. Madoka: Mr. Deputy Speaker, Sir, that is a very reasonable question. However, you will appreciate that quite a few things have to be analysed by the ballistic experts.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, could the Minister categorically assure this House that such kinds of deliberate, calculated and well-coordinated evil schemes will not be used against Government critics, and especially the Opposition leadership, now that it is evident that the Opposition will win the general elections come the year, 2002?

Maj. Madoka: Mr. Deputy Speaker, Sir, may I request that he repeats that question!

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, could the Minister categorically assure this House that such kind of deliberate, calculated and well-coordinated incidents will not be used against Government critics, and especially the Opposition leadership, now that it is evident that the Opposition will win the next general elections?

Maj. Madoka: Mr. Deputy Speaker, Sir, I can see that the hon. Member is day-dreaming! The ruling party will still win!

STUDENT UNREST IN KANDARA
SECONDARY SCHOOLS

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

(a) Is the Minister aware that students from Githumu, Kibage and Kariti Secondary Schools went on strike on 18th June, 2000; 20th June, 2000 and 23rd June, 2000 respectively, and destroyed property worth millions of shillings?

(b) What urgent measures is the Minister taking to curb the escalating trend of such incidents in Kandara Constituency?

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

(a) I am aware that on the specified dates, Githumu, Kibage and Kariti Secondary Schools went on strike and destroyed property worth about Kshs500,000, Kshs427,000 and Kshs10,000 respectively, totalling about Kshs937,000.

(b) Investigations by my Ministry have revealed that, student unrest in schools in Kandara Constituency, as elsewhere, arises mainly because some school administrators do not address students' grievances promptly, objectively and humanely. Towards improving this aspect of school administration, I have directed my officers and school heads to ensure appropriate and full involvement of Boards of Governors and other education actors in student discipline and administrative decisions.

I noted with satisfaction the concern of the hon. Member for Kandara on the welfare of the schools in his area. His immediate initiative and efforts to address the Kariti Secondary School strike issues are commendable.

Eng. Toro: Mr. Deputy Speaker, Sir, there is something that the Assistant Minister is not serious about. If you look at his answer to part (a) of the Question, he has said that the destruction at Kariti Secondary School was Kshs10,000. A full dormitory with beds and students' property was burnt and the roof collapsed. It cannot be Kshs10,000. There is also one thing in common about those schools. They are all mixed boarding and day schools. The Assistant Minister should address himself to the issue of mixed boarding schools. He should state categorically whether this has anything to do with the strikes. Lastly, there is the issue of drug abuse in secondary schools. I am made to understand that in the three schools, the students who caused the damage had taken bhang and other drugs!

Dr. Wamukoya: Mr. Deputy Speaker, Sir, as regards the first point, the information that I have indicates that Form Ones and Fours were locked in their dormitories, while Form Twos and Threes tried to burn their dormitory. Fortunately, when the Form Ones and Fours bolted out, they helped to put out the fire, which had destroyed only a few mattresses. It is only at Githumu where a lot of materials in the laboratory were destroyed. In fact, so many microscopes were taken away, but broke on the way as the students were confronted while running away.

As regards mixed secondary schools, it is difficult to make changes very quickly. It costs money to separate the schools. But we have instructed the Headmasters and Headmistresses to stay in the schools. We have also instructed that the disciplinary measures that are meted out in schools should be current and not archaic. The Ministry is going through a system of removing caning, which was the cause of the problem at Githumu. The new Headmaster, who was a Deputy Headmaster at Alliance High School, caned six students who had committed minor offenses after only two days. This was the cause of the problem.

As regards the drug abuse, I realise that as an educator, it is a very big problem. It is a global problem which cannot only be handled by the Ministry of Education. But we are trying our best to curb the problem. The whole society should deal with the problem of drug abuse.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. Is the Chair aware that Question Time ends at 3.30 p.m.? Is the Chair deliberately derailing the Motion on the Anti-Corruption Report?

Mr. Deputy Speaker: Proceed, Mr. Mwangi!

Mr. O.K. Mwangi: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say in his reply that, one of the causes of indiscipline in schools is the headteachers' failure to address students' grievances satisfactorily. I am at a loss to understand that because he is in charge of education in this country. He is also in charge of the headteachers. Is he telling this House that the Ministry has failed to address the grievances of the students? Is it not a fact that the Ministry has failed to control the headteachers and, therefore, that is why they are running the public institutions like private institutions? Could he tell this House whether the public schools have been privatised and left to the direction of the headteachers, who are not under the control of the Ministry? They can charge whatever fees they want. That is one of the major causes of indiscipline! They are only interested in money and nothing else!

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I have just gone through the changes that we have undertaken. You realise that the system of education is as old as I am! The measures that were taken during my time are different from the ones that are being taken today. Therefore, we are trying to institute new changes in our system of education. I have remitted some of the measures that we have undertaken. One of them is that headmasters and headmistresses should reside in schools to monitor the behaviour of the students.

Mr. Deputy Speaker: End of Question Time. Next Order!

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has just claimed that the education system currently in use is as old as he is. I presume he is about 50 or 60 years old. What we know is that the 8-4-4 system of education is not even 20 years old and it is the one which is the cause of the chaos in our secondary schools and universities. Is he in order to mislead the House?

Mr. Deputy Speaker: That is not a point of order. Next Order!

MINISTERIAL STATEMENT

TABLING OF DOCUMENTS ON QUESTION NO.365

The Minister for Finance (Mr. Okemo): Mr. Deputy Speaker, Sir, yesterday, you did direct that I should lay before the House documents relating to hon. Michuki's Question. Now, I would like to report to the House that the Report of the Controller and Auditor-General together with the Appropriations Accounts, other public accounts and the Accounts of the Funds, a list of which I gave the hon. Member, were actually tabled before this House last year in March. At the moment, they are the subject of deliberations by the PAC. So, I do not think that I should lay the same documents twice.

Thank you.

POINT OF ORDER

SHOOTING OF POLICE OFFICER AT HOLA

Mr. O.K. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. I raised a matter here seeking a Ministerial Statement and yesterday, the Minister promised to issue that Statement this afternoon. Can I request that the Minister of State, in charge of Internal Security issues it? This is in respect of a police officer, who was shot at Hola, but the police claimed that he shot himself, when facts indicate that he was shot by the other police officers.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, it is true. I promised to issue that Statement, but again, I am afraid I do have to apologise that my facts are still not sufficient for me to make it.

Mr. Deputy Speaker: When will you do it?

The Minister of State, Office of the President (Maj. Madoka): I will do it next week.

Mr. Deputy Speaker: When, next week?

The Minister of State, Office of the President (Maj. Madoka): On Wednesday, next week.

Mr. Deputy Speaker: Next Order!

MOTION

ADOPTION OF ANTI-CORRUPTION

SELECT COMMITTEE REPORT

THAT, this House adopts the Report of the Anti-Corruption Select Committee laid on the Table of the House on Tuesday 9th May, 2000 and further recommends that the Attorney-General introduces a Bill entitled The Anti-Corruption and Economic Crimes Bill, 2000, contained in the Report.

(Mr. Kombo on 5.7.2000)

(Resumption of Debate interrupted on 11.7.2000)

Mr. Deputy Speaker: Hon. Nyenze was on the Floor. You still have 15 minutes.

The Minister for Environment (Mr. Nyenze): Thank you, Mr. Deputy Speaker, Sir. Maybe my watch was a bit ahead because I thought it was 20 minutes, but anyway, I will make use of the 15 minutes.

Mr. Deputy Speaker, Sir, I was saying that the report was not only faulty but biased in that it selectively chose those to malign certain individuals without sufficient evidence. I also said that unless we set an amnesty and a date from where we should start prosecuting those who committed these economic crimes, this will be very difficult. The reason why I find this report very flawed is one: You may ask yourself: "Why did the Committee concentrate on the time the present KANU Government took over and not from 1963"? There are a lot of question marks. For me to be convinced to support and back this Report, it has to be backdated to 1963 when we got our Independence. If this is not done, the simple reason is that this is an Opposition parties' scheme to malign the strong people in KANU so that come 2002 as hon. Kiunjuri has said, they knock us out and we will not accept this. Why did they selectively do that to some Members?

Mr. Deputy Speaker, Sir, it is not very difficult to know why they have chosen not to go back to 1963. Look at Coast Province and ask yourself: "Who owns the majority of beach plots? Who owns the big chains of hotels? How did they acquire them? Did they buy them and why have they not appeared in the report?" The report talks about the Eldoret Airport, Turkwell Gorge and the Bullet Factory because these are projects that were carried out when His Excellency President Moi came to power and they want to malign his record which by any standard is so good, and we will not accept this as KANU people. This is because as Parliamentarians, we need to be straightforward. There is no way I will sit and accept a Report that does not say what the other regime did. Kenya is composed of more than 40 big tribes and is one nation. Unless the report wants to ignite some passion and animosities between tribes, let it not target one or two tribes. This is because from what I can see, this Report is about succession because it is targeting two main tribes mainly the Kalenjin and Maasai. This is very evident and we will not accept that.

Mr. Kihoro: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to make a presentation that is so tribalised and that is an embarrassment to the Government? Why can he not make a good overview representing a good picture instead of tribalising a very important Report?

Mr. Deputy Speaker: Order! Mr. Kihoro, you are arguing with him instead of raising a point of order. Proceed!

The Minister for Environment (Mr. Nyenze): Thank you, Mr. Deputy Speaker, Sir. It is unfortunate to see that some Members do not understand the Standing Orders. However, in this case, protect me so that--

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Minister to state that this report only alleges corruption against two tribes when even the Chair knows that everybody from every tribe is mentioned in that Report?

The Minister For Environment (Mr. Nyenze): Thank you, Mr. Deputy Speaker, Sir. I am talking about the majority tribes. I read through the Report and all I saw was about succession. Surely, there is no leader in this country who has led as well as President Moi and the strong people that we have for the year 2002 like the Vice-President--

Mr. Kombo: On a point of order, Mr. Deputy Speaker, Sir. I do not know which report the Minister is debating. Can he tell us where the report has talked about succession? Which page is it contained in?

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, you know it may not indicate directly, but by implication this is seen all through the Report. You know you also have to see between the lines. This is about succession and you want to destroy a chance for KANU and that is why you have targeted the KANU powerful people like hon. Prof. Saitoti, hon. Biwott, hon. Ng'eny. These are the people we are banking on and we cannot accept that.

A hon. Member: And what about Nyenze?

The Minister for Environment (Mr. Nyenze): And also hon. Nyenze!

(Laughter)

Mr. Kariuki: On a point of order, Mr. Deputy Speaker, Sir, Is the Minister implying that he is such a weak Minister that he cannot measure up to the calibres of hon. Biwott, hon. Prof. Saitoti and hon. Ng'eny? He is so weak that---

Mr. Deputy Speaker: Order! I think it is professionally a good thing for us to enjoy some humour, but we should not carry it too far so that we lose focus of the very important Motion that is before us. Proceed, Mr. Minister!

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, thank you, for your protection, but I would urge you to protect me more because these people do not want me to reveal the truth. By the way, I am not mentioned in the Report, but I want fairness. I want to see fairness because tomorrow it might be me and if we were to go by what economic crimes have been committed since Independence, most of the Front-benchers in the Opposition own everything in Kenya and we are clean. In fact, the Bible says: "Before you see the speck in your brother's eyes, remove the log in your eye".

These are double standards. We do not expect to see people that we bank on being destroyed and torn apart. This is a very biased Report that it should be thrown out of the House as early as possible. The main reason why I say this is because the money that was spent in compiling this Report should have been sanctioned by this House. We allowed the Committee to spend Kshs5 million. Kshs3 million came from Parliament and Kshs2 million came from Centre for Governance and Democracy (CGD) and other sources. For all purposes, hon. Murungi who is in CGD, has been an interested party. He has been always talking about throwing KANU out of power. When he buys some people to write such a Report,---

Mr. Kihoro: On a point of order, Mr. Deputy Speaker, Sir. The issue that arose yesterday about the involvement of the CGD has been brought up by the Minister. I have got documents here to confirm that the involvement of the CGD was done completely officially. CGD financed the trip to Botswana, the involvement of the Committee in a seminar and a retreat at Elmentaita.

Mr. Deputy Speaker, Sir, I would like to table the documents and I will speak about them when I get an opportunity. But surely, this was official.

The Minister for Environment (Mr. Nyenze): Thank you, Mr. Deputy Speaker, Sir. I would want to know which Act of Parliament approved that to make it official.

Mr. Deputy Speaker: Order! hon. Nyenze, you ought to know how Parliament spends money. Money is voted for Committee work and once a Select Committee has been appointed by the House, there is no need to come back to the House for special allocation. That is, in fact, the procedure. It is, in fact, true that money came in from CGD and that was reported officially to the Speaker who approved that money to be spent for this purpose.

The Minister for Environment (Mr. Nyenze): Thank you, Mr. Deputy Speaker, Sir. If you will protect me, I will use my five minutes fairly well.

Mr. Deputy Speaker: I will protect you.

The Minister for Environment (Mr. Nyenze): Thank you, Mr. Deputy Speaker, Sir. You know hon. Murungi is an interested party. So, his interest means a lot in this matter.

Mr. Deputy Speaker: Order, hon. Nyenze! I made a ruling on that yesterday.

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, I will not refer to that because the Chair made a ruling on it yesterday. I would like to say that most of these problems that we are experiencing are due to of poverty. That is why many people are making a lot of noise, but in all fairness, we should love our neighbours as we love ourselves. We should not persecute people without adequate proof. I have seen that most of these people who have been adversely mentioned here were not called to defend themselves, but the damage has already been done to them. How will you compensate them if they are proved innocent? I wish this Report was not compiled before they were heard. We should throw this Report out and give this Committee an assignment of coming up with a more comprehensive Report that will help us.

(Several hon. Members stood in their places)

Mr. Deputy Speaker, Sir, I am being rigged out. Why are the hon. Members standing up? I need the Chair's protection because I have five more minutes.

Mr. Deputy Speaker: Yes, you still have five more minutes. Proceed!

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, why are they wasting my time? We have a big problem in this country. The economic mess that we are in, has been caused by the Opposition hon. Members. They have been telling donors not to give us money and dragging politics into agricultural production, for

example of rice, tea and coffee. This has reduced our foreign earnings. This is how they are ganging up to waste my time now. I do not want this kind of behaviour.

Mr. Deputy Speaker, Sir, if we have to adopt this Report, which we will oppose by all means, we should go back to 1963 and see who did what then, but we should not only concentrate on Moi's era. If we were to go back to 1963, we would know that we are fair to everybody. This is another shortcut that the Opposition is using to get into power, but I am sorry, it will not get anywhere. The *status quo* will remain because God is with us and we will fight to the last tooth.

Hon. Kombo is my friend, but it is only fair for this House to reject this Report at the earliest time possible. Then we should re-direct the Committee on what to do because it has failed miserably after spending such a big sum of money. Also, I feel very betrayed to see people who have been serving as public servants for years, and ran down the institutions they were running do not appear in the Report. Surely, this is very strange!

An Hon. Member: Who are they?

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, if hon. Members press me further, I will name these former public servants who ran down the institutions that they were running. But I am more polished than that, but when time comes, I will name them.

The hon. Members sitting on the Front Bench of the Opposition side own nearly everything in this country, yet, they are always making noise. Does this mean that nobody else has a right to rule this country? All these hon. Members here have committed more crimes than what has been alleged in this Report, yet, they have not been mentioned in the Report.

Mr. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to keep on referring to "these people"? Who are these people without names?

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, everybody knows these people. But to be precise, because the hon. Member has pressed me beyond my limits, I feel it is only fair to name them. This is a painful exercise and the hon. Member will be very surprised.

We should look at corruption since 1963 and should not just concentrate on the period that the Committee started investigating. I will start with Coast Province. If you look at all the beaches and the beach hotels, you will see that they were ditched out to some people in the Opposition who are seated here.

An. Hon. Member: Name them!

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, I will come to that. The hon. Member should not worry because I will name him. We have not complained about the dishing out of these beaches and beach hotels because we are mindful of other people's welfare. If you go to the Mount Kenya area, for example, Nanyuki and Kieni areas, you will see ranches owned by these people.

Mr. Kariuki: Name them!

The Minister for Environmental (Mr. Nyenze): Even you, I will name you! It is only that I am civilised. These hon. Members know exactly what they have done. They have committed very big crimes and I am only being fair.

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

Mr. Kihoro: Mr. Deputy Speaker, Sir, I would like to start my presentation by looking at the Anti-Corruption and Economic Crimes Bill, 2000. Having been an hon. Member of the Committee and having worked through it for the last 18 months, I can say that serious work has been done. As I try to look at the future of corruption in this country, I can say that those people who are potentially corrupt are deemed to fail if this Bill becomes a law in this country.

Mr. Deputy Speaker: Order! You cannot refer to that as a Bill. There are only two ways of bringing a Bill to the House according to the Standing Order; either a Member's Bill or Public Bill. So, that is merely a draft.

Mr. Kihoro: Thank you, Mr. Deputy Speaker, Sir. One of those things that are proposed in the draft Bill is the formation of an Ethics and Integrity Committee, so that, in future, we will not be dealing with postmortems about corruption. We would want as much as possible to deal with the question of prevention of corruption in this country. As we continue with the exchange here, the country continues bleeding. What is important, according to the views of the Committee is to make sure that, we limit as much as possible the latitude of corruption in this country. We did agree that Cap. 65 of the Laws of Kenya was not adequate in terms of taming corruption in this country. We are proposing in the draft Bill that a Parliamentary Ethics and Integrity Committee should be appointed to deal with matters, even in this House, that involve corruption by Members.

Mr. Deputy Speaker, Sir, it is true that in the Report that we have submitted to this House, there are so many hon. Members who have been previously involved in matters that are questionable. On that basis, my view is that, that is why this debate has become more difficult. Objectivity has been lost because of the involvement of Members previously in corruption. That is why it becomes difficult to be objective on matters that are so fundamental, where this

country could well have lost Kshs200 billion through official corruption. The extent of corruption is far much bigger than that. If you look at people who have died while they should not have died. If you look at roads that should have been done and have not been done; how many accidents have been caused in this country because our roads are in bad state? But if there was no corruption in this country, it would have been possible to maintain our roads.

Mr. Deputy Speaker, Sir, the cost of corruption in this country is so expensive. If you look at the issue of lowering grades and standards of literacy in this country, we are progressively becoming more illiterate as opposed to preparing to get into this millennium with better educated and trained people, who are going to make sure that this country will have its competitive edge, not only in East Africa but also in Africa and the world. That is not happening. In my view, the question of corruption has been very important in terms of reducing the competitive edge in this country. The draft Bill is proposing that there should be a code of conduct for Members of Parliament. One thing that has not happened in the debate on corruption in this country, even where Members are involved, is this thinking that if you are on the "list of shame", there is also honour in resignation. That is a word that I have not heard, although I have not listened to this debate from the beginning. There is a lot of honour in resigning, to defend your character and integrity. Kenya will not go anywhere; it will be there for us. But there is no reason why we should continue struggling when we have been mortally wounded. There is a lot of honour in resigning saying: "Until I clear my name, I am not going to participate again in Government." Why is that not happening? If you are innocent, you remain innocent. But if you are guilty, you remain guilty, whatever quantity of mobilisation you are to do in this House.

(Applause)

Mr. Deputy Speaker, Sir, the draft Bill is proposing and is going to enable the Director General of the Anti-Corruption Authority to obtain information that is going to enable the investigators and eventually, the police to get vital information. It is going to enable the police to obtain information on all movable and immovable properties belonging to an individual who has become suspect. That property could be held in this country or overseas. There is one particular case of US\$200 million that was remitted to Puerto Rico to purchase an oil refinery, but the contact man became a conman and the money was lost. It belonged to the people of this country and there is no way of following up the matter, because all the documents from this country were forgeries. They were also defrauded. That is a matter that might have eluded the Committee.

Mr. Deputy Speaker, Sir, the Report of the Committee is not exhaustive of the cases of corruption that have been perpetrated in this country. Those who are mentioned in the Report, might be just a bit unlucky.

Mr. Deputy Speaker: The one you are referring to in the Report?

Mr. Kihoro: Yes, the list that has been compiled by the Committee, covers the instances of corrupt practices that have been perpetrated in this country. Some people are on that list because it was possible to get information. It was possible for the members of the public to complain to the Committee. There are other situations where it was possible to get official information, and on the basis of the official information, it was possible to include certain people on that list. But there are very many people who are not on that list. The work that the Committee was asked to do was very immense. What we must do and what is being proposed by this draft Bill is to make sure that preventing and investigating corruption is going to be an on-going process. It is not a postmortem to be done in this country after 37 years. That is not possible. Records get lost, people with information die and people who have committed crimes die even before they are punished. That is why the draft Bill is going to deal with questions of corruption, on an on-going basis. That is why we want to have this draft Bill enacted as fast as possible by this Parliament, after it is duly placed before the House for debate.

Mr. Deputy Speaker, Sir, the draft Bill is the most modern one that can be placed before any House, because of the scope and research that has been done involving some of the most corrupt situations in the world. On the list of the most corrupt countries in the world, Nigeria has previously ranked as No.3. I must say that the Committee benefited immensely from the draft Bill that has recently been passed in Nigeria, and the suggestions and measures that should be incorporated have been incorporated in the draft Bill. We have also received information and legislation from Hong Kong, the country of the triads, only second to the mafia in Italy. The mafia continues soldering on. The most important thing is to stop the possibility of a mafia in this country taking root. The draft Bill has got all these insights about the possible permutations of corruption that can happen in a country, and it is proposing how to stop that. It is also proposing that, if it is necessary, information can be intercepted. The draft Bill will enable the police and the investigative authorities to intercept communication that would assist to detect corruption. I only mentioned a number of sections in the draft Bill, because I also had my own presentation to make about the whole Report. But I thought it might be wiser to start with the last part of my presentation and then come back to the earlier parts that I wanted to talk about.

Mr. Deputy Speaker, Police Force in this country should be reinforced by employing people who are knowledgeable in the law and in accounts. The work of detection and investigation, punishment and prosecution of offenses in this country is not a job to be done by people who are not sufficiently qualified. It should be done by people who might understand the law and accounts. We must make the work of police in this country more attractive and give it a future. That is very important if we going to succeed in the fight against corruption as we need to do.

Mr. Deputy Speaker, Sir, lawyers have been able to use privilege they have as lawyers in dealing with crimes and they have been able to use that privilege to perpetrate and to cover up corruption. The draft Bill will remove that privilege, in so far it can be used to cover up wrong doing and crimes. But so far as it will be required to advance the interests of the clients, the draft Bill will preserve that privilege. The draft Bill is proposing that, illegally-acquired property should be recoverable under this draft Bill. It will become recoverable and that is going to be an on-going measure in the future.

Section 67 of the draft Bill proposes that, there should be no limitation on all cases of corruption. It is proposing that, a corrupt act will remain alive and it will remain active until it is punished. In terms of the law of tort, in case you have perpetrated a tort three years after, it is possible just to brandish the Limitation Actions' Act, and say that no action can be taken. But, according to the draft Bill, any corrupt act will remain active and will be punished at an appropriate time in the future and we are hoping that, that is going to be done quickly.

Mr. Deputy Speaker, Sir, one of those aspects that have assisted the existence and perpetuation of corruption in this country is the failure to do public accounting in good time. A national audit of all public money should be done at the end of the year, or maybe within six months before the end of the financial year. You will find that, even this House has been dealing with reports on public audit that go back to five years or six years because the Controller and Auditor-General's Office is understaffed. I am happy that, according to the proposals for retrenchment, this is one of the offices where nobody will be losing his or her job. It is very important to strengthen the national audit office through the Controller and Auditor-General's Office so that we can be able to get on top of expenditure of public money. So long as that is not happening on a non-going process and the audit is done and completed within six months, loopholes will remain there and that, we will always be looking at situations that happened five years or six years ago, when people are no longer interested. So, the Public Investments Committee (PIC) and Public Accounts Committee (PAC) Reports have also been delayed in a way and, all that has resulted in the misuse and abuse of these offices.

Mr. Deputy Speaker, Sir, one thing that I had decided to speak about at the beginning was the question of the Report of the Committee on Government houses which have been sold to private individuals. According to the Report of the Committee, there are very many cases which have been cited as "houses allocated to private developers." Those are nameless persons! Other public houses have allocated to Mr, Mrs or Miss, who are not known or unnamed allottees. Others have been allocated to companies which, after doing a search at the Attorney-General's Chambers, like Lassie Enterprises or Hallahi Development Company Limited, you cannot be able to get the files.

Mr. Deputy Speaker, Sir, the list that is appended to the Report by the Committee, on Government houses which have been privatised and sold out, is a list that was prepared in 1996. There are many houses which have been alienated since that time. So, what I am saying is that, at this time and age, no Government house should be alienated to an individual called "not known" or to companies that you cannot be able identify or to private developers that you cannot be able to know. The list should be updated! It is important that Government houses should not be privatised or sold out. They have been sold for such a little money that it is incredible! I have found that, some of the houses have been sold for as little as Kshs70,000. Some of them are passed as condemned houses. But you will find that these houses are still being occupied in areas like Upper Hill and Kileleshwa, having been sold for Kshs70,000 only, when they have got a market value of more than Kshs20 million. If you go and look at that list, you will find that, some of the purchasers have again gone further and have avoided paying Stamp Duty. You find that, they claim to have resold the houses for Kshs400,000 or Kshs500,000. In this case, they have under-declared the value of these houses and, therefore, ended up avoiding paying Stamp Duty. So, it is important, if you are going to repentant about what has happened here, if you are going to get--- Sometimes it is even right to be punished when you have done the wrong thing, so that you can come back into grace. So long as that has not happened, you remain a wrong doer. So, it is important to update the list of Government houses which have been sold out to find out whether they are in the high grade, middle grade or lower grade. Some people have been able to buy Government estates. Individuals have bought Government estates!

There is one individual at City Hall; one person we dealt with in the Report - a Mr. Kuria wa Gathoni - whose name is infamous. He has been able to get City Council houses in Lavington, Thomsons Estate, Kilimani, Westlands and Parklands. He has been able to acquire car parks, health centres, fire stations, City Council depots; name them! All that has happened in this country and that is what needs to be looked into. This Report, especially, in respect of public houses and public land--- It is important to firstly accept that, wrong things have been done and it is important,

therefore, to update the list and recover many of these houses which have gone into the hands of individuals. This is because we are going to have a Civil Service in this country. I have not heard a single issue about abolishing public service in this country. What has become a housing allowance, even after fivefold increase, only amounts to Kshs17,000. I am abhorred when I start dividing Kshs17,000 which is going the maximum house allowance. Some people in this country, at this time and age are being paid Kshs3,000 as house allowance. Instead of being allowed to stay in a Government for five or 30 years, if they are lucky, retire and that house is passed on to another person---

A country like Botswana has a population of 1.6 million people only and its size is the same as that of Kenya and the roads work. If you look at how many people pay tax in Botswana, they cannot be more than 500,000! It is only 500,000 people in Botswana who pay tax and they are able to construct their roads and they are building more Government houses and they have got one of the most successful meat marketing organisation; the Botswana Meat Commission. It is the most efficient meat selling company in the world. It sells meat from Zimbabwe on behalf of the Zimbabweans, but the company is from Botswana. It sells meat on behalf of Namibia and it has got investments in Europe and in the Caribbean Region.

Mr. Deputy Speaker, Sir, what is most admirable is that, that is a country with only 1.6 million people. If you consider the number taxpayers in that country, and look at its beauty, you will find that it amazing. That country is the same size as Kenya. With 28.5 million people in this country, we continue mourning. We cannot even maintain our roads. All this is due to corruption. So, I feel a lot of pain in finding that all those houses are being sold-off. I think we are nearing the end of the world; *wakati wa kuteremshwa kwa jahanam umekaribia*.

It is important that Government estates in terms of houses remain intact. This Report recommends that the people who have been given these house should buy them at market prices. Houses that were bought at Kshs70,000 have a market value of between Kshs15 million and Kshs20 million. If one fails to pay the current market valuation price, the house should not be sold to anybody else, but should revert to the Government housing estate. Also, we should have a good Department which will maintain those houses. A properly painted house takes between eight and 10 years before it can require another coat of paint.

Mr. Deputy Speaker, Sir, we found that part of the justification for privatising of Government houses is because it has not been possible to maintain them. Therefore, the budget allocation for the Ministry of Roads and Public Works should be reduced to a minimal amount, so that the Ministry can, justifiably, say: "It is no longer possible to maintain Government houses; they should be sold to individuals". It is important that we try to restore the public houses to what they used to be. Public houses are meant for public servants. If we are to restore the Civil Service to what it was some time back - so long as we intend to have an efficient and vibrant Public Service - it is important to house public servants.

A maximum house allowance of Kshs17,000 will not do, unless those civil servants stay in Kayole, or Ruai, or Tala. We want civil servants housed in Government houses. Some of the clerks of this House travel overseas and visit some of their counterparts in countries such as Canada and Australia; they get into their houses and see how well they live. However, when the clerks from those countries visit Kenya, the clerks of this House cannot invite them into their houses. Some of the clerks of this House stay in Umoja Estate, others stay in Tala, while others stay in Kangemi. Why would our clerks want to embarrass themselves by taking their counterparts from Australia, or Jamaica, to those estates? It is important to restore Government houses to what they were before. Any hon. Member occupying a Government house should now say: "I have been doing the wrong thing". Government houses should be restored to what they were; the Government should embark on building more housing units for public servants.

Mr. Deputy Speaker, Sir, corruption is also found in the road system. The tendering and contracting processes of road projects have been carried out unprocedurally. Corruption has been practised in Government Supplies Departments, especially through over invoicing for the payment of more money than is required. Some contractors have signed contracts with the Government for the rehabilitation of some roads, and had the contract sum paid to them immediately; one such road is that which leads to Nyeri Town. Once the entire contract sum is paid to such a contractor, he says: "I cannot continue with the contract. I would like to be accompanied by an engineer to the field to see how much work I have done on the project, so that I can refund the balance of the contract sum", and that is where corruption lies. You will find that a contractor, who is supposed to be paid 10 per cent of the contract sum for the work that he has done, is paid between 70 and 80 per cent of the contract price. Such a contractor says: "Because I make more money this way, why should I perform the contract?" Thus, we are in a state of dilapidation of our roads and appliances.

How many people have died in our hospitals because they could not afford medical services even under the so-called "cost-sharing system", which is supposed to subsidise the cost of those services? Those people will not be resurrected even if money is recovered from those who stole it. That is why the draft Bill that has been proposed by this Committee becomes very important. We want to deal more with the preventive measures as opposed to doing postmortem on the corruption that has been perpetrated in this country.

Mr. Deputy Speaker, Sir, 80 per cent of all the cases of corruption that we encountered when we visited the provinces are based on land. Poor families lost their land - which was their only source of livelihood - due to corrupt deals that involved land registrars or land adjudication officers, or lands officers. Even the Lands Control Boards (LCBs) have become dens of thieves. Some Kenyans told us that, in some districts, unless you pay Kshs2,000 to the LCB, you will not have your application approved. In these difficult times, Kshs2,000 is a lot of money. Why does one have to pay that amount of money to somebody who is being paid by this country's taxpayers to do his work?

Also, local authorities are nowadays involved in a lot of corruption. Yesterday, I saw an advertisement by Nyeri Municipal Council in the newspapers, inviting interested persons to purchase 70 serviced plots within the municipality. On payment of Kshs50,000, an application fees of Kshs2,000, and some other money - may be, Kshs55,000 - you can forward your application and get a plot. That is the way we want things done in this country. That is the first thing I have ever seen being done about abiding by the requirements of the Government Lands Act, Cap 40 of the Laws of Kenya. This Act contains procedures on how Government land should be disposed off. That legislation has been flouted for the last 10 years. For the first time, this legislation is being obeyed. Yesterday was a good day for me, because I saw that advertisement by Nyeri Municipal Council. Anybody who was not aware of that development before, can read the newspaper and if he is interested, he can forward his application and may be lucky to get a plot; seventy plots are very few. If you are lucky, you may get a plot next time. I am not forwarding any application myself, but that is the correct procedure that should be followed in alienating Government land. The Government Lands Act lays down a clear procedure on how Government land should be disposed of.

Mr. Deputy Speaker, Sir, the Government Lands Act should be complied with if we want to restore this country to what it was sometime back - a country that has entered the era of globalisation. Many people have talked about this. It means fine-tuning our agriculture and industrialising by the Year 2020. Those people are only good in roman numerals. However, I do not think that they have got any promise, according to what I can see today. If we have to industrialise this country, improve our agriculture sector and modernise it, we should make agriculture a paying sector. Today, the Kenyan farmer is living in nightmares. There is a lot of corruption in the co-operative sector, including the cotton, coffee, tea and sugar sub-sectors of the agricultural sector. An hon. Member recently talked about Kshs30 million that is being demanded from him with regard to his estate.

Mr. Deputy Speaker, Sir, 80 per cent of Kenyans depend on every sector of agriculture and, yet, today, it has been ruined. Our trade used to be balanced by export to Uganda and Tanzania, but today we do not export and we do not feed ourselves. Our water flows from Lake Victoria down to River Nile. So, this is a good Report, and I do agree that it is not exhaustive, but the Anti-Corruption and Economic Crimes Bill is the answer, so that we can put corruption in hand. I am very grateful.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Angwenyi: Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute on this very important Motion. One and a half years ago, this House set up this Select Committee in response to a situation that had engulfed this country. There were terms of reference for this Committee, and by and large, it has met them.

I would like to inform this House that corruption is now a way of life in this country. There is nobody, sector, group, village and child who has not had the negative impact of corruption. I would like to say that even the policemen, some of whom are involved in corruption have had the negative impact of corruption. Ten years ago, the Government embarked on a programme to provide decent accommodation to our Police Force. The Government started putting up buildings all over the country. For example, the Government started putting up a building which would have cost Kshs240 million in Nyamira District, while in Nairobi's Industrial Area, it started a project which was costing Kshs0.5 billion. The Government started these projects everywhere in the country and money was paid upfront before the houses or the buildings were complete. What is there to be shown for the amount of money that was spent, because this money was not spent on the projects? In fact, the money corruptly went into peoples' pockets. Today, if you visited our police lines, you will find four police families or couples staying in the same room. One bed is separated from another one by a curtain. So, even the people who were supposed to investigate corruption have had a negative impact of it and, maybe, that is why they have now chosen to join corrupt people and involve themselves in corrupt activities.

Mr. Deputy Speaker, Sir, see what corruption has done to our education. Look at the universities; in every university campus, there is a stalled building which is three or four feet high. Money had been paid upfront, squandered and, therefore, there was no money to complete it. As a result of that, the Government found that it had to impose fees on our students in the universities and make them buy their own food. If you go to any one of our universities, you will find that the way our students live is a pale image of what you and I went through. Our children who are in the universities live as if they are slaves. They do not have time to concentrate on their studies, develop themselves in sports and socially because of the negative impact of corruption. Some people took money and they have never been apprehended, asked to account for it or own up the damage that they have caused our people.

Go to hospitals, where every old woman or man goes when he falls sick. Because of corruption, we cannot

provide adequate health facilities in the country; we cannot provide enough medicine in our hospitals. In order to be controlled, our development partners have said that for them to advance more funds to us so that we can get a chance to loot what we get from our country, we must now have cost-sharing. So, our patients, for example, the sick child, the woman who goes to the maternity ward and the child who is born in the maternity ward breathes the air of this world and feels the negative impact of corruption.

Mr. Deputy Speaker, Sir, you have read stories and seen on television cases of people dying on our roads, which have purportedly been re-sealed and are good, when in fact, there was no re-sealing done. Some people invoice the Government with high bills for work not done and as a result our people die on the roads, which are presumed to have been done many years back. That is the negative impact of corruption.

Today, the people of Nairobi cannot get clean water in their homes. Yesterday, when I was driving home and passed by the Nairobi Dam, I saw people drawing water from there. Why were they doing that? This is because they cannot get enough water in their homes due to corruption. This is as a result of corruption because when money was voted to construct big dams, enough to supply water upto the middle of the next Century in this City, it was looted. There was an announcement over the radio this morning that in the last one year, the Nairobi City Council (NCC) has lost Kshs500 million from their water account. Have you ever seen anybody being taken to court or prosecuted for the loss of this amount of money? The answer is "no". In fact, the people who were involved were promoted, and the NCC has no clean water in the 21st Century. We would have expected this in the 16th or 17th Century. That is the impact of corruption.

(Applause)

Look at the way we are retrenching workers in this country. The Government is retrenching its workers because it has no funds that it can apply towards operations and maintenance. The Government has no funds to apply for development. This is because the money we vote here, this House stands to be blamed! This House votes money year in, year out, but hon. Members never question how it is spent. So, we can blame all of us---

Mr. Deputy Speaker: Order! Mr. Angwenyi, you know that there is the Public Accounts Committee (PAC) that does the auditing on our behalf.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, we have the PAC and the PIC which audit the accounts of Ministries ten years later. What is being done today will be questioned at the time of my grandson.

Mr. Deputy Speaker: Order! Mr. Angwenyi, you are not factual.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, to come to the facts, this House--

Mr. Deputy Speaker: Order! I am asking you to be factual because PAC has already laid on the Table of this House, the audited report of 1995/96 Financial Year.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, during the 1995/96 Financial Year, I was not in this House. That is a fact.

Mr. Deputy Speaker: Mr. Angwenyi, I am talking about the report which was discussed and adopted by this House.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I do not want to engage in an argument with you. So, give me your advice.

So, all I am saying is that this House spent over Kshs150 million just to dust off these seats and we did not raise complaints. That amount of money was enough to put up a building of the same size as this Parliament. We are now spending over Kshs800 million to renovate Continental House. For the last three years, we have spent quite a substantial amount of money in this House. What is in Continental House? This House is party to corruption in this country.

(Applause)

Mr. Deputy Speaker, Sir, let me address myself to the abuse of offices in this country. For example, when someone is appointed as a head of a parastatal or a Ministry, he will give job opportunities in that parastatal or Ministry to his tribesmen. He will find ways of making money for himself or direct projects to the area where he comes from. That is an abuse of office and it has really destroyed our country. That is why although we had *El Nino* rains three years ago, which destroyed our infrastructure---

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. You have heard hon. Angwenyi saying that a lot of money has been corruptly spent in renovation of Continental House. When he makes that allegation, it is the Chair that is being accused. Would I be in order to ask him to substantiate?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, anybody who has got rudiments of building a house would know what I am talking about. I know it because I have built for myself a small house---

Mr. Deputy Speaker: Order! Mr. Angwenyi, as you all know, that building is being supervised by the Speaker's Committee and that is a Committee of this House.

Hon. Members: So?

Mr. Deputy Speaker: Order! Hon. Members, if you are man enough, stand up, he who said so!

Mr. Angwenyi, I will not allow you to proceed on those lines because you are making scandalous accusations against the whole House, including yourself.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, do you want me to apologise?

Mr. Deputy Speaker: Order! Mr. Angwenyi, I just wanted you to know that no hon. Member stands in this House and starts calling himself a thief. If you are one, just confess about yourself!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I confess that I have been enjoined into the activities of corruption by being an hon. Member of this House.

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

Mr. Angwenyi: Tell that imbecile to sit down, so as to allow me to continue with this serious matter.

Mr. Deputy Speaker: Order! Mr. Angwenyi, mind your language.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I just wanted the guidance from the Chair. When you are discussing an anti-corruption report and if the Chair is purported to have been implicated, should we not discuss it? Is it wrong for us to discuss the Chair if it is implicated?

Mr. Deputy Speaker: Order, Dr. Ochuodho! On what page is the Chair named in the Report?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, corruption as we all know---

Mr. Deputy Speaker: Order! As you all know, if, in fact, the Chair is implicated in any manner, the best way to go about it, hon. Ochuodho, is to bring a substantive Motion against him or any Member that you think is implicated. It is as simple as that because our Standing Orders allow you to do that. So, proceed along those lines and you will find the Chair very accommodating.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, today we are in total darkness because---

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. I asked hon. Angwenyi to substantiate the claim that money has been corruptly spent to renovate Continental House. Could he substantiate because it concerns all of us?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, since hon. Munyasia joined this Committee, he has lost direction.

Mr. Sambu: On a point of information, Mr. Deputy Speaker, Sir. I want to inform the House that for comparison purposes, and I am not blaming any Committee; according to the Press, Lonrho House was sold at Kshs565 million.

We know this House has spent almost a Kshs1 billion to renovate Continental House. Why did we not put up a similar building instead of renovating it?

Mr. Deputy Speaker: Order! Hon. Members should be the last to peddle rumours.

An hon. Member: Those are not rumours!

Mr. Deputy Speaker: Order! The accounts of this House, like the accounts of every Government Department, are audited and they are available for inspection. So, hon. Angwenyi, tomorrow, you will bring to this House evidence that the Speaker's Committee has spent over Kshs800 million on renovation of Continental House!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, this country is in darkness---

Mr. Deputy Speaker: Order! That is what you will do tomorrow!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, if that is what you want, I will do so.

This country is in darkness---

Mr. Orengo: On a point of order, Mr. Deputy Speaker, Sir. I seek your guidance because hon. Munyasia came out with a very important issue which seems to be putting the Chair in defence. Any time that the Chair or the House is made to stand up in defence of any issue, it compromises its dignity. As far as I know the Constitution and the relevant statutes in this country, the Speaker of the House has never been an Accounting Officer. He is not accountable to anybody in so far as the expenditure of the Government funds is concerned. I want this to be cleared so that if, for any reason, it is established that money has been "eaten", let the Chair not be blamed. Let us blame the right people, who are sitting here and they are looking at me.

Mr. Deputy Speaker: Order! It is correct that the Chair is not an Accounting Officer, but it so happens to be the Chairman of the Speaker's Committee, which is responsible for the renovation of Continental House. Now, hon. Angwenyi, has made very serious allegations which hon. Munyasia has challenged him to substantiate. I am being magnanimous and saying that he substantiates it tomorrow afternoon.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, this country is in darkness. Our children have seen the negative impacts of corruption. The people who are supposed to run this country have squandered money and that is why we have blackouts. Persons who are now being punished because of corruption are school-going children because they cannot do their homework. There is no light. We are also punishing the Jua Kali artisans. They cannot earn an honest living because of power rationing. The person who is going to be punished for the looting of the money which could have been used on power is the person who is being laid off from his job, because the factories do not have power to work at their full capacity. The person who is going to be hurt is the revenue man because the companies are going to make losses and, therefore, they will not pay revenue. So, in essence, it is our Government which will suffer because it is not going to collect taxes as it projected.

Mr. Deputy Speaker, Sir, that is the negative impact of corruption! Recently, a Kenyan was abducted from this country and taken to Kosovo where there is no Government. Those are the symptoms and effects of corruption. The person suffering is the farmer, who is given bad quality fertilizers; the fisherman and fisherwoman on the Lake Victoria who cannot be advanced loans at concessionary rates so that they can compete with their counterparts in Tanzania or Uganda. That is also the negative impact of corruption.

Mr. Deputy Speaker, Sir, you can see the impact of corruption even in the Government system itself, where a Minister cannot give an accurate answer to a Question asked in this Parliament, and he has no recourse. He may not agree with it, but because of abuse of office, he fears that if he asks about it, he might be sacked for asking a genuine query. That is corruption! Is there anybody in this country who has not tasted the negative impact of corruption? Even the Angels of Heaven have tasted the negative impact of corruption, where, recently, the Government machinery was used to keep away worshippers in the Buru Buru Church of God. People want to go to the Church in order to meet the Angels of Heaven, but they are stopped, and that is corruption.

Corruption has been tapped, and that is why we set up this Committee, although it may not have been perfect. For example, the Committee piled together mega corruption, small-time corruption and imperfections, but, maybe, because of time and the resources available to the Committee, they were not capable to segregate the mega corruption; the type that takes billions of shillings and the small-time corruption. There may have been people included in the list that has been termed as the "List of Shame," who should not have appeared there in the first place, but we cannot completely blame the Committee for that, because what the Committee was doing was only identifying the alleged culprits and giving that list to the Kenya Anti-Corruption Authority (KACA) that we have created in this House; which has got the capability to find out whether that is correct or wrong. That is what they have done. They have just acted like an informer who informs the police: "I have seen a crime being committed in such and such a place, and I think the person committing it is the Speaker." So, the informer has only performed a duty that can yield, probably, a positive action on the part of the security agency.

So, what the Committee did is what is done in our legal system, where one person is taken to a magistrate's court and he or she may be convicted in that court, but is allowed to go to the High Court for an appeal. If the High Court finds that the conviction was wrong, they would clear him or her. So, those friends of mine, and they are quite a number of them, who have been included in the "List of Shame" should wait and go to the KACA. Please, do not spoil this Report simply because your name has been put there wrongly.

(Applause)

They can wait for the KACA, and we can petition the House Committee on Administration of Justice and Legal Affairs to seek an audience with the KACA, so that they can expedite in clearing those people, and getting the culprits prosecuted. In that way, we will be doing something. The people of Kenya are yearning to see how this House votes; will it vote for the Report, or will it vote against the Report simply because many of them have either been wrongly or rightly included in the "List of Shame"? For my friends---

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

Mr. Angwenyi: Quickly!

Mr. Orengo: Mr. Deputy Speaker, Sir, I just wanted to inform hon. Angwenyi that some of the people in the "List of Shame" have already given statements to the KACA, and they did not mind, but when they are mentioned now by this Committee in this House, they mind very much.

(Applause)

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I cannot finish my contribution without giving advice to one of my best friends in this House, and a brother of mine. I would ask that brother, at the conclusion of my contribution, to take time off from the Speaker, and go into a cave, where he will be alone---

An hon. Member: Monastery!

Mr. Angwenyi: Yes, a monastery! Like what the leaders in South Korea did a few years ago. Let that brother find out although he is the most powerful man in the land why is he connected and associated with every crime that happens in this country; why is he associated with the murder of the former Minister for Foreign Affairs, Dr. Robert Ouko, the Soya Beans and Edible Oil Project, and even some of those things that he has not done?

(Applause)

If he does that and comes out at the end of one year, Kenyans would have forgiven him.

Thank you, Mr. Deputy Speaker, Sir.

Mrs. Mugo: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the Motion on the Floor. I stand to support the Motion because we are talking about the lives of Kenyans, who are undergoing untold pains at the moment and great hustles. Today, many Kenyans are not sending their children to school, and yet, we all say that education is the backbone of the country and our children are our future. Today, many Kenyans cannot afford health care because they have absolutely nothing. We are told 52 per cent of Kenyans are living below the poverty line, and so it is impossible to imagine that those Kenyans can even afford to pay and cost-share in health services, education, or any other service. How do we expect the poor parents to build schools, and yet, they are living below the poverty line, and it is even impossible to afford a meal? How do you expect Kenyans to be able to pay for their medicine, even for the curable diseases? We have many of them dying; child mortality is on the rise, something that was not there in many areas, and expectant mothers cannot make it to clinics, which even cannot provide any services to them. Many Kenyans are living under terrible conditions in what are called today, the slums, where there is no electricity and water. Let us not even talk about electricity and roads in the slum areas, although it is now good that even those who are living in the areas where those services are found, including the Front Bench, will now face a little bit of what those slum dwellers are undergoing. We have seen children dying. We have cases of babies dying in Pumwani Maternity Hospital where the mother goes to get help, but her child dies because there are no medical facilities. The main cause of lack of these facilities, as has been said again and again, is corruption, since we know Kenyans pay taxes. Even the big corporations pay taxes and it amounts to a lot of money. They tell us at the end of the year the kind of money taxation earns. Can the Front Bench now tell us where that money goes? Due to corruption this money ends up in individual pockets instead of delivering services.

During the State Opening, the President is on record as saying there is corruption. I think this House was right in establishing a Committee to look into corruption. Everybody admits that there is corruption in this country. Somebody is responsible for that corruption. The only thing that can happen is to dig and find out the roots of that corruption. One thing is for sure; somebody has to be in authority and in a big position to be able to carry out that corruption. The question is not that corruption is not there; it is there.

I am surprised that the Front Bench is only concerned that the Report did not go back enough, so it should be thrown out. If they were serious about getting this, they should say that this Report should be passed, investigations done on it and we should go back to 1963 or whichever year, and still punish, blame and investigate the offenders. If they are serious, they cannot say "no" genuinely. They should not suggest that the Report be thrown out because it did not go back enough, or because it is mentioning only these people and not those people. How will we ever weed out corruption? How will we get Kenya back on track? How will the Kenyan public get back to a prosperous life? Will they drift further and further into poverty so that we end up with 90 per cent of this country living in abject poverty? Should we throw out this Report just because it only touches on a few people? Two wrongs cannot make a right, and that is a known fact.

If the Ministers are genuine, they will say that they want to know these corrupt people who have taken all the money, if they are not among them. Let them pay back the money they took to the people so that the people can afford schools for their children. Let us dig further to find out who else should be asked. I do not think anyone should be spared, but we must give Kenyans their right to life. At the moment, I know this Report is viewed by some people as witch-hunting, but deep down in their hearts, they really do not believe it. They are just talking to this House or the Press because they know corruption is there, and that you have to be in a position to be able to effect it.

Junior officers are only involved in corruption because they have seen their big bosses getting away with it and not being charged in any court. That is why we are calling for this Report to be implemented and that the course of law takes effect. I do not see why anyone who is clean would then be afraid to explain their case. Most of us wonder whether the Attorney-General or KACA are free to even touch the untouchables because they are there. It is very important that this Front Bench shows Kenyans that they are committed to eradicating corruption by agreeing to be investigated by KACA.

Yesterday, my husband was mentioned in this House. I am not afraid of that because I can explain it just like

you can explain if you are clean. I see today hon. Gumo was afraid to come to this House because he should substantiate or apologise. I am saying this just for the record, because I am glad certain gentlemen came immediately to the defence of my husband. I am not standing here to defend Mr. Mugo, but this newspaper which was published by a Mr. Ng'weno of Stellerscope says: "an exemplary two-year performance---

Mr. Deputy Speaker: Order! In any event, hon. Gumo did, in fact, mention one Mr. Mugo who, evidently, is your relative.

Mrs. Mugo: Yes, I read it in the Press.

Mr. Deputy Speaker: I told Mr. Gumo that I would check in the HANSARD to find out if he uttered the words that he is reported to have said. I did check the HANSARD and he did utter those words. I had said that when he comes back to the House, he will have to withdraw and apologise. He is not in the House today. If I am unable to enforce that---

Mrs. Mugo: He is hiding out there!

Mr. Deputy Speaker: Order! He is in the precincts of Parliament, but he is not in the Chamber. As soon as he sets foot here, no matter when, I will make him do that.

Proceed, Mrs. Mugo.

Mr. Orengo: On a point of information, Mr. Deputy Speaker, Sir. I have reason to believe that Mr. Gumo was reading the name "Mugo" backwards. I am sure that if you check the HANSARD of the last Parliament, you will see how Ministers in this Government used to talk about what Mr. Gumo did in Nzoia; I am sure that he was reading that name backwards. If he was here, I would be able to point out why I am saying he read that name backwards. I know that is why he is not here.

Mrs. Mugo: Thank you for that information. Even without referring to that newspaper, I would like to say a just a few things of the exemplary service that Mr. Mugo gave when he was in Nzoia. For one thing, he was there for only three years and was not responsible for negotiating for what was purchased. When Mr. Mugo was there, the factory crushed the highest amount of cane. In his first year, it crushed 46,000 metric tonnes although it was supposed to crush 42,000 metric tonnes. It was recorded as the highest crushed sugar---

Mr. Wamunyinyi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that Mr. Mugo did a good job at Nzoia when I know, at the time of leaving, Kshs100 million due to farmers was outstanding? He was part of the clique that killed Nzoia!

Mr. Deputy Speaker: Order! That is quite enough. Mr. Mugo is not the subject of this Report. His name came in merely through hon. Gumo. Let us focus on the Report before us. Hon. Mugo, I fear that if you continue on those lines, you will invite more and more questions and I would like to prevent that. It is your choice.

Mrs. Mugo: It is my choice, Mr. Deputy Speaker, Sir. I think it is unfair when it is left in people's mind to wonder. Let me, please, at least, explain this. I just want to say that when negotiations were made for that factory, the money was borrowed from private banks. The Government did not come forward with its portion. It did not give its part of the investment. Mr. Mugo did not borrow the money!

Mr. Ngure: On a point of order, Mr. Deputy Speaker, Sir. Is Mrs. Mugo in order to feed this House with bedroom information?

Mr. Deputy Speaker: Order! Order, hon. Ngure! Will you withdraw that statement and apologise to the House?

Mr. Ngure: Mr. Deputy Speaker, Sir, I am just wondering what position the hon. Member was holding in the administration---

Mr. Deputy Speaker: Order! We have already heard you! Just withdraw and apologise!

Mr. Ngure: I withdraw and apologise, but what position was the hon. Member holding!

Mr. Deputy Speaker: Order! There is no "but"! Proceed!

Mr. Nyauchi: On a point of order, Mr. Deputy Speaker, Sir. You have just ruled that hon. Gumo will have to withdraw and apologise. If that is the position, and the ruling is from the Chair, it is like those words were never uttered. So, in the circumstances, is it really necessary for the hon. Member on the Floor to continue explaining matters which are really of no consequence to the House? They do not form part of the records of this House.

Mr. Deputy Speaker: What if hon. Gumo does not withdraw? There is that possibility! Proceed!

Mrs. Mugo: Thank you, Mr. Deputy Speaker, Sir. I think we should all focus on facts. What I said is the truth. You can check from whatever records you like. If you inherit whatever you inherit, the best you can try is to face the facts.

Mr. Wamunyinyi: On a point of order, Mr. Deputy Speaker, Sir. One Mr. Mugo was the Managing Director of Nzoia Sugar Company! Mrs. Beth Mugo was not the Managing Director of Nzoia Sugar Company at the time. Is she really competent to talk about Nzoia Sugar Company when she was not the Managing Director? I know

that Mr. Mugo used to fly every day to Nzoia from Nairobi. He was using money from Nzoia Sugar Company to fly in a helicopter to and from there every day!

Mr. Deputy Speaker: Order! I think we will discuss Mr. Mugo no more!

Mrs. Mugo: I have the right to defend my husband!

Mr. Deputy Speaker: Order, Mrs. Mugo! As I told you, you will just open yourself to more questions and attacks! I have already ruled in respect of what hon. Gumo said about Mr. Mugo! I will get him to withdraw and apologise! That is the end of that story! Proceed!

Mrs. Mugo: Mr. Deputy Speaker, Sir, I think it is unfair!

Mr. Murathe: On a point of order, Mr. Deputy Speaker, Sir. Such kind of things show you the extent to which this debate can degenerate! Fortunately, Mr. Mugo has somebody here who can defend him!

Mr. Deputy Speaker: What is your point of order?

Mr. Murathe: It just goes to show you that there are Kenyans out there who have no voice in here to clear their situations!

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

Mr. Murathe: Mr. Deputy Speaker, Sir, it is not fair to allow somebody to defend---

Mr. Deputy Speaker: Order! I have already made a ruling in respect of what Mr. Gumo said! That will stand! I am trying to save more Kenyans from suffering the same fate!

Mr. Murathe: They are very many!

Mr. Deputy Speaker: They may be, but my duty here is to stop them from suffering further injuries.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. The Chair has ruled time and again that people who are not in this House should not be unfairly mentioned. Is it in order for Members to rise on points of order to introduce discussions and adverse mention of characters of people who are not in the House, when we know that the Public Accounts Committee (PAC) and the Public Investments Committee (PIC) are Committees through which any Member with information can actually have a particular Member called to answer for his misdeeds? We are not asking for cover-up of any person, but it is incumbent upon the Chair to make sure that the Standing Orders of this House are utilised so that the people can have an avenue!

Mr. Deputy Speaker: Hon. Members, the enforcement of the rules of this House is the responsibility of every Member of this House, including the Chair. Now, I discharged my responsibility in respect of the naming of Mr. Mugo yesterday by Mr. Gumo, by saying that I will check the HANSARD. I have already done that. I have said that he did mention Mr. Mugo adversely. I have ruled that when he shows his face here, I will get him to withdraw and apologise! This is because he was naming and maligning somebody who is not in the House to defend himself. Now, I want to stop further malignment of people who are not here. The only way I can do that is really to stop discussion on Mr. Mugo because he is not here. I want Members to understand that it is also not honourable for you to discuss the husband of a fellow Member in those terms! If you have information that incriminates him, this is not the place to bring it. You should have taken it to either the PAC or the PIC. So, there will be no more interventions in respect of Mr. Mugo.

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. On the same hon. Member, you said that you will make a ruling on an allegation he made on the PIC Report chaired by hon. Anyona, where he made fraudulent claims in Mumias Sugar Company. He took Kshs28 million! Yesterday, he claimed that it was a civil case. You were going to make a ruling on that.

Mr. Deputy Speaker: I have already checked on that and I am waiting for hon. Gumo to come. There is no point in me managing him in absentia.

Mr. Obwocha: No, Mr. Speaker, Sir! You said that you will look at the Report.

Mr. Deputy Speaker: I have already done that!

Mr. Obwocha: Thank you!

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. I do not want to challenge your ruling on Mr. Mugo because I actually raised this matter yesterday. But I want an elaboration on your ruling that people who have information, but are not here and have not been mentioned in this Report or in the PAC or the PIC Reports, should have gone to the Committees. Would that imply that if a Member has information about a Kenyan who has been involved in corrupt acts some other time, and he was not able to present that information to the Committee, he will not be allowed to bring the names of those people and that information to the House?

Mr. Deputy Speaker: Order, hon. Members! If you bring in the names of people that you think are corrupt, or whom you allege are corrupt here, you are, in fact, introducing evidence in the House! But we have got a Report from that Committee. So, how do we include that new information in the Report, when, in fact, it has not been part of the proceedings of this House? We cannot do that! We cannot allow Members to start introducing new evidence!

That cannot happen.

Proceed, Mrs. Mugo!

Mrs. Mugo: Thank you, Mr. Deputy Speaker, Sir. I will abide with your ruling although I believe that a wife and a husband should protect one another, if need be. We are not two people! We are one. Even the Bible says so.

Now, I will turn to other issues. I will leave that and hope that the apology will be forthcoming. If you will not be in the Chair, I hope whoever will be in the Chair will follow up the matter. He can even substantiate his claims for that matter. If he has any evidence, he can take it to where it is supposed to be taken.

I think corruption, protectionist politics, mismanagement and a lack of transparency are what has led to the situation that we find ourselves in. Even now, we have continued to cover it up because it is either this tribe or that tribe, or this person or that person, and that is why this report is coming out. I think we shall never come out of the doldrums in which we find ourselves today.

Mr. Deputy Speaker, Sir, the Committee which was appointed by this House comprised of Members from both sides of this House, and I would believe they were from all the regions of this country. So, the question of tribalism or party in the Committee's Report should not arise. It is in that strength that we should all be supporting this Report. I am not saying that it is because it is only touching here and there. Let us say: "Yes, there are other people we want investigated", and mention them all even if it is my husband or whoever. Let us get them investigated, but do not drop a Report because it has left some people out, or you imagine it has done so. I think some of the tactics which are being used in this House vis-a-vis dragging in some names is just a way of shutting some people's mouths, so that they do not speak about corruption, and that does not help Kenyans. We shall speak about it even on the roof-tops because the people who sent us to this House expect us to find a cure for what is making them go through hell, because that is what they are experiencing, right now.

Mr. Deputy Speaker, Sir, nobody said that, maybe, there was no corruption in those years, but we never had a time when Kenya had a blackout like we have today. We are told that we will soon have 18 hours of darkness. We have children who we expect to learn since the schools have to continue. What we are saying really is that we can forget education for these coming six months. We are approaching examinations time. How are our children supposed to do their final examinations if they cannot study? We have the Jua Kali industry. For example, Kawangware was completely left out in the schedule which was given. However, even that schedule is not being followed today. It might as well have not been there. It looks like this Government cannot even plan a schedule. Kawangware is a high potential area for the Jua Kali industry. It is also highly populated and to leave it out of the schedule instead of giving it the consideration that was given to other Jua Kali areas is a big mistake. This is denying those Kenyans their livelihood. I believe it is about time we focused much more on micro-informal sector more seriously than the formal sector because that is where most of the people earn their livelihood. We are denying them their livelihood.

Mr. Deputy Speaker, Sir, if this Government was serious, it could borrow a leaf from countries like Egypt. They have enough power and yet, they just depend on a river that does not even source in their own shores. Why? Because they have bothered to plan for their country. Maybe, they put their money where it should be. Why can this Government, for a change now, not look with pity at what is happening to our people today and say: "Enough is enough, we are now going to change our way and we are going to deliver services to these people?" Even if one year's revenue is properly utilised, it will be enough to really bring back some kind of life and hope in this country.

Mr. Deputy Speaker, Sir, everything has come to a standstill. We just heard the Mayor talking about water rationing in the city; that water will only be available from 6.00 p.m. to 6.00 a.m. These are the dark hours and we know the City is so insecure. I do not know how the women are expected to draw this water because quite a lot of them go to the water points to draw water. Kenyans are supposed to work by day in their various employments and spend all night queuing, trying to draw water. The hardships imposed on Kenyans today are impossible. I would urge that we all focus very keenly on this corruption Report because we have to start somewhere. Why can those who have been named in the report not explain the same thing to the organisations that have the machinery to clear them? They can even clear themselves before this House. I think that machinery has been proposed as KACA. I still believe we should also have the Attorney-General playing a role; the people who are found guilty must definitely be prosecuted.

Mr. Deputy Speaker, Sir, the social development meeting which just took place the other day called "Copenhagen Plus IV" in Geneva in which this Government and Parliament were represented, attributed the major problem of social development right now to poverty. If poverty in this country is caused by corruption, then there is no way we can pretend that we are going to fight poverty if we do not want to address corruption. Instead of addressing poverty, we bring in tribalism. We have so much tribalism in our heads that we have stopped even being realistic or reasonable. Even debates in this very House are driven by tribalism. I think that is a very sad state of affairs for this country. Kenyans out there have no tribalism. It is us, leaders, who are planting tribalism in the heads of our people for selfish reasons known only to ourselves. We believe that we must protect ourselves so that we must always be there.

Why do we not, for a start, try serving our people? This is because if we give services to our people, we do not even have to debate that we change this so that so-and-so can remain the leader of the country or the Minister. Your own good deeds will be enough for the people to elect you to that position. I am worried because I represent a constituency in Nairobi. I believe that, previously, these people were able to get a little water now and then, although there has been a big cry. However, now the taps are completely dry.

With those few words, I beg to support.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika, kwa sababu ya umoja, upendo na heshima, hii Ripoti ingechomwa au itupwe baharini. Hii Kamati haina makosa makubwa lakini iliendelea zaidi ya jukumu iliyopewa. Ama, iliwacha yale makosa makubwa na ikayatafuta makosa madogo madogo.

Mambo ya ardhi katika Kenya, kutoka wakati wa Sultani, Mwingereza, Hayati Mzee Kenyatta na hata Bw. Moi, hayajageuka. Tukichukua mwaka jana, 1962 au 1965, mambo ni yale yale. Lakini ndugu zangu wengine walipoona bibi yangu amepata robo ekari ya shamba, walilifanya jambo hili hadithi kubwa na hata ikasemekana katika hii Ripoti eti yeye ni mfisadi. Wale watu ambao walichukua ekari 500 za shamba, hawakutajwa kama wafisadi eti kwa sababu ilikuwa zamani. Hii ni kama kusema kwamba aliyeya zamani tumwaachilie huru na tumshike aliyeya jana.

Bw. Naibu Spika, dhambi zilizotendwa katika Kenya ni lazima tutafute njia ya kuzirekebisha. Lakini tukiangalia mambo ya mashamba, Mwingereza alitoka na kuacha pesa chungu nzima ili Wakenya wapate ardhi. Wakubwa wenye kuhongana walinyakua mashamba kama vile ekari 400, 500 ama 6,000 na kuwaacha ndugu zao waliolipia mashamba na waliopigania Uhuru bila mashamba yoyote. Hawa masikwota wanaishi kwa vibanda. Dhambi katika Kenya siyo ufisadi, lakini dhambi tuliyofanya ni kwamba baada ya Uhuru tuliwaacha wenzetu katika taabu zaidi. Watu wamefanya dhambi nyingi lakini hatufai kutaja majina ya watu waliokufa au watu ambao hawako katika hili Bunge. Kuna watu wengine ambao walikuwa Mawaziri hapa lakini sasa hawako, na hatuwezi kuwataja majina. Kama wangukweko, tungewataja majina lakini hawako tena hapa. Hii ni kwa sababu dhambi zao zilikuwa nyingi sana. Ninajua kwamba Wabunge wengi hapa wamekuwa katika Bunge hili kwa vipindi viwili au vitatu, lakini sisi tumeyaona mengi. Haya waliyoyaona juzi ni machache.

Kulikuwa kuna mambo mengi wakati wa Hayati Mzee Kenyatta. Tulianzisha miradi mingi kama vile molasses, Kenya Fisheries, mbolea na Kenya Meat Commission. Sio Serikali ya Moi iliyovunja miradi hii, lakini ni Serikali iliyopita. Lakini hatuwezi kusema kwamba eti hatuna heshima kwa kiongozi wetu wa kwanza katika nchi hii, na hatuwezi kusema mabaya kumhusu. Wadogo wake wakati huo ndio walifanya mabaya.

Kwa hivyo, kama ni kweli hii Kamati ina usawa na ni ya ukweli, kwanza ingeangalia haya madhambi yote ambayo yalifanywa zamani ili tuweze kukomesha kuyaeneza. Lakini kusema kwamba tutaanza kuangalia ufisadi kutoka 1992 kwa sababu huu ni wakati wa uongozi wa Bw. Moi, basi tutatupa hii Ripoti kabisa. Ninasema kwamba hakuna mtu aliyeye mtakatifu ila tu Mwenyezi Mungu. Lakini tukiangalia makosa, ni lazima tuyaangalie bila mapendeleo. Mimi ninasema kwamba hii Ripoti tuisahau ama tuiweke ndani ya kabati. Hii ni kwa sababu choo kikikaa hakinuki, lakini watu wakitiatia vijiti ndani yake, kitakoa harufu mbaya. Kitanuka vibaya na hata kama hatutayasema haya mambo katika Bunge hili, tutayasema huko nje. Tukilinganisha dhambi zilizotendwa zamani na za leo, je ni zipi mbaya zaidi? Leo watu wanachukua ekari tano au sita za shamba, lakini zamani watu walinyakua ekari 500. Waliwaacha ndugu zao bila hata mahali pa kulima. Maskini wako kila mahali wakijilalia katika vibanda, kwa mfano Mombasa. Lakini haikukuwa na haja kwa Kamati hii kuweka tarehe fulani ya kuanza na kumaliza kuangalia visa vya ufisadi. Hii Kamati haikukuwa na ruhusa ya kusema kwamba itapeleka hawa watu kortini bali ilipewa jukumu la kutafuta habari.

Zamani katika Bunge hili, tulikuwa na rafiki yetu, Mheshimiwa. Shikuku. Alizungumzia ufisadi kwa muda wa siku tatu. Alisema mpaka akalia hapa na mpaka roho zetu zikauma. Waheshimiwa Wabunge ambao wameongea hapa hawajaona ufisadi; pengine wakitafuta Ripoti yake mheshimiwa. Shikuku, wataweza kujua maana ya ufisadi. Ufisadi ni mbaya na ni lazima uzuiwe. Tutasoma Ripoti hii; tuiweka katika maktaba na tuseme kwamba kutoka leo mtu yeyote akipatikana na makosa, atapelekwa kortini. Lakini Kamati ikisema eti Waheshimiwa Wabunge waliotajwa katika Ripoti hii wapelekwe kortini, tutaauliza ni nani aliipatia ruhusa ya kusema hivyo? Sisi tuliipatia Kamati hii ruhusa kwenda kuchunguza ufisadi tu. Kwa hivyo, ni lazima mambo haya yasahauliwe ili sisi Wakenya tuheshimiane. Kuna Waheshimiwa Wabunge wengine wachangawachanga hapa ambao hawakuyaona yaliyotendeka zamani. Kama wangeyaona hayo mambo wangalia, lakini wana bahati kubwa hawakuyaona. Waheshimiwa Wabunge wengine tuliyaona hayo mambo yakitendeka. Wakati huo, ufisadi ulikuwa hauzungumziwi kamwe na mwenye kuuzungumzia aliadhibiwa.

Mr. Raila: Jambo la nidhamu, Bw. Naibu Spika. Mheshimiwa Nassir amerudiarudia kusema kwamba kunazo dhambi ambazo zilifanywa zamani na watu wengine ambao wako katika Upinzani, lakini hasemi ni watu gani. Je, ni sawa kwa mhe. Nassir kuendelea kusema kwamba kuna watu wengine ambao walitenda dhambi zamani bila kuwataja majina? Inafaa awataje hao watu na aseme kama mtu alichukua shamba, ni shamba gani na ana ekari ngapi.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika, mtu kama hayuko katika

Bunge hili au amekufa, siwezi kumtaja ndio tuheshimiane. Hii ndio sababu ninasema tuiweke hii Ripoti katika kabati. Hatuna la kusema juu ya Ripoti hii ndani ya Bunge hili na pia tusiendelee kuizungumzia huko nje. Tukiizungumzia huko nje, yataokea mabaya zaidi na watu wanaweza kuuana.

Mr. Orenge: Bw. Naibu Spika, ninakubaliana na mhe. Nassir kwamba kuna mambo mengi yaliyotokea wakati wa zamani, ambayo tungenda yatajwe na Kamati hii. Lakini kupendekeza kwamba Ripoti hii isitekelezwe inamfurahisha Prof. Ongeru zaidi kuliko wengine wetu. Kwa nini ndugu yako anataka sana mambo haya yasitekelezwe?

(Laughter)

The Minister for Public Health (Prof. Ongeru): Bw. Naibu Spika, ninataka kumjulisha mhe. Orenge kwamba yeye ni mmoja wa wale ambao walileta taabu katika nchi ya Kenya akiwa katika Chuo Kikuu cha Nairobi. Nilikuwa mwalimu wake na ninajua hayo. Je, ni haki yeye kunitaja hapa, ilhali yeye ndiye alikuwa katika mstari wa mbele kuleta taabu katika Jamhuri ya Kenya?

Mr. Deputy Speaker: Sidhani kwamba kitendo cha mhe. Orenge kusababisha mvurugano katika Chuo Kikuu ni ufasidi. Lakini inaonekana waheshimiwa. Nassir, Raila na Orenge wanadhania kama marafiki.

(Laughter)

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika, nilikuwa ninasema kwamba wanakamati wa Kamati hii ni watu wazuri na wangetafuta njia ya kumaliza ufasidi katika Kenya, lakini si kupendekeza kwamba wale waliotajwa wapelekwe kortini kwa maana huwezi kuwapeleka watu wote kortini. Tunataka pesa zipelekwe katika kila wilaya, lakini zikibaki Nairobi, watu wataiba. Hatuwezi kuwazuia. Watu wa Nairobi si kama wa Mombasa ama Kisumu; kila mmoja ana macho manne; moja hapa na lingine pale. Wakiziona pesa, wanasema: "Mbeca hizi." Ninapendekeza kuwa tupeleke pesa katika wilaya zetu ili tuweze kupunguza ufasidi. Lakini kutafuta aibu ya miaka fulani tu, si lazima Ripoti hii itupwe? Mngetafuta aibu ya miaka yote. Kama tunataka kuzuia, tutafute njia ya kuzuia kama vile kuweka makarani zaidi. Lakini mtu hawezi kusema kwamba bibi yangu amechukua robo ekari na ukimtazama yule aliyechukua ekari 400, anasema watu ni wabaya. Lakini Wakenya wanaheshimiana; hawapendi matata. Tutafute njia ya kuzuia maovu haya bila kusema kwamba fulani aliiba. Ninyi mmekuja hapa Bunge juzi; nimekaa hapa kwa miaka 27. Kila mwaka, ripoti hizi zinawataja watu mbali mbali ambao wamehusika na ufasidi na njia ya kuzuia ufasidi huo ni kupeleka pesa katika kila wilaya. Lakini zikizuiwa hapa Nairobi, hata afisi yangu inaweza kuathiriwa. Kama sina tamaa ya pesa, siku moja itakuja kunishika mimi vile vile.

Kwa hayo, ninasema kwamba tuachane na mambo ya zamani kwa roho nzuri---

Mr. Raila: Bw. Naibu Spika, ningependa kumpasha habari ndugu yangu kwa sababu Waswahili husema kwamba, siku za mwizi ni---

Hon. Members: Arobaini!

Mr. Raila: Kwa hivyo, kule Mombasa, katika sehemu ya Kipevu, wakati walikuwa wanajenga kile kiwanda cha mbolea, kilichojulikana kwa jina la Ken-Ren, walikuwa wanachimba milima na kuziba mabonde. Kazi hiyo iligharimu Kshs100 milioni. Kuna wale waliohusika, na Waziri anawajua. Kwa hivyo, siku zao arobaini zimefika.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika, nimesoma vitabu hivi lakini sitaki kugusa kidonda kilichopona. Kuna watu waliochukua ardhi kwenye ufuo wa bahari yenye thamani ya mamilioni ya pesa.

Hon. Members: Taja majina yao! Toboa!

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika, siwezi kutaja majina ya watu hapa lakini wao wenyewe watasema. Hii ni kwa sababu kila mtu ana siri yake. Lakini ninaomba tuwe na imani. Kuna wale ambao wako na tamaa zaidi, lakini wengine ningewashauri wasubiri kidogo.

Bw. Naibu Spika, mbolea ilipelekwa huko na wenyewe. Mhe. Raila anasema kuhusu wezi. Wezi gani hawa? Wezi walikuweco wakati ule!

Mr. Kathangu: Bw. Naibu Spika, mambo yale Bw. Waziri anayoyazungumzia ni yale yanayohusu kusameheana. Inafaa Wakenya wasameheane, lakini sijui kama ni haki kwa Waziri kusimama mbele ya Bunge hili kutuelezea vile watakavyowasamehe watu ambao hawajaomba msamaha.

Bw. Naibu Spika, pili, ningesema kwamba, kila mtu ana siri yake---

Mr. Deputy Speaker: Order Kathangu! Mhe. Kathangu, ulisimama kwa jambo la nidhamu?

Mr. Kathangu: Bw. Naibu Spika, nimesimama kwa jambo la nidhamu. Je, ni haki kwa Waziri kusema kwamba kila mmoja wetu ana siri yake, na yeye anazungumzia kuhusu mambo ya ardhi katika ufuo wa bahari? Haifai,

katika Hoja hii, tuzungumzie mambo ambayo hayaeleweki.

The Minister of State, Office of President (Mr. Nassir): Bw. Naibu Spika, nimechaguliwa, na mhe. Kathangu pia amechaguliwa! Hakuchaguliwa kwa kura ya dhahabu, lakini ni kura ile ile tu iliyopigwa na binadamu. Nikiwa na jambo, sifichi. Jambo ambalo limo rohani mwangu linajulikana Kenya zima. Ninavyozungumza sasa hivi, nafanya hivyo kwa niaba yangu mwenyewe! Ninasema kwamba, aibu ilikuwa mbaya. Tulikuwa na Idara ya Uvuvi kule Mombasa, na siku zile kulikuwa na wanaumme; wacha hawa wa leo! Wale walikuwa wanaumme! Mabilioni ya pesa yalipotea. Watu wakitafuta dhambi, yafaa watafute dhambi kweli kweli. Msitafute dhambi ndogo mkazifanya kubwa na kubwa, mkazifanya ndogo! Kuna dhambi nyingi!

Bw. Naibu Spika, masikitiko yangu ni kwamba, uvuvi ulikuwa tumaini letu, lakini Idara ya Uvuvi ilifungwa na mwishowe ikauzwa!

Bw. Naibu wa Spika, sidhani kwamba kile chama cha GEMA kimevunjwa. Kama kingaliko, yafaa kivunjwe kwa sababu chama hicho kilikua kama papa au shark. Kulikuwa na nia ya kununua sehemu yote ya Majengo kule Mvita. Walinunua Kwale moja kwa moja. Mbunge mmoja alizungumzia kuhusu nyumba za Serikali lakini hapo awali, hungenesema chochote kuhusu jambo kama hilo. Siku hizi kuna uhuru wa kuongea, lakini wakati huo kama ungesema, ungetiwa ndani moja kwa moja! Kwa hivyo, tuna uhuru na demokrasia, lakini mwishowe, tusitafute kuaibishana kwa sababu yale tuliyotendeana ni makubwa sana.

Nafikiri ni lazima tutafute njia na nimesema njia ni ile moja tu. Mkikataa na kusema majimbo ni mbaya au mazuri---

ADJOURNMENT

Mr. Deputy Speaker: Order! Hon. Members, it is now time for the interruption of business. This House, therefore, stands adjourned until tomorrow, Thursday, 13th of July, 2000, at 2.30 p.m.

The House rose at 6.30 p.m.