

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 5th June, 2001

The House met at 2.30 p.m.

[*Mr. Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Anyona: Mr. Speaker, Sir, I have not received the written reply.

Question No.089

ALLOCATION OF FARMERS' LAND

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

(a) whether he could inform the House why the Government, through the Provincial Administration and Settlement Fund Trustees, illegally allocated 1,000 acres of land from LR.No.3016 belonging to M/s North Kisii Central Farmers Limited;

(b) why the settlement Fund Trustees failed to pay M/s North Kisii Central Farmers Limited the sum of Kshs441,350 with interest at court rates as ordered by the High Court on 28th June, 1993, Civil Case No.132 of 1987; and,

(b) what the total sum owed to Kisii Farmers Limited is and when the full settlement will be effected.

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I apologise. I thought the written reply was sent. He has just received it.

I beg to reply.

(a) The Provincial Administration and the Settlement Fund Trustees have not allocated any land belonging to M/s North Kisii Central Farmers Limited.

(b) The Settlement Fund Trustees cannot pay M/s North Kisii Central Farmers Limited the Kshs441,350 since the company itself owes the Settlement Fund Trustees over Kshs2.7 million, and adjustment has not yet been given to the Court Civil Case No.132/1987.

(c) Arising from my reply to parts "a" and "b", part "c" of the Question does not arise.

Mr. Anyona: Mr. Speaker, Sir, I quite frankly do not understand what the Minister is saying. Here was a public company consisting of farmers who bought the farm from a European farmer and then the DCs of the area then, Mr. Anthony Oyier and later Mr. Ben Mogaka and officers of the Ministry of Lands and Settlement dissolved the Board and formed an interim committee. It is that so-called interim committee consisting of the DC and other people that messed up this property. Could the Minister confirm or deny that?

Maj. Madoka: Mr. Speaker, Sir, it is true that M/s North Kisii Central Farmers Limited had intended to buy the land from Mr. Dale, but they failed to remit the money. They only paid Kshs300,000 and then Mr. Dale approached the Settlement Fund Trustees and asked them to buy the land. The Settlement Fund Trustees bought the land, and the land, in fact, belongs to the Settlement Fund Trustees.

Mr. Anyona: Mr. Speaker, Sir, I do not know whether the Minister is deliberately twisting basic facts or he does not have the correct story. The farm was worth Kshs5 million and the farmers paid a down-payment of Kshs3 million. They then took a loan from the Settlement Fund Trustee to top up the loan and the transaction was completed. I would like to lay on the Table a report by the Board of Directors which gives all the facts about this land, because, clearly, the Minister does not seem to have the facts. In the interest of over 2,000 poor farmers who

were involved, maybe the Minister requires some more time particularly with this information I am giving him to be able to come up with the correct answer. If not, then maybe he can get the Ministry of Lands and Settlement to deal with it.

Maj. Madoka: Mr. Speaker, Sir, unless we are talking of different cases, I am quite confident of what I am talking about. I think the issue would be, if he has any other document, I would rather look at it and maybe report that what I have said is what I am aware of about the case. The case is still in court and no firm decision has been made. So, I will look at what he has presented and maybe come up with a more detailed report if what he has presented is correct.

Mr. Speaker: Very well! Let that be in three weeks time!
Next Question!

Question No.243

STATUS OF KAMAGAMBO
UNIVERSITY COLLEGE

Mr. Obwocha asked the Minister for Education:-

- (a) what the current status of Kamagambo Adventist University College is; and,
- (b) why it discontinued its degree programme in 1999.

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

(a) The Kamagambo Adventist University is a private complex consisting of a primary teachers training college and a secondary school.

(b) The college never attained the legal status of being a university.

Mr. Obwocha: Mr. Speaker, Sir, I have correspondence here sent to me by 105 students who were admitted under that university programme. If I could just read two sentences, the Principal says:-

"The synchronization of the Kamagambo Adventist College University Programme and the University of Eastern Africa, Baraton---"

I believe that was supposed to be either a constituent college or something like that. The Assistant Minister says that he does not know of any university programme. He only knows of the existence of a primary teachers training college and a secondary school.

Mr. Speaker: Could I just ask you a question so that we save the time of the House?

Mr. Obwocha: Yes, Mr. Speaker, Sir.

Mr. Speaker: Between the Assistant Minister and the students, who knows what institution is a university?

Mr. Obwocha: Mr. Speaker, Sir, that is exactly the question I want him to clarify to this House. How did this programme start at that college.

Dr. Wamukoya: Mr. Speaker, Sir, for an institution to be called a university, it has to receive a Charter and a legal status from the Commission of Higher Education. This is not true of Kamagambo. When Kamagambo admitted students for two-year degree courses which were nursing, business administration, construction and agriculture, they had not even send a proposal to the Commission for Higher Education to be considered for a Charter.

Mr. Ndicho: Mr. Speaker, Sir, could the Assistant Minister confirm or deny that there is a problem between the Commission for Higher Education and the Ministry for Education whereby one hand does not know what the other hand is doing. A good example is the conversion of Kabarak High School into a university, because the Commission for Higher Education is raising complaints that they do not know who made it to be a university, while they are the people who should elevate it to a university. Could he confirm or deny that his Ministry and the Commission for Higher Education are at loggerheads and education in this country is at a loss?

Dr. Wamukoya: Mr. Speaker, Sir, the Commission for Higher Education is under my Ministry and I am not aware that they are complaining why Kabarak got a Charter.

Mr. Obwocha: Mr. Speaker, Sir, now that the Assistant Minister does not seem to tell us the fate of these 105 students, could he tell the House the conditions that have been set by the Commission for Higher Education for the accreditation of colleges like this one?

Dr. Wamukoya: Mr. Speaker, Sir, the conditions are many. But what I can state is that, when the Commission for Higher Education met with the Seventh Day Adventist Union for East Africa and the Principal of

Kamagambo, they agreed that Kamagambo should apply to be affiliated to Baraton University of East Africa, which they have done, and therefore, making it possible for the proposal to be withdrawn from the Commission for Higher Education and liaise with Baraton University of East Africa so that they can come up with an affiliated status.

Mr. Speaker: Next Question!

Question No.246

SHORTAGE OF TEACHERS AT IKANDAVA SCHOOL

Mr. Kiminza asked the Minister for Education:-

(a) whether he is aware that Ikandava Primary School has only two teachers; and,

(b) when he will post

teachers to the school to overcome this shortage.

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

(a) There is no school by the name of Ikandava Primary. The school I am aware of is called Ikandani Primary School, and I admit it has only two teachers.

(b) The Ministry has arranged that one more teacher should be seconded to this school.

Mr. Kiminza: Mr. Speaker, Sir, although I have not got a written reply to the Question, the name of the primary school was misspelt. It is supposed to be "Ikandani" which the Assistant Minister admits has two teachers.

Mr. Speaker: What was your Question?

Mr. Kiminza: Mr. Speaker, Sir, it was Ikandani Primary School. I think this is a typographical error.

Mr. Speaker: Mr. Awori can that alter the whole meaning?

Mr. Awori: Mr. Speaker, Sir, I just answered that I did not know of a school known as "Ikandava". He has just clarified that it was misspelt. But I agree with him that Ikandani Primary School has only two teachers, but we have arranged for one extra teacher to be seconded there. As a matter of fact, a letter dated 9th May seconded one teacher to this school.

Mr. Kiminza: Mr. Speaker, Sir, what the Assistant Minister is saying now is true. The school has four classes and had only had two teachers for many years. The Assistant Minister posted another teacher after this Question came to Parliament. For how long will the Ministry of Education respond to crises only when Questions come to Parliament? What is the policy of the Ministry?

Mr. Awori: Mr. Speaker, Sir, I beg to differ with the hon. Member. We have not responded to a crisis. This is an area which was prone to banditry and although the school was started way back in 1981, between 1993 and 1998, there were no children there because the bandits had scattered everybody and the school restarted in 1998 in very makeshift buildings. We now have a time scale to send teachers there.

Mr. Speaker: Next Question!

Question No.117

RETRENCHMENT OF KENYA
RAILWAYS ENGINEERS

Eng. Toro asked the Minister for Information, Transport and Communications, why Messrs M.O. Ndeda, Chief Mechanical Engineer; J.K. Kamau, Chief Civil Engineer and L.D. Achieng, Chief Traffic Manager, were retrenched by the Management of Kenya Railways Corporation.

Mr. Speaker: Where is the Minister for Information, Transport and Communications?

Hon. Members: He is not in!

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! I appreciate the fact that we have just reconvened and all hon. Members are very anxious to greet each other. But that must not be done in a disorderly fashion. We want to continue with the business of the House. Please, do it quietly. We will revisit that Question later on!

Next Question!

Question No.247

PROVISION OF ELECTRICITY

Mr. Speaker: Mr. Kariuki not in? We will come back to that Question later on!
Next Question!

*Question No.237*TELEPHONE FACILITY FOR
PUBLIC TRUSTEE'S OFFICE

Mr. Otula asked the Attorney-General:-

- (a) whether he is aware that the Public Trustee Office in Kisumu is inaccessible to area residents as the telephone facility has been disconnected.
- (b) when the facility will be restored to the office.

Mr. Speaker: The Attorney-General is not in? We shall come back to that Question later! Eng. Toro's Question for the second time!

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Traffic Manager, were retrenched by the Management of Kenya Railways Corporation.

Mr. Speaker: Eng. Toro, the Minister is still not here. I am sorry I have to defer your Question to next week.

Mr. Kariuki's Question for the second time.

(Question deferred)

Question No.247

PROVISION OF ELECTRICITY

Mr. Speaker: Mr. Kariuki still not here? That Question is dropped!

(Question dropped)

Mr. Speaker: Mr. Otula's Question for the second time!

*Question No.237*TELEPHONE FACILITY FOR
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Mr. Otula asked the Attorney-General:-

- (a) whether he is aware that the Public Trustee Office in Kisumu is inaccessible to area residents as the telephone facility has been disconnected; and,

(b) when the facility will be restored to the office.

Mr. Speaker: I am sorry the Attorney-General is not there. I will have to defer it to next week.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

DISRUPTION OF HARAMBEE BY BOMET POLICE

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

(a) Is the Minister aware that a Harambee in aid of Kapkelei Secondary School was disrupted by Bomet Police?

(b) Could the Minister explain why the Harambee, which was organised by the area Member of Parliament, was disrupted?

Mr. Speaker: Mr. Kimeto not here? That Question is dropped.

(Question dropped)

KILLING OF MR. KIPACHA SHILLINGI

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

(a) Could the Minister explain the circumstances which led to the killing of Mr. Elijah Kipacha Shillingi by City Council askaris on 14th April, 2000, at about 6.30 p.m.?

(b) Is the Minister aware that a Mr. Sam Lesono of City Inspectorate Department who took the deceased to hospital and eventually to the mortuary in City Council Vehicle No.KAB 322Q has not been arrested and charged?

(c) What action is the Ministry taking to ensure that the culprit(s) are brought to book and appropriate action taken?

Mr. Speaker: Mr. Mwakiringo's Question will be deferred to next week.

(Question deferred)

ALLOCATION OF PLOTS IN KANYONI VILLAGE

(Dr. Murungaru) to ask the Minister of State, Office of the President:-

(a) Could the Minister aware that Kanyoni Village in Gakawa Location of Kieni East Division, Nyeri District, has been surveyed, planned and plots allocated by the Laikipia District Plots Allocation Committee?

(b) By what authority did the Laikipia Administration, which is in Rift Valley Province, involve itself in land affairs in Kieni, which is in Nyeri District of Central Province?

(c) What action will the Minister take to rectify the situation?

Mr. Speaker: Dr. Murungaru not here? That Question is dropped.

(Question dropped)

DEATH OF ESTHER NJERI

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

(a) Is the Minister aware that Esther Njeri, a Standard Eight pupil in Ng'araria Primary School in Kandara Division, Murang'a District, was pronounced dead on arrival at Thika General Hospital on 9th February, 2001?

(b) What investigations did the police carry out to ascertain the cause of death?

(c) Why was Mr. John Gitau Muhwanga arrested in connection with this death and later released?

Mr. Speaker: Mr. Kathangu not here? That Question is dropped.

(Question dropped)

ABOLITION OF TENDER BOARDS

(Eng. Muriuki) to ask the Minister for Finance:-

(a) Does the Government intend to abolish the Central Tender Board and the District Tender Boards through Legal Notice No.51 dated 30th March, 2001?

(b) Who will be performing the functions of these Boards if they are abolished?

Mr. Speaker: The Minister for Finance is not here. That Question will be deferred to next week.

(Question deferred)

BILLS

First Readings

THE PETROLEUM (AMENDMENT) BILL

Mr. Ndicho: Mr. Speaker, Sir, in Accordance with the provisions of Standing Order No.101(a), I beg to move that the Petroleum (Amendment) Bill be referred to the relevant Departmental Committee.

(Question put and agreed to)

THE CONSTITUTION OF KENYA
(AMENDMENT) BILL

*(Order for the First Reading read -
Read the First Time -*

Ordered to be read the Second Time tomorrow)

MOTIONS

ADOPTION OF 1996/97 PAC REPORT

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 1996/97 laid on the Table of the House on 4th October, 2000.

(Mr. Gatabaki on 18.4.2001)

*(Resumption of Debate interrupted
on 9.5.2001)*

Mr. Speaker: Mr. Kihara Mwangi was on the Floor last time and he has ten minutes to continue. Is he here? Well, he is deemed to have forfeited his time. Any other hon. Member interested in contributing? Very well, then I will put the Question---

Mr. Speaker, Sir, no, I will ask the Minister to reply first. If the Minister is not there, I will then ask the Mover to reply. Mr. Gatabaki!

An hon. Member: In fact, Mr. Gatabaki is not here!

Mr. Speaker: Well, there being no reply, I will now put the Question!

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. Some of us would like to contribute to this Motion. When you first called Mr. Mwangi, I was just meditating here because Mr. Mwangi was involved in a road accident. Some of us would like to contribute to this very important Motion, at least, for today. You can see that

even the Mover and the Minister are not here---

Mr. Speaker: Order, Mr. Obwocha! You must always be very open to the Chair. I did call out the name of Mr. Mwangi, and since he is not here, I asked whether there was any other hon. Member interested in contributing.

(Loud consultations)

Order, hon. Members! I am not under your direction. I want to lay the rules quite clearly.

First of all, it is not mandatory that a Minister does respond to a Motion, although we give the opportunity. Secondly, it is not mandatory that the Mover must reply. So, we can actually do

[Mr. Speaker]

without any one of them. So, if I can sight one or two hon. Members willing to contribute, I may be inclined to listen to them. But there being no other hon. Member willing to contribute, I will go forward and put the Question of the Motion as debated already.

Mr. Ndilinge: Ahsante sana, Bw. Spika, kwa kunipa nafasi hii ili nichangie Hoja hii. Ningependa kuchukua wasaa huu kuwajulisha wanaohusika na usambasaji wa maendeleo katika mashinani kwamba Hoja hii inawahusu wananchi. Kwa hivyo, pesa tunazozungumzia hapa ni za wananchi.

Bw. Spika, jambo kama hili si la kutilia mzaha. Tunahalalisha pesa hapa ili zitumiwe katika miradi kote katika Jamhuri. Lakini miradi mingi huwa haipati pesa. Kwa hivyo, wale wanaotumia pesa zilizotengewa miradi katika sehemu mbali mbali za nchi ni adui wa wananchi. Watu wengi katika Serikali na mashirika ya Serikali wanao "godfathers." Wakipatikana na makosa, wanawakimbilia. Ni lazima tutumie sheria zilizoko kuwaadhibu.

Bw. Spika, tukipewa maji katika sehemu nyingi za Ukambani, hatutahitaji msada wa chakula. Pesa zinazotengewa miradi ya maji ni lazima zitumiwe. Hatutaki kusikia kwamba pesa zilirudishwa kwa Wizara ya Fedha kwa sababu hazikutumika. Ni kwa nini Serikali inafanya hivyo na sisi katika Ukambani hatuna maji? Yafaa pesa zote zinazotengewa miradi ya maji katika sehemu za Ukambani zitumiwe vizuri.

Bw. Spika, kwa sababu Wabunge wenzangu wanaendelea kusalimiana, ningependa kumalizia hapo. Wengine wanaulizana Bajeti ni lini. Nafikiri itakuwa tarehe 14.6.2001.

Kwa hayo machache, naunga mkono.

Mr. Obwocha: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to make a few comments about the PAC Report.

Mr. Speaker, Sir, those of us who have had an opportunity to serve in the Public Accounts Committee know that the Controller and Auditor-General has done a good job to point out areas where public funds have been misused. But what bothers me is that these reports--If you look at these reports, from 1963 up to 1997, there are recommendations. But the problem here is the actual implementation of those recommendations. The Treasury normally comes up with a memorandum telling the Government officers what to do. But no action has ever been taken against the culprits.

Mr. Speaker, Sir, in 1980 this House abolished the Implementation Committee. This House must rise up and tell Kenyans what they are doing about the re-establishment of the Implementation Committee. We cannot continue to be talking shop. We must act. The only way to act is to re-introduce the Implementation Committee so that the resolutions of this House are implemented. Anything short of that will not help.

Mr. Speaker, Sir, some of the recommendations that have been made year in, year out, remain unresolved and yet some of them could easily be implemented by this House. One of the resolutions is that Public Accounts Committee and Public Investments Committee hearings should be done in public so that members of the public can access what these committees are doing. By so doing, Members of the Press will inform the public on what is being done and what money has been squandered. This is a challenge to this House! We are not rising above what we should be doing.

When you read that Report, you will see that there is a major problem in parastatals. There is a lot of mismanagement. The choice of Chief Executives is one of the most controversial issues in many of these parastatals. Many of them are appointed through nepotism while some of them are not qualified.

Mr. Speaker, Sir, if you read through this Report, you will be surprised to see that the Kenya Pipeline Company (KPC) spent Kshs124 million to construct a three-kilometre road. I do not know the kind of material that would be used to tarmack a three-kilometre road at a cost of Kshs124 million. I have heard that members of the former Kenya Co-operative Creameries (KCC) have resolved to turn into shares the amounts owed to them by the society before its collapse. The problem we should address is that of the choice of parastatal chiefs. Mismanagement of funds in many of the Government Ministries has resulted from unprocedural procurement and

awarding of tenders. Some of the richest people in this country are civil servants. If you look at the property some of them own and the development they have done for themselves, you will not believe it.

As we speak now, the greatest problem we have in this country is that of lack of doctors. How can you, without justification, believe that a doctor who is supposed to do his work properly in various hospitals countrywide can earn as little as Kshs13,000 per month? May be, some doctors earn twice as much. How can a doctor, who is supposed to save people's lives, earn such little money? This country must do something about this problem.

Mr. Speaker, Sir, some top civil servants, such as Permanent Secretaries, now earn between Kshs50,000 and Kshs120,000 yet the people who save the lives of Kenyans earn a paltry Kshs20,000. So, we must do something about this disparity. The same civil servants I was talking about have come up with rules and procedures on how committees in the districts are supposed to be run. At the same time, they argue that Members of Parliament are not supposed to sit in some of those committees. I do not believe that hon. Members sit in those committees as executives. We are basically watch-dogs for the public. We, therefore, also need to do something about this situation.

Mr. Speaker, Sir, let me now say something about privatisation. Since its inception, the process of privatisation in this country has been effected in a very opaque manner. Consequently, some parastatals have been run down deliberately so that particular people can buy them. Last week, I had a chance to travel to Mombasa. A look at hotels that were previously under the Kenya Tourism Development Board (KTDB), the African Tours and Hotels (ATH) as well as those owned by individuals such as hon. Matiba's Alliance Hotels, makes you wonder what we have done to our country. It is pathetic that the person who started clashes at the Coast Province does not care about this country's welfare. A hotel may look very good from outside but if you go inside, you will realise that nobody has lived in it for the last one year.

Corruption has killed this country's economy. A hospital was supposed to be built on Lamu mainland; it is called Mokowe. The Ministry of Health spent Kshs100 million, but the project only reached half-way to its completion. When funds ran out, the project was abandoned. The Government of Saudi Arabia spent only Kshs40 million to put up a hospital equivalent to that abandoned by the Ministry of Health. That hospital is now operational. On the other hand, the Government of Kenya spent a whopping Kshs100 million to complete only half of a similar project at Mokowe. The project is dilapidated, and there is nothing you can see out of it. Is that really what we want? Is that the way to spend our money? Therefore, corruption must be curbed if this country has to progress.

Finally, I would like to state that this Report contains some very good recommendations that can help in jump-starting this country's economy if only Parliament will be serious enough to implement them. This country cannot progress unless we address ourselves to the issues of good governance.

Mr. Speaker, Sir, the Controller and Auditor-General has done a good job, but I believe that other than giving him tenure of office, Parliament should consider giving security to his staff, if we believe that they are going to work well and produce the reports. In this way, this country can tackle the issue of corruption. I do not want to belabour too much.

With those few remarks, I beg to support.

Mr. Kajembe: Thank you, Mr. Speaker, Sir. I also want to make my contribution to this Motion. Over the years, we have witnessed recommendations from the PAC, but there is no time we have heard that action has been taken against those who have misappropriated public funds. In my opinion, I think we need to reinforce the PAC. Once they do their recommendations, there must be a legal backing to enable the Committee prosecute those people who have misappropriated public funds. If the PAC visits Ministries and Government departments, they will find misappropriation of public funds and mismanagement. Those who are managing these Ministries and departments are not worried about whatever wrong they do, because nobody is going to prosecute them. It appears as if they have people protecting them.

Mr. Speaker, Sir, on the projects which are being initiated by the Government, like the Sondu-Miriu, of late, we have been reading that the donor wants to pull out of the project. Something should be done, both by the Government and the Japanese Embassy to ensure that the Sondu-Miriu Project goes on. I believe that if the donor abandons that project, then there will be a problem with regard to power generation. There will be no power and we will go back to power rationing. All the authorities involved in the Sondu-Miriu Project should be concerned. It is not only a problem affecting that area but it affects all Kenyans.

Mr. Speaker, Sir, on privatisation in this country, the idea is good. Institutions have been privatised and during that process, foreigners have been given contracts in some areas to oversee the privatisation process. Foreigners would not know our customs and culture. They would not be good overseers of the privatisation of State Corporations. It is my view that the Government only welcomes privatisation of institutions which do not make profit.

Mr. Speaker, Sir, the PAC has been a watchdog over the years. But with the formation of parliamentary departmental committees, the PAC should not be a watchdog. The Committee should advise institutions which are owned by the Government. When we talk of the PAC recommendations, most of these refer to Government institutions and State Corporations. Of late, industries which have been started by foreigners in Kenya have been ailing. This Parliament should form a committee also to go into private companies to see whether they are making profit or not. I am saying this because, today, most Kenyans have lost their jobs because employers allege that their companies are not making profit. The Government should monitor investors and also look into ways of giving incentives to private companies to do well.

Mr. Speaker, Sir, today, there is cost-sharing in hospitals. A patient is required to give his or her share so as to get treatment. With an ailing economy and poverty in this country you cannot expect somebody, who has no income, to contribute for treatment. As a result, many people are dying because of lack of medicine. The question of cost-sharing in hospitals should be brought to a stop.

Mr. Speaker, Sir, even cost-sharing in schools is becoming a burden to parents because they do not have money. They may only pay school fees but holding Harambees every weekend to raise funds for building schools is the duty of the Government to put up infrastructure for schools. Something should be done to streamline these things. When we achieved our Independence in 1963, we promised our people free services including education and medical treatment. Today, the same people are being asked to contribute towards cost-sharing in hospitals and education. Today, Government schools are more expensive than the private schools. That was not the idea before.

Mr. Speaker, Sir, with the ailing of our economy, we must take care of the interests of the people of this country. We from the Coast, especially us from Mombasa--- You will find that Mombasa Town is cosmopolitan. In Mombasa, we have the Arabs and Indians who are citizens of this country, and the Constitution of this country is very clear; that, it is going to protect the citizens of this country regardless of their colour, race or religion. Mr. Speaker, sir, recently, somebody somewhere said that Arabs from the Coast and other areas in the country should come to Nairobi in order for them to obtain birth certificates and Identity Cards. That is not fair at all.

The Minister of State, Office of the President (Maj. Madoka): On a point of order, Mr. Speaker, Sir. The hon. Member is misleading this House.

Mr. Speaker: Order! What did he say in the first place?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, he said that we have issued out instructions to Kenyans who are of Arab origin to come to Nairobi in order to be issued with ID cards. There is no truth in that, and I would like to refer them to the statement that I issued out.

Mr. Kajembe: Mr. Speaker, Sir, the position of his Ministry regarding that matter was made very clear, and everybody read it in the newspapers. It was even broadcast by the KBC.

Mr. Speaker: Order, Mr. Kajembe! Are you talking about Kenyans who are of Arab origin getting passports?

Mr. Kajembe: Yes, Mr. Speaker, Sir.

Mr. Speaker: What section in the PAC Report is that?

Mr. Kajembe: Mr. Speaker, Sir, I have said what I wanted to say about the PAC Report in my previous contribution, but since the issue of passports and ID cards touches on the citizens, I thought that it is necessary that I mention it.

Mr. Speaker: Order! It is not the issue of what you have said. I am asking you a valid question as the Speaker: What relevance is the issue of passports and ID cards to the PAC Report, or what page of the Report are you talking about?

Mr. Kajembe: Mr. Speaker, Sir, the relevance is this: Arabs and Indians also pay taxes which are being investigated by the PAC---

Mr. Speaker: Order! I will not accept that very extraneous inference. I think hon. Members must also understand that the Chair, generally, is alert and does understand what is or what is not relevant. If you have not read the Report, give the chance to those who have read it. There is the rule of relevance. Be relevant to the Report at hand because what we want to do is to address ourselves as a House, to the issues raised by the Committee and the Controller and Auditor-General in the hope that we will be able to address those problems so that they do not recur. It is not blanket for hon. Members to come and talk whatever they please. I am alert. Be relevant! You are now warned that under the Standing Order No.87, that you are irrelevant!

Mr. Kajembe: Mr. Speaker, Sir, what I spoke about was very relevant. I had to talk about that issue because it is touchy.

(Mr. Kajembe paused as Mr. Speaker consulted with Mr. ole Sunkuli)

Mr. Speaker: Proceed, Mr. Kajembe! You are doing very well these days!

Mr. Kajembe: Mr. Speaker, Sir, that money which is being sent to fund projects in the districts--- Some of the DCs are mentioned in the Report. Some of the DCs have been returning money to the Treasury saying that a certain project has not taken off. It is interesting. There is no district in this country which is fully developed. It is amazing to see a District Commissioner returning money to the Treasury saying that a certain project did not kick off.

That is all I wanted to say.

Dr. Oburu: Thank you, Mr. Speaker, Sir. I am a member of the PAC which has produced the Report. I would like to start off my contribution by complaining very bitterly against the Chairman of the PAC. During the sessions that we have had, we sat very long hours discussing the Report, and the Chairman never attended any of the sessions except two. The PAC is a very serious Committee of this House, and it is the watchdog on behalf of the people or on behalf of Parliament. I hope that the current PAC will have the opportunity to get the experience of the Chairman who is a very experienced Member of this House. I hope that what happened to us will not recur.

I would like to mention that the collection of revenue in this country is not being done properly. It is riddled with corruption, to the extent that I am sure what the Treasury collects at the end of the year is less than half of what is due to the Treasury from the members of the public. I am saying that because, for instance, I am aware that whenever members of the public give information on some companies which are fraudulently avoiding paying VAT, the officials from the VAT Department go round, receive bribes from the managers of the companies and the Government ends up not getting any revenue at all. That is very discouraging to members of the public who give such information.

I hope that the Government will take the recommendations of the PAC seriously and seal all the loopholes which are there in the collection of revenue. There is no need for us to go to the so-called donor countries and beg for money, when there is a lot of money here which should be collected. But because of corruption, that money remains in the hands of a few people and it is, therefore, not going to the place where it should go to, so that it can be utilised for provision of services to the public.

There is one other aspect of the Government expenditure which shows the lack of planning of the Government's collection and expenditure. I do not understand why every year, the Government puts in money in the Budget which it is not sure that it will come. Regarding the money which is supposed to come from the donors, why should we put it in our Budget before we get assurance from those donors that they have either put that money in some account or there is a firm commitment from those donors that they are going to give that money to the Government? When the Budget is read out to us here, we are given the impression that quite a good number of projects are going to be implemented in that particular year. But before the year is half-way, most of the projects are frozen. That is already happening within the current Budget. It happened the other year and the year before and it is senseless for the Minister for Finance to come here, read out the Budget, give the people of this country high hopes that there is money allocated for such projects and then in the middle of the year, the projects and money are frozen. I am proposing that the Government should only include money in the Budget which it is sure will come, even from the donors.

The World Bank and IMF have frozen money in my constituency and there was a water project which we discussed here. There was Kshs14 million allocated for a project, but it was frozen after the tender was awarded because of the World Bank and IMF. That is happening year in, year out and I hope that the Government will take the plight of Kenyans seriously and make sure that, only those projects for which money has been properly arranged and firm agreement or commitment obtained from the donors, are included in the Budget. In the report of the Controller and Auditor-General, there are some funds from the CFC which total to Kshs44,889,850, and it is recommended that this amount be written off as a loan. We propose that this recommendation be brought here to Parliament for debate and an explanation given on why such a huge amount of money should be written off from the Consolidated Fund.

The question of pending bills is a very serious matter because some of these bills are fake. The Government formed a committee to look into those bills and determine the ones which are genuine and the ones which are fake. To date, there are Kenyans who genuinely offered services to the Kenya Government but they have not been paid, under the pretext that the committee is still scrutinising those expenditures. The Government should act expeditiously to determine fake bills, throw them away and tell those people in no uncertain terms that they will never be paid. Genuine bills should be settled to avoid continued suffering of people who offered their services to the Kenya Government.

There are also rampant cases of excess expenditure which are brought about when Accounting Officers spend money without the authority of Parliament. This practice is continuing despite the fact that from the time of Independence, recommendations made by the PAC have been very clear that any officer who commits expenditure which is not approved by Parliament should be punished either by dismissal or other harsh measures. Despite these recommendations the excess expenditure vote has continued to increase over the years. For instance, in the 1995/96 financial year the excess expenditure was K£45,504,506. By 1996/97 financial year the excess expenditure had gone up to K£76 million which is Kshs1.5 billion, spent without the authority of Parliament. This is a very serious trend which is happening increasingly. Whenever it happens the Accounting Officers are never brought to book and the Government does not take the necessary action to deal with the offending officers. This is an area which the Government must look into very seriously because the Kenyan people need services. However, those services must be planned for. Such expenditure should be brought here for discussion and approval by this Parliament. Money should not be diverted from other votes to provide such services; neither should the officers incur expenditure on funds which they are not authorised to spend.

There is another issue which is normally raised in the PAC every year and this is illegal withdrawal of money from the Consolidated Fund. We have discussed the withdrawal of money from the Consolidated Fund for the purchase of the Presidential jet. We have also discussed the illegal withdrawal of funds for the construction of Eldoret Airport and for other purposes which this Parliament and the Controller and Auditor-General do not approve. This is in contravention of Sections 99 and 100 of the Constitution of Kenya. Every year these Sections of the Constitution are violated without punishment being meted out to the guilty parties. Recommendations are made here every year that in future no money should be withdrawn from the Consolidated Fund without approval of Parliament and yet this continues year in, year out, without any blinking of eyes.

You will find that an amount of Kshs2.7 billion was withdrawn from the Consolidated Fund to buy shares from the Kenya Pipeline Company, the Kenya Airways, the National Bank of Kenya, the East African Portland Cement Company and so on. The Government is divesting and at the same time using money illegally from the Consolidated Fund to buy shares. Why would the Government spend Kshs1.6 billion in buying shares in Kenya Airways and the National Bank of Kenya while it is actually divesting? The Government gave out Kshs1 million for the purchase of land for a sugar factory in Busia. This Kshs1 million went through the DCs office and it is not even reflected as Government shares. For what purpose did the Government pay money for a factory which is being put up by private investors? Why should the Government buy land and yet that money is not reflected anywhere as shares for the Government?

These are some of the issues raised by the Controller and Auditor-General and the Government must make it clear whether the policy of divestiture is being strictly adhered to. Why should the Government only invest in a sugar factory in Busia? Why can the Government not continue investing in other sugar factories like Muhoroni, Miwani and so on? We would like policies to be made very clear and expenditures properly explained. If they are shares, let the Government tell us that and let us know why it is continuing to buy shares in private ventures.

The issue of honoraria had been abused by people who pay themselves honoraria when they are actually performing normal Government duties. That should not be a reason to withdraw honoraria because it is normally paid to people who do work outside their official time or do very good work. Instead of removing honoraria, the Government should actually seal up those loopholes which make it possible for certain officers to misuse honoraria when they are actually performing normal Government duties. The Government has taken very many people to court for misusing Government funds. Some of them actually steal Government funds. To my surprise most of the Government officers who are taken to court for theft or misuse of public funds are normally released or discharged. This happens because the Attorney-General's office might fail to appear in court or there might be a collusion between the prosecutor and the culprit. You will find that more than 90 per cent of the cases taken up by the Attorney-General against officers who misuse Government funds are dismissed in court, not because these people are innocent but, because there is lack of representation of the State when the hearing of such cases takes place. I do not know whether the role of the Attorney-General is only to come to Parliament here or, more importantly, take deterrent measures so that those who want to steal know that there is some deterrence in the form of some action that will be taken against them if they do not conform to the conditions of their employment.

Mr. Speaker, Sir, I do not want to go on for a very long time but the Government is always disadvantaged. It is disadvantaged because whenever somebody wants to acquire Government property they would like to conspire so that the valuation of that property is suppressed. However, whenever the Government is to buy, then it must do so at a higher price. The case in point is the Eldoret Airport land where the Government Valuer gave the correct value of what should be paid to those people. Those people then inflated the price of that land by bringing in a private valuer. The Government Valuer said he was ready to defend his recommendation even in a

court of law. Finally, the arms of whoever was negotiating were twisted and the value from the private valuer is what was paid. So, the Government paid a huge sum of money to these people and that was still not enough.

After that the Government again had to offer land at Uplands Bacon Factory. When the Government was giving out land to Uplands Bacon Factory which does not even belong to the Government but to the people of Uplands, the same private valuer came and under-valued that land. Again this was disputed by the Government Valuer. Finally, again the same people in the negotiations twisted the Government's arms which again accepted the low value for their property at Uplands. Therefore, the public lost a sum of more than Kshs1 billion. This is something that continues happening every now and then, and because of this corruption, we keep on complaining but our complaints appear to be falling on deaf ears.

Mr. Speaker, Sir, I do not want to continue much longer than that and with those few remarks, I would like to hope that in future, recommendations of the PAC are going to be taken seriously by the Government. We strongly recommend that there should be an implementation committee of this Parliament to follow up recommendations of both PIC and PAC so that these two watchdog committees of this House do not continue being toothless bulldogs and only talking houses without any action taken on their recommendations.

Thank you.

The Assistant Minister for Roads and Public Works (Mr. Mwakalu): Thank you, Mr. Speaker, Sir. I want to make a contribution to the PAC Report. This Report has annually confirmed and emphasised the use and misuse of public funds. The record is a hollow of disappointment and shame on how public funds have been misused over the years with no action taken to remedy that misuse.

Mr. Speaker, Sir, I believe it is part of the problem of the National Assembly not to take the appropriate action to arrest this problem. This House has the power to establish not only a PAC but auxiliary bodies that can be established like the Office of the Special State Prosecutor. The Special Prosecutor's Office can follow up where the PAC has reported misuse of Government funds. It bedevils the role of this House to come every year to complain that so much money has been misused when this House has the capacity to create an office to prosecute even the special Kenyans that are "unreacheable". They come under the purview of that Committee if and when this House so decides.

It is, therefore, a very big disappointment for Parliament to come and complain. Parliament, the Legislature to come and complain? To whom does it complain? About whom does it complain? Parliament should legislate the necessary instruments for public performance of public business. To monitor, report or to probe is one thing; to punish the misuse of public funds is another. Parliament has both the right and the capacity to legislate and execute the legislation. I hope that in the years to come, this House will not become the "House of Shame" as a result of us absconding from carrying out our activities properly in this House and for the name and dignity of the Kenyan people.

Mr. Speaker, Sir, my suggestion is that beyond naming culprits or suspects who have misused public funds, this House has the power and the authority to go further and appoint a Special Prosecutor's Office in order to implement the application of what is necessary and right for the country.

Thank you.

Mr. Maitha: Bw. Spika, hebu nami niunge mkono Hoja hii ambayo ni muhimu sana. Hata mbele ya kusema hivyo, Hoja hii ni muhimu kwa sababu Auditor-General wa Serikali ndiye anayeifanya Kamati hii kuifanya Bunge kuketi na kuangalia makosa yaliyofanywa kwa ufujaji wa pesa za umma. Kwa sababu Auditor-General ndiye anaeleza vile mipango ya Serikali inavyoendeshwa katika mashirika na Wizara mbali mbali, ni juu ya Kamati hii, inapotoa mapendekezo, Bunge hili ni lazima liwe linatoa sababu kamili nini yale ambayo yanapitishwa na kuamriwa na Kamati hii hayatekelezwi.

Wezi, ama wale wanaofuja pesa za Serikali, ni watu ambao wanajulikana. Tuko nao humu humu na tunaona ajabu ya kwamba nchi hii ya Kenya imekuwa ni nchi ya aibu. Imekuwa ni nchi ambayo wakati huu inachekelewa na mataifa mengine kwa sababu pesa ambazo tunakusanya kama kodi, zaidi ya Kshs200 billion, zingetoshwa kabisa kufanya yale mengi tunayotarajia yafanyiwe wananchi wa Kenya. Lakini, kwa sababu ya ufujaji wa pesa za umma ambao unafichuliwa katika ripoti hizi, hasa Ripoti hii ya PAC, inaonyesha wazi kwamba nchi za nje zinatushuku kila wakati na kuona kwamba hatuwezi kusimamia nchi yetu kwa sababu tunaiba pesa zile za wananchi tunazozikusanya kama kodi kutoka kwa wananchi.

Bw. Spika, ninaposimama hapa ninamuunga mkono mwenzangu, Bw. Kajembe, kwa kusema kwamba inawabidi Waarabu na Wahindi kusafiri hadi Nairobi kutafuta vyeti ambavyo Serikali ingewapatia kule waliko. Serikali hii inapaswa kufahamu kwamba Waarabu na Wahindi waliisaidia sana kuingia uongozini. Tunamwuliza Waziri, Maj. Madoka, ahakikishe kwamba sheria hiyo imeondolewa kwa sababu watu hao wameisaidia Serikali hii.

The Minister of State, Office of the President (Maj. Madoka): Jambo la nidhamu, Bw. Spika. Bw.

Maitha ametaja jambo ambalo si la kweli. Katika taarifa ambayo nilitoa, nilieleza wazi kwamba hakuna Mkenya kutoka Mombasa, awe Mwarabu au Mhindi ambaye atalazimishwa kuja Nairobi kuchukua cheti ambacho Bw. Maitha anaongea juu yake. Tulisema kwamba kama kuna kesi moja, mbili au tatu ambazo tunazishuku, basi tutawauliza wahusika wasafiri hadi Nairobi, hii ikiwa na nia ya kudumisha usalama katika nchi hii. Ningependa kusema kwamba jambo hili litaendelea kutendeka kwa sababu tunataka kuhakikisha kwamba kuna usalama katika Kenya.

Mr. Speaker: Mr. Maitha, again, I must warn you like your brother; do not bring irrelevancies to this Motion.

Proceed on the Motion before the House, but be warned of your irrelevancies!

Mr. Maitha: Bw. Spika, ninakushukuru kwa yale ambayo umeyasema lakini Controller and Auditor-General anakagua pesa za Waziri yule.

Mr. Speaker: Order! Order, Mr. Maitha! Will you take it from the Chair that you are irrelevant? That matter has nothing to do with the Motion before the House. Now, will you concentrate on the Report before the House?

Mr. Maitha: Bw. Spika, Ripoti ya PAC inahusiana na ufujaji wa pesa za umma. Ningependa kusema kwamba neno "umma" linamaanisha wananchi wa Kenya. Nilipoongea mambo ambayo nimeyaongea, Waziri aliyachukua kama vita lakini si vita.

Mr. Speaker: Order! Order! Mr. Maitha, do not argue with the Chair. When you are given directives, just follow them.

Mr. Maitha: Bw. Spika, nikiendelea, ningependa kusema kwamba ninatoka katika jimbo ambalo pesa za umma zimefujwa, na tumekuwa maskini kiwango kwamba Serikali haiwezi hata kidogo kusimamia mapato hasa katika viwanda ambavyo tulivyonavyo katika Mkoa wa Pwani. Utakuta kwamba viwanda vyote ambavyo vilikuwa katika Mkoa wa Pwani vimeanguka kwa sababu wale maofisa ambao walivisimamia walifuja pesa za umma. Ningependa kusema kwamba ufujaji wa pesa za umma umewafanya watu wa Mkoa wa Pwani, wakiwa Waarabu, Wahindi au Wagirama, ambao tunazungumza juu yao sasa ni maskini sana. Maskini hao ndio wanaambiwa waje hapa Nairobi au waende sehemu fulani kuchukua vyeti hivyo, na hali Serikali hii ndio ina watu ambao wamesimamia mashirika hayo na wamefuja pesa.

Ningependa kusema kwamba hoteli zote zimefungwa. Juzi, hoteli za Bw. Matiba zilifungwa kwa sababu ya deni ambalo ni la kisiasa. Ningependa kusema kwamba watu wana madeni mengi sana. Aliyefuja pesa za Kenya Cashewnuts hajashitakiwa mpaka sasa, lakini hoteli tatu zilifungwa kwa sababu ya siasa. Ningependa kusema kwamba hoteli hizi zimeajiri wananchi wengi, kwa mfano Hoteli ya Neptune na Intercontinental. Hii ndiyo sababu nimesema kwamba Serikali hii imefaidika sana kutoka kwa Wahindi na Waarabu, na hakuna haja ya kuwatesa watu kama hao. Ikiwa sisi Waafrika ni maskini--- Hii ndiyo sababu tunasema kwamba---

(Loud consultations)

Mr. Speaker: Order, Mr. Maitha! Order, hon. Members! The rule of relevancy has not been revoked. On a serious note, tell me the page in that Report that talks about Hotel Intercontinental?

Mr. Maitha: Mr. Speaker, Sir, this Report is about misuse of public funds.

Mr. Speaker: Order! Order! We will not have this joke any more. Hon. Members wishing to contribute to a Report filed by a Committee of the House many months ago must read it so that they reasonably contribute to it. It is no excuse that there is an ordinary report and, therefore, you must talk about anything under the sun. This is not the case. You have to be specific so that you give us the remedy. Which public funds were misappropriated and by who; and what in your view should be the correct measures to be taken? That is why we sit here. Please, read the Report. It helps the House and the country.

Proceed, Mr. Maitha!

Mr. Maitha: Mr. Speaker, Sir, I have read the Report thoroughly. In fact, what I am doing is giving the measures to protect--- The Report reveals how the Kenya Cashewnuts in Coast Province collapsed, the person who sold it and why it was undervalued. The Report also talks about various industries in the Coast region, including the Fisheries Department---

Mr. Sambu: Ongea Kiswahili!

Mr. Speaker: Mr. Maitha, what language are you contributing in now?

Mr. Maitha: Pole sana, Bw. Spika.

Mr. Speaker: Pole sana, Mr. Maitha! Endelea!

Mr. Maitha: Bw. Spika hii inaonyesha kwamba watu wa Pwani walisoma Kizungu. Kwa sababu nimeona kwamba ufujaji wa pesa za umma umeumiza watu wa Mkoa wa Pwani, ningependa kuliomba Bunge hili lihakikishe kwamba yale mambo ambayo yameandikwa na kupendekezwa katika Ripoti hii yametiliwa mkazo. Pia, ningependa kuliomba Bunge hili liipe uwezo Kamati hii ili iwachukulie hatua watu ambao walifuja pesa za umma. Pia, ningependa kuomba Serikali iwachukulie hatua watu ambao wametajwa kwamba wamefuja pesa za umma. Tukifanya hivyo, tutaaheshimiwa na nchi nyingine na pia, tutaonekana kwamba tunapenda maendeleo. Tunapewa pesa nyingi sana kutoka ulaya, kama mikopo, lakini ikiwa katika Ripoti ya PAC itaonekana kwamba tunafuja pesa hizo halafu tunarudi kuomba nyingine, hilo si jambo zuri. Hii ndio sababu ninasema na kupendekeza kwamba Bunge hili lipatie Kamati hii uwezo wa kuwaadhibu watu ambao walitajwa na walipatika wamefuja pesa za umma. Leo tunaona kwamba wale watu ambao walifuja pesa za umma ni maofisa wa Serikali na wengine tuko nao hapa Bungeni, na hawawezi kusema kwamba wamefuja pesa za umma na kujiuzulu na kwenda nyumbani.

Kwa hayo machache ninaunga mkono.

Capt. Ntwiga: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion. Let me put it on record that I am a Member of the current PAC, which is the watchdog of Parliament in matters that relate to Government expenditure. I would like to register my disappointment as a Member of this Committee because, as a watchdog of public funds--- A watchdog has to watch and not just stay there. For that matter, I would like to point out that the current Chairman of the PAC is not active and, therefore, he has made the watchdog Committee to appear monotonous and lose the grip. I would like to say that this Committee is no longer "watching" the use of public funds.

I would also like to urge the Controller and Auditor-General to bring the audited report in time for the Members of the PAC to scrutinise the same. This is because currently, we are discussing a report of 1996/97 Financial Year. This losses meaning and, therefore, I would like the current PAC to discuss something which is current and not historical.

Mr. Speaker, Sir, I would like to appeal to the Accounting Officers from various Ministries to submit their accounts to the Controller and Auditor-General in time so that he can bring the Reports to the PAC in time. It disturbs us when the current PAC fails to master quorum now and again simply because the Committee is discussing matters of the past years although it is supposed to discuss current matters or those of very recent past. But when the Committee discusses matters of past years, it gives the Committee a very bad image.

Mr. Speaker, Sir, the PAC is a toothless watchdog because after making recommendations for 1996/97, 1997/98, 1998/99 and what-have-you, nothing is done about the implementation of the Reports because the recommendations are not taken seriously by the Government. What we are discussing here today is the Report of 1996/97 accounts. It is a repetitive exercise which is very discouraging. Therefore, it shows that the Accounting Officers do not mind about the seriousness of these Reports because they seem to mind about paper work only. It does not matter whether the reports are on honoraria or pending bills which have been inflated. Whatever it is, the Accounting Officers are only interested in dealing with records or paper work; they are never interested in the implementation of the recommendations at the grassroot level where the money should be helping our economy to improve. So, these Accounting Officers are only interested in paper work. So long as they carry forward issues and indicate that the money has been used in this and that manner, they are not concerned about what happens thereafter. That is why I am recommending the implementation of the current Poverty Reduction Strategy Paper, which has almost dissolved the district treasuries so that every Ministry has got its own accounting unit so that, at least, it can reduce bureaucracy at the district treasuries so that Members of Parliament can be able to see some resources being taken to the ground, after having discussed the PAC Reports in this House or passed various budgets.

Mr. Speaker, Sir, it is very discouraging to read the Report of 1996/97, where Accounting Officers just overspent without the authority of Parliament and, therefore, making this Parliament very irrelevant. They just appear before the PAC and say that they overspent because of fictitious reasons. When you start making a follow-up, you find that the then Accounting Officers are either dead, have been transferred or they have been sacked and it becomes very difficult for the PAC to follow up those matters and it ends up being very discouraging. That is why I am saying that the Reports must be as current as possible so that they do not lose meaning.

Mr. Speaker, Sir, as a Member of the PAC, I am a very good watchdog and for that matter---

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to tell this House that he is a watchdog?

Capt. Ntwiga: Mr. Speaker, Sir, watchdog means watching---

Mr. Speaker: Order! Order! I have given another hon. Member the Floor. Capt. Ntwiga, you must sit down!

Dr. Kituyi: Mr. Speaker, Sir, for those of us who are slow in learning, could the Chair help us understand how a Member of Parliament becomes a watchdog by becoming a Member of a Committee?

Mr. Speaker: Maybe, he will enlighten us. But as far as the Chair is concerned it is the Committee that is the watchdog, whether or not various Members who constitute that Committee become "dogs", it is really up to him to tell us. What do you think Capt. Ntwiga?

Capt. Ntwiga: You are very correct. I am not particularly the "watchdog", it is the PAC which is the watchdog on behalf of this Parliament. I just said that I am a Member of that watchdog Committee. Therefore, being a Member of the watchdog-Committee, I would like to remind the Chair of an incident that took place just recently. It was reported in the newspapers that a Member of the PAC had attacked a teacher. I want to report to this House that the teacher was the one who attacked the Member of a watchdog Committee. Indeed, the hon. Member did employ some defensive mechanism. But Mr. Mutegi Njau an editor with the *Nation* reported that the teacher was assaulted by me with a belt which I do not put on. For that matter, I want to tell hon. Members that I am very friendly and I do not go about beating people. I was just defending myself because nobody can allow his name to be destroyed by a member of the public because of a vote. I had raised this matter during the Madaraka Day [Capt. Ntwiga]

celebrations but the same newspaper did not report the matter. When the correct position is reported nobody takes that into consideration or what takes place on the ground. They only look at the negative side of an issue. I would like Mr. Mutegi Njau to correct that position in light of what I have said.

With those remarks, I beg to support the Report.

Mr. Kajwang: Thank you very much, Mr. Speaker, Sir. When I first contributed in this House, I said that papers which are used to compile these big reports should be donated to my constituency to help poor students make exercise books. This is because whatever is written here is never implemented and it is a waste of funds and time. We have turned our Committees and this House into some talking shop where we talk about corruption and the people who are corrupt do not care about how much noise we make. We make noise here year in, year out, we waste resources both in Committees, writing papers, typing, auditing and what-have-you, but nothing comes out of that. I am suggesting that we should not waste a lot of public resources, but just accept that this country is corrupt and it is our tradition and we absorb the losses. There is no need for us to waste so much resources on these Reports when nothing comes out of them.

Mr. Speaker, Sir, for example, there was something called Busia Medium Security Prison which is referred to on page 133 of this Report. There was another prison which was proposed and is called Garissa Medium Security Prison. In fact, the Busia one made one Member of Parliament lose his job because that Member was a Minister. He went to his constituency and said that, "I have brought development to this constituency because we are now going to have a prison." Eventually, his people voted him out because a prison is not development, according to his constituents. So, he was voted out. But the most important thing is that, the Government spent Kshs18 million on "consultancy service fee" for building that prison. An amount of Kshs18 million was spent on "consultancy service fee" but the project never took off because there was no money to implement the project. So, why should the Government engage anybody to carry out some consultancy services when they know that eventually there will be no money to build that prison?

Mr. Speaker, Sir, we were advised that prisons in this country were built before Independence. There is no prison facility which has been built since Independence. The number of prison inmates has grown ten times. So, the congestion in our prisons is such that when it is time to turn, somebody whistles so that everybody wakes up and then the prisoners turn one way. There are no mattresses and prisoners sleep on hard ground. They sleep so close to each other that one prisoner cannot turn alone. This is the kind of problem we have. Then realising that we have that problem, the Government paid Kshs18 million for consultancy services and no prison was built. Mr. Ojode baptised such money the other day as "greetings money". That was just to greet a consultant with Ksh18 million while no services were provided. When we asked the Government why it never built the prison, it said that there was no money. Why the Government conceived the idea, it does not tell the public. These are terrible things. Questions have been raised and nobody has answered them. This issue has been raised in this Report, it will be raised in next year's Report because there is no answer and it will also be in another Report. This is a waste of public resources and time.

There is a big den of corruption under the Office of the President called the Government Printer. This is on page 106, paragraph 193 of this Report. The security printing equipment was supposed to print cheques, money which we are now printing at the De La Rue Currency and Security Print (K) Ltd and several other security

documents.

Mr. Speaker, Sir, ten years ago, Kshs1 billion was paid to Mr. Somaia in advance, in order for him to supply the security printing equipment. This is now close to Kshs4 billion. I have never heard of that kind of Government expenditure where people who are supposed to supply equipment are paid in advance. In fact, if that was the case, I would also be a big businessman because I would walk into a Government office, be given money in advance, go and buy the equipment, come and deliver them and get my profit. But the worst thing is that Mr. Somaia did not even do that. He was given Kshs1 billion, but he never delivered the equipment. The Auditor-General (Corporations) asked questions and five years later, some equipment was brought. I suppose they were some equipment because they were packed in cartons and boxes which were never opened for another five years. The same Government which paid Mr. Somaia in advance because it wanted those goods delivered as soon as possible, ten years later, does not know whether the equipment which were ordered were the ones which were delivered. Up to now, the security printing equipment has not been installed, Kshs1 billion was paid in advance ten years ago and the Office of the President of the Republic of Kenya is not bothered about the Kshs1 billion. We keep writing about this and printing these big books.

Mr. Speaker, Sir, you are right to tell us to show you the paragraph in which this is stated. I went out and brought the Report so that I can show you. But even if we show you the paragraph in which these things are stated, it is a waste of time.

Mr. Speaker: What have you said?

Mr. Kajwang: Mr. Speaker, Sir, I have said that you are right to order that when hon. Members contribute on this Report, they should show you the specific paragraph in which the matter in question is stated. I ran out and brought the Report to show you, but even when we show you the paragraphs, it is a waste of time because nothing will be done.

This is a serious matter. This is a Government which collects money from paupers. In VAT, money is collected even from babies who have not been born. When mothers start spitting, they start buying medicines and they pay VAT on that. When they start buying towels and napkins, they pay VAT on that. So even babies pay VAT. When the Government collected VAT, it paid Kshs1 billion to Mr. Somaia who ran away and is living somewhere out of the country. He comes into the country in his personal jet and he is met by senior Government officials. When Mr. Somaia was summoned to appear before the Public Accounts Committee (PAC), the Attorney-General did not deliver the summons because he knows that Mr. Somaia is a very important person. When Mr. Somaia comes in his personal jet, he goes to that pavilion at the airport where the President also sits because he is a very important man. Dr. Kituyi is telling me that Mr. Somaia also goes to State House several times. This is a very serious matter in which toddlers are robbed and the money is given to one Mhindi called Mr. Somaia and no goods are delivered.

Mr. Speaker, Sir, lastly, there is the issue of the diversion of transit sugar. That is how we get money to give in Harambees otherwise, there would be no Harambees in this country. People who are causing trouble in these Harambees are people who are dealing in transit goods. They have kept us running around and borrowing money from our co-operative societies to also conduct Harambees which we cannot afford. These people get money from transit goods such as sugar. This is on page 37, paragraph 60, of the Report. The paragraph discusses transit sugar to some place which has never been disclosed. No vehicle has been given as the vehicle which transitted with the sugar, no VAT was collected and the Kenya Revenue Authority has not talked about this up to this day. We know the companies which were involved.

If I may open page 37 of the Report very quickly, I will tell you what the Committee has said. The involved companies' owners will listen to this on the Kenya Broadcasting Corporation (KBC). The Report states:

"VAT amounting to K£10 million is re-exportation of goods and vehicles or alternatively the relaxation of revenue when such goods or vehicles were diverted or whose use has not been shown".

There are companies such as M/s Mwangaza Enterprises Company Ltd. The Report has not indicated to us the owners of this company. There are other companies such as M/s Kenusa Interlink Company, M/s Addis Cargo Forwarders and M/s Joaman Consultancy Ltd. These companies divert transit sugar and sell it here. Now people from my constituency where sugar is grown are unemployed because sugar factories have collapsed. The Sony Sugar Factory is suffering, Muhoroni Sugar Factory has been closed, Nzoia Sugar Factory is collapsing, Chemelil Sugar Factory is down and Miwani Sugar Factory was even sold to Mr. Somaia who never paid a coin. These sugar factories do not earn any more money because of this transit sugar which never transits.

Mr. Speaker, Sir, I stood up to tell you, and the public, that we should not waste time with these big Reports. They look very beautiful but they are a waste of time. We go and hibernate in some hotels to write them for no reason. This is wasting public money. Parliament should donate to me these papers used for writing these

Reports so that primary schools in my constituency can have some exercise books. We are suffering.

With those few remarks, I beg to support.

The Minister of State, Office of the President (Mr. Nassir): Bw. Spika, nafurahi kupata nafasi hii kueleza yaliyo moyoni mwangu. Tumeona ya sasa na ya zamani na waliokuwa katika Bunge hili wanajua maana ya ufisadi. Ikiwa hakuna mabadiliko katika Serikali na mwendo utakuwa huu tuendao, tutakuwa tunajadili Ripoti ya Public Accounts Committee (PAC) kila mwaka na kuongea juu ya ufisadi. Hapa Kenya, Serikali ni ya chama cha KANU, lakini wafanyakazi ni watu wa kila aina. Wanatoka kwa vyama vyote vya kisiasa. Katika chama cha KANU, kuna watu wenye nia nzuri na wengine nia mbaya. Walijaribu vile wawezavyo--- Kama tunashidana na wewe katika siasa na nikushinde, sikuachi tena! Lazima nione umemalizika kabisa. Hata leo, upande wa Upinzani una tabia kama hiyo. Mtu anapewa wadhifa wa samaki katika Pwani na hata hajui samaki wala bahari. Anapewa ili afurahi, ageuke na kuingia katika chama cha KANU. Lakini kama mtu hapendi chama cha KANU, hata ukimfanya nini, hataipenda!

Bw. Spika, watu walifanya uchafu ili Serikali isibakie siku chache. Iilitiwa kila uovu. Kazi hiyo ilikuwa ya magazeti tu. Kila asubuhi, magazeti yalikuwa yanaandika Serikali imefanya hivi na vile! Lakini Serikali haikufanya chochote ila ni watu wa Kenya. Serikali ya KANU isiambiwe ilifanya makosa. Ni Serikali ya watu wa Kenya na ndio wanaendesha Serikali vile wanavyotaka.

Ukiangalia mambo yaliyofanyika katika Ripoti, ni mabaya sana kwa sababu ya mtindo wetu. Tuna bahati ya kufikia miaka hii na tena, kuyarekebisha mambo hayo katika mabadiliko ya Katiba. Tuna nafasi ya kurekebisha makosa na mambo hayo machafu. Mtu anayepewa mali kuchunga lazima awe na imani na Serikali. Leo, nataka mtu azungumzie sana juu ya ufisadi. Niliona ufisadi miaka ya 1974 mpaka 1978 na 1979. Niliona ufisadi ukitokea zamani. Ukitaka kuzuia ufisadi, si kwa kutaja tu. Ingekuwa ni kutaja, tungetaja kila siku. Lakini ikiwa hatutafuti njia za kuondoa ufisadi, itakuwa ni kazi bure! Na njia ni hii: Huwezi ukamwambia mtu akachunge mali Murang'a na hajaishi Murang'a. Hajui maana ya kahawa na chai ni nini. Lakini mtu wa Murang'a akipewa nafasi ya kuchunga mali huko, hakutakuwa na taabu. Hakuna mtu atakuwa na imani ukimpeleka mtu Mombasa na hajui bahari ni nini, akachunge mali huko. Hatakuwa na imani. Kutakuwa na wizi, ufisadi na kila mwaka, tutakuwa na Ripoti ya ufisadi lakini hatutakuwa tumeondoa taabu ya wizi.

Bw. Spika, kuna mambo mengi. Hata uliniambia nisizungumze lugha hiyo juzi, lakini watu hawa wananiita Mwarabu! Hata hawajui nitokako!

Mr. Speaker: Walisema hayo hayako kwenye Ripoti!

The Minister of State, Office of the President (Mr. Nassir): Lakini, Bw. Spika, nilitaka kusema juu ya wafanyakazi. Mtu hajui akiandika mambo haya katika gazeti, yatakasirisha watu. Watu wa magazeti wanachukua mambo hayo kuwa makubwa sana. Lakini mimi nasema si ufisadi peke yake. Wale wanaofanya kazi ndio wanaharibu Serikali na ufisadi unatokea. Lazima kuwe na mageuzi ya namna ya kupeleka Serikali katika Kenya, tofauti na vile tunavyoipeleka sasa. Kuna hatari kubwa sana. Kuna wizi na watu wakubwa wametajwa lakini, nastaaajabu kuona waliokuwa katika Serikali wamekuwa Wabunge leo. Ukihesabu majumba waliyo nayo, magari na pesa nyingi--- Sasa tutasema nani? Wewe umetoka juzi katika Serikali na una pesa. Si wewe ulikula zaidi? Leo, sijui lugha hii itamfanya nini maskini. Tukisema fulani ni mwizi, itamsaidia maskini? Lazima tuondoe unyonge wa maskini. Wanaoumia katika Serikali ni maskini. Mtu tajiri akija katika Bunge na kuzungumza, anatundanganya kwa sababu ana pesa nyinyi! Lazima tuwe na njia. Serikali hii ni Mungu anaiweka. Ikiwa sio Mungu, haingebakia siku tano. Mungu bado anaipenda kwa sababu ni ya maskini. Anawataki maskini kheri. Mimi nasema twende tuendako lakini tumefika mwisho. Mambo ya Katiba yatatoa mambo mengi. Tukifika huko njiani--- Hata tukizungumza katika Bunge, haifai kitu! Tutaambiwa mambo yote ya ufisadi huko nje wakati watu wanaobadilisha Katiba watakapopeka maoni ya wananchi. Kila mtu atakuwa na wakati wa kusema maneno yake. Kila mtu atasema atakalo. Wakati wa Wabunge kusema hapa Bungeni umekwisha. Tuachie waliotupa kura na wenye taabu waseme yao.

Kwa hayo machache, naunga mkono.

Mr. Muite: Mr. Speaker, Sir, if you look at the amount of money that is allocated to the Office of the President every year; and then you look at the expenditure indicated on the PAC Report on the issue of security, you wonder whether that was not a waste of taxpayers' money. I talk about security across the entire Republic from North Eastern Province, the urban sector and every village in this country. There is absolutely no security. It is only a state of insecurity that is existing. No Kenyan is able to have a sound night's sleep for worrying whether he or she will fall victim to robbers, muggers and other criminals. Nobody is able to drive confidently, knowing that he or she will reach home without being carjacked. There has been a total breakdown of security in this country. The Government has completely been unable to contain insecurity.

So, on the amount that we voted to the Office of the President on the issue of security, is it not quite clear

that, that is a waste of taxpayers' money? The money that we spent on security, the General Service Unit (GSU), the Police Force, the Provincial Administration and the Administration Police has gone to waste! That is because none of us is assured of security.

Mr. Speaker, Sir, even what is going on at the border of Trans Mara and Gucha Districts is a reflection of the breakdown of security in this country. I went there personally and I saw the victims. I spoke and listened to them, and I want to agree with the President that the on-going tribal clashes in that area are politically instigated. However, those clashes were not instigated by the person whom the President pointed a finger at. Some victims told me that when they were being shot and killed by State security agents---

Mr. Speaker: Mr. Muite, what page of the Public Accounts Committee (PAC) Report are you referring to?

Mr. Muite: Mr. Speaker, Sir, I am speaking about monies relating to the Office of the President.

Mr. Speaker: Mr. Muite, in this regard, debate does not follow that way. You can only divert when talking about budgetary allocations to a Ministry. In this case, we are dealing with misappropriation of funds.

Mr. Muite: Yes, Mr. Speaker, Sir.

Mr. Speaker: Anyway, there is likely to be Motion on that line tomorrow. You should not anticipate debate on it.

Mr. Muite: Mr. Speaker, Sir, I was not aware of the likelihood of such a Motion being moved here tomorrow.

Mr. Speaker: I have told you now.

Mr. Muite: Mr. Speaker, Sir, I was saying that the money we voted to the Office of the President for security, which is the subject matter of the PAC---

Mr. Speaker: Hon. Members, maybe, I should put this matter in its correct perspective. I think you must distinguish between debate on budgetary allocations to Ministries, when you tell them how to use the monies voted, and debate on the aftermath of such allocations, which is what we are now dealing with. The question we are addressing is whether the monies that were voted to the various Ministries during the period under review were spent properly or misappropriated. You may use your latitude. I understand that there is no meat in mathematics but there may be a little algebra, which is "meatier" than arithmetic. However, in order to be a mathematician, you must have algebra, arithmetic and geometry. So, please, try to combine all of them.

Mr. Muite: Thank you, Mr. Speaker, Sir. I shall respect your advice.

The basis of the criticism I am levelling against the Government is that the monies spent by the security agents, which is provided for under the Vote of the Office of the President, has been a waste of taxpayers' money. We did not provide that money so that State security agents can beat up Kenyans. That is what has happened. The security agents have used the money we voted for their operations to go and beat up Kenyans. Those people in Gucha District were not beaten up by members of the Maasai community; they were beaten up by police officers, using the money we provided for their operations, which is a subject matter of the PAC.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

I was saying that I saw the victims of those clashes, talked to them and listened to their side of the story. Having listened to those people, I am saying that the President was right in saying that the on-going clashes, or genocide, is politically instigated. To that extent, the President is right. However, the clashes were not instigated by the person whom he pointed a finger at. The victims of the skirmishes said in the presence of Mr. Orengo, Dr. Ochuodho and myself, that as they were being shot by the security agents, they were being asked: "Where is that "god" of yours called "Nyachae"? Let him come and save you."

So, it is not a presidential aspirant from that area who instigated the tribal clashes. Somebody else did instigate the clashes. That is exactly what happened in Kikuyu area in 1995. In that year, General Service Unit (GSU) officers were unleashed in Thogoto Location, where they beat up people and raped women. They then asked the people: "Where is Mr. Muite? We want to see whether he can come and save you." Those officers used monies voted for their operations under the Vote of the Office of the President. We would not like that to continue happening. Security personnel are supposed to maintain security; they are not supposed to be in the forefront in beating up our people or instigating genocide.

We saw a similar thing happen before the general elections in 1992. Similarly, before the general elections in 1997, some members of the Kikuyu and Luo communities living in the Likoni area of Coast Province

were murdered while others were chased away from that area. We trust that the monies that we have voted - and those which we are going to vote - in respect of the Office of the President, for the purpose of maintaining security, is not going to be used to trigger off another genocide ahead of the coming general elections. It cannot be a coincidence that we have tribal clashes every time we approach a general election. Every time we approach an election instability is created not by the Opposition, but rather by the State itself. So, tribal clashes in this country are politically instigated by those who are in power and not by the Opposition.

Mr. Deputy Speaker, Sir, as Mr. Kajwang has rightly put it, what is the point in us condemning misappropriation of public funds year in, year out? It has become an annual ritual which we perform every year. The Government has now become immune to any criticism and exposures of its misdeeds. The Government's attitude seems to be: "Let them expose and complain about all these things. What can they do about it?" I would like to say that a time will come when all the monies that have been misappropriated will have to be refunded to the public. Issues of immunity and such other things being talked about will not happen without reparation. Those who have taken away public funds will have to return them to the national coffers.

I beg to support.

Mr. Kibicho: Mr. Deputy Speaker, Sir, the contents of the PAC Report can be classified into two main categories of misappropriation of public funds. The first category is about funds that have been misappropriated, while the second one is about public funds which have been used without the authority of Parliament. Both categories of misappropriation are harmful to this country. Money has been misappropriated. Some people have created a parallel economy. Some people have invested, but because they are not business people, after about five years, their enterprises went under and the country is suffering.

Mr. Deputy Speaker, Sir, people who do not misappropriate public funds while in office are looked down upon by the citizens. Such retired officers are misunderstood to have been very lazy people who never worked as hard as their colleagues who have misappropriated public funds. As a result, Kenyans have been tempted to ape the ways of those people officers who have misappropriated public funds. The end result is that the vice has affected the security of this country, particularly in the police force. Retired police officers who are rich look down upon their poor retired colleagues, because they never stole. The consequence of this attitude is that insecurity has increased in the country. The crime rate has gone up because serving police officers would like to steal so that they can lead a comfortable life like their retired colleagues on leaving the force. Therefore, while we condemn the misappropriation of public funds in this House, those in power must look at the problem broadly. The Government must consider the kind of society this attitude is building.

Mr. Deputy Speaker, Sir, it is very sad to listen to those in the Government who do not seem to care whether public funds have been misappropriated or not. If this practice is not curtailed, as a state, Kenya will collapse one of these days. You realise that this country has very rich people. Some of these people have not acquired their wealth through hard work, but rather merely by stealing. It is a question of leading by example. We are, therefore, appealing to the Government to take stern action against people who have misappropriated public funds, because the vice has affected the society negatively.

Mr. Deputy Speaker, Sir, year in, year out, we talk of Government money being stolen and no action is being taken. It is time this Government made the Office of the Controller and Auditor-General independent. The Office of the Controller and Auditor-General should be given power to implement what it recommends. That office should be developed so that it has got prosecutors and the capacity to deal effectively with misuse of public funds. If that is not done, there will be no solution to these misdeeds. We will continue complaining and this country will continue suffering.

With those few remarks, I beg to support.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to make a formal response on behalf of the Government. The PAC is a very important Committee of this House and I would like to thank the Members of that Committee for the work they have put in to produce the Report, particularly those Members who have been active within the Committee. As we were told, quite a number of Members of this Committee have, unfortunately, not been actively involved in its work. As I said, this Committee is very important as it reviews Government expenditures. Therefore, it is important that the Report that comes out of the Committee is impartial, detailed and serves the purpose which is intended. Be that as it may, the Government appreciates the work of the Committee because it is through it that this House and the nation are informed or given highlights of any failures that might have led to instances of misuse of Government resources or any wrongdoing, the intention being that management of Government resources be improved. It should be understood that it is never the intention of the Government to misuse resources. Unfortunately, like in any human situation, there are bad eggs within the system of Government.

Mr. Deputy Speaker, Sir, the Government itself is interested to root out these elements. It is through the

work of the Controller and Auditor-General and the PAC that we get to know this. In due course, we should be able to root them out and, at the same time, improve the systems of management within the Government. It is only unfortunate that as Members have pointed out, the issues that we are discussing are historical. We are talking in this instance of a Government abstract of accounts for the year 1996/97, which is five years ago. What is reflected in the Report of the Committee happened five years ago and where there have been repetitions, some of the instances may be as old as ten or 20 years. We are, therefore, not talking of current issues. While those events serve to guide to improve the management of Government resources, there is no reflection of the current state of affairs. Nevertheless, over time, the Government has responded to the highlighting of any of these failures in management. As Members are aware, it is only recently that the Government promulgated new accounting and procurement procedures within Government departments.

Mr. Deputy Speaker, Sir, we now have finance officers seconded from the Ministry of Finance to various Ministries. These individuals should improve on the management of financial resources within the various Ministries. Through the recent promulgation of procurement procedures, we intend to streamline---

Mr. Murathe: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has told the House that the Government is taking action to root out the bad eggs highlighted in this Report.

Could he give a specific instance of people who have been fired or taken to court and jailed for misappropriating public funds?

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Deputy Speaker, Sir, I am sure that will be newsworthy considering the manner in which we report events in this country. But if the Member will give me time to respond---

Mr. Murathe: On a point of order, Mr. Deputy Speaker, Sir. I demand that the Assistant Minister responds to my interjection. How many people have they taken to court?

Mr. Deputy Speaker: Order! Order! When you stand on a point of order, you neither ask questions nor argue. You have done both of those, each one of them enough to hang you but I will set you free.

Proceed!

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Thank you, Mr. Deputy Speaker, Sir. I believe the Member remains hanged and I may proceed.

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

Mr. Deputy Speaker: Order! You cannot stand on a point of order to ask questions or argue.

Proceed!

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Thank you, Mr. Deputy Speaker, Sir. As I was explaining---

Mr. Murathe: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to continue misleading this House that the Government is taking action arising from the Reports of the PAC when he cannot give a specific instance of persons whom the Government has prosecuted for misappropriating public funds?

Mr. Deputy Speaker: Order, Mr. Murathe! Order! We are discussing the Report of the PAC and if you know the answer, do not ask. In what fashion will the Government respond? There will be a Treasury Memorandum indicating precisely what action the Government has taken on each and every item in that Report. At that point in time, you can rise and challenge it.

Proceed!

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Thank you very much, Mr. Deputy Speaker, Sir. I do not wish to revisit that issue. But may I only point out that we are taking a forward-looking approach. I know it could be very nice to be sensational but we want to take action that will produce results which will see better management of Government resources and better services being available to the people of this country. I believe that is the final intention of this Report. It is not to create sensation.

Mr. Deputy Speaker, Sir, as I pointed out, we have various officers whom we intend to use, to instill faster discipline in the management of resources. It is also through them that we will be able to root out some of the past failures that have been highlighted in the Report. As I was explaining, recently, we have had new procedures for procurement, and it is through those procedures that we intend to arrest - at the very beginning - any of the various malpractices that have gone into the procurement procedures in the past.

Mr. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House by saying that the Ministry has beefed up the accounting system and officers when he knows that, as he said before, the accounts cited in the PAC Report are historic and outdated? They are five or six years old because of the fact that the Controller and Auditor-General's office is understaffed through the same---

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

Mr. Kariuki: Mr. Deputy Speaker, Sir, is it in order for him to insinuate in the House that something is being done while the same Government is not doing something to help alleviate the possibility of delays in getting the audited accounts out in time by understaffing?

Mr. Deputy Speaker: By delay, you mean how many months or years? All audits are historic.

Mr. Kariuki: Mr. Deputy Speaker, Sir, with due respect, the Assistant Minister seems to be lamenting about the fact that the accounts are five years old. He is saying that action has been taken, whereas he knows that there is a problem which has not been addressed. Are we supposed to lament about history? What action is he taking?

Mr. Deputy Speaker: Order, Mr. Kariuki! You are now discussing the apparent inability of the Controller and Auditor-General to audit accounts on time.

Mr. Kariuki: Mr. Deputy Speaker, Sir, this is because in the private sector, accounts are produced within three months before the end of the financial year. But in our case here, we are talking about six years, and action is also taken on irregularities depicted by the auditors. But the Assistant Minister is sitting on the problem, and he is telling us that something has been done. Does he take six years to address us on that problem? Is he not misguiding this House when he says that they are doing something, whereas nothing is being done?

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Deputy Speaker, Sir, I respect my colleague from the other side, but I think he is probably jumping the gun because I am explaining some of the activities and controls that the Government has put into place, which are going to result in exactly what he is trying to put across. At the end of the day, we will have timely accounts that have been prepared for the Government and, hopefully, the Controller and Auditor-General should be able to audit all the accounts on time. All that will result in a more timely and better control of resources. My only concern is that Members on the other side do not seem to want to hear any [**The Assistant Minister for Finance and Planning**] good news. I think they would like us to talk of doom and gloom all over and throughout the day. I am putting across some very positive measures that the Government has undertaken.

QUORUM

Mr. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. We need a quorum to listen to what the Assistant Minister has to tell us.

Mr. Deputy Speaker: Mr. Kariuki, what is your point of order? Your drawing of my attention to the fact that there is no quorum is not enough. Read what the Standing Orders say you should do. You should have stood up and said that there is no quorum in the House and not standing up as if you are addressing a rally in Thika.

Mr. Kariuki: Mr. Deputy Speaker, Sir, there is no quorum.

Mr. Deputy Speaker: Yes, there is no quorum. Please, ring the Division Bell.

(The Division Bell was rung)

Mr. Deputy Speaker: Order! There is quorum now.

Proceed, Mr. Arap-Kirui!

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Deputy Speaker, Sir, before I was interrupted, I was pointing out - in response to the criticisms, most of which I would say have been constructive - what the Government has done. Some of those measures are the introduction of better management of resources, appointment of finance officers in various Ministries, seconded from the Treasury, and also, through the introduction of new procurement procedures. The intention at the end of the day is to institute better management of resources and also have more timely preparation and presentation of Government accounts. As it is understood, the basis of the Report is the Controller and Auditor-General's Report which is, in fact, an audit report. As we know, auditing is an after-event kind of activity. It reports on what has gone before and it is, therefore, important, as I had pointed out, that we arrest the situation right at the beginning, through the establishment of better management procedures. It is for this reason that while thanking the Members of the Committee, I would also urge them to take their work seriously because we are dealing with matters that are the basis of a very important Committee of this House. We have two particularly relevant Bills pending before this House which are the Economic Crimes Bill and the Ethics Bill. These two Bills might be seen to be the outcome of the work of this Committee. The Committee is, therefore, most important and I would also urge that the Members of the Committee to approach their work with a certain amount of humility so that we can take them seriously. I

hope that when the Chairman of the Committee does respond eventually, he will not take a whole month to do so, as happened when he introduced his Report. With those brief remarks, I wish to say that we do take the work of this Committee most seriously.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Hon. Members, there being no other Member wishing to contribute, I will now call upon the Mover to reply.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, may I start by thanking all those Members of Parliament who have spoken in support of the PAC Report and even those who were critical of various recommendations by the Committee.

Let me start by talking about the absence of most Members from the House during the first day of this Session. Let me remind, particularly members of the fourth estate that during those days I contributed continuously, despite the lack of quorum, it was assumed that this was because of my chairmanship. However, this is not true. This happened because ours is a nation that has grown lethargic about the lack of seriousness from the Government in managing this economy. It is a Government that is no longer accountable.

Year in, year out, there is the saga of misuse of public funds and nobody gives a damn. Even the Press got tired of repeatedly writing about waste, plunder and theft of public funds. You can see that so many Members are absent from the House. Kenyans, led by this House, are saying that they are tired of the Government. This is an indication of a country that is tired of Daniel Moi's leadership. There is no other better expression when we are speaking about an important issue like the PAC Report. This kind of support by Members is very frightening.

Mr. Kajwang raised an interesting point, that: Why does the Government not give his constituency the amount of money similar to that it uses in producing the PAC Report? He wondered why this money is not being utilised in his constituency because the PAC Report makes no sense to the Government? This is a very weighty issue: Why should we have a PAC Report? I may not take more than 20 minutes on my contribution because I am also tired of speaking to a Government that does not listen. It does not matter how long it will take; even if it is one year, because these people will not listen. They will not even listen to the International Monetary Fund, the World Bank or anybody because their concern is having power at the expense of the people of Kenya. It is very serious---

Mr. Angwenyi: On a point of information, Mr. Deputy Speaker, Sir. I would like to inform the hon. Member that even the President is so tired that he has told the people to go to Gucha and solve the problem because he cannot go there. His Ministers will never do whatever he tells them to do.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, you have heard it being said; that it is not only this side of the House which wants this Government to relinquish power, but also the other side of the House. Even the President of Kenya is tired.

Let me start by commenting on the observation made by Dr. Oburu who criticised the Chairman of PAC, Mr. Kibaki, to the effect that he did not attend the deliberations of the Committee. He did not have to attend the meetings. He delegated his duty effectively, and that is leadership. We also saw former President Mandela delegating the leadership of South Africa---

Mr. Deputy Speaker: Order, hon. Gatabaki. When you are nominated to a Committee, you cannot delegate your duty to another Member because you are all equal in that Committee.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, we saw former President Mandela delegating the leadership of South Africa to Buthelezi.

Mr. Deputy Speaker: We are talking about a Parliamentary Committee of this Parliament and not of South Africa.

Proceed.

Mr. Gatabaki: We can see in this country the inability of our President to delegate his duties to the Vice-President of the Republic of Kenya. Since Mr. Raila is now his friend, hopefully, the President will be serious enough to delegate the leadership of this country to him whenever he goes overseas.

(Laughter)

Mr. Deputy Speaker, Sir, I could see the difficulties Members had in making various reviews of the Committee. The time has come for considerable effort to be made to digest and summarise the PAC Report. There was a time when the Report was only 24 pages. When the late father of the Chairman of the NDP was the Chairman of the Opposition, the report consisted of only 24 pages. I hope that when Mr. Raila is negotiating with KANU, he does remind the President about how big the size of the PAC Report has become, compared to the time

when his legendary father was the Chairman of the PAC. I hope he does remind the President of how corruption has increased in this Government as compared to the time when Mr. Oginga Odinga was the Chairman of the PAC, and the effective Leader of the Opposition.

I am suggesting that - and this view is held by most of the Members - that we summarise this document to about 30 pages so that Members can digest it and present reviews more comprehensively. I am recommending to the current PAC to come up with a programme of digesting and comprehensively packaging the PAC Report to be a supplementary document of about 30 pages so that Members can go very quickly through the various issues raised. I wish to salute some sections of the Press for doing exactly that. That is for highlighting from time to time comprehensively various misuses and fraudulent activities by the Government mentioned in the PAC Report.

Mr. Raila: On a point of information, Mr. Deputy Speaker, Sir. I congratulate my friend for being concerned about the composition of the PAC and its effectiveness. Jaramogi Oginga Odinga as the Chairman of the PAC, attended all its meetings and chaired them. So, I would urge my friend, who has moved the Report and is now answering on behalf of the Chairman of the PAC, to ensure that next time they appoint a chairman, they should appoint one who is going to attend those meetings because the present one only attended two meetings.

(Applause)

Mr. Gatabaki: Mr. Deputy Speaker, Sir, I appreciate that point of information, but hon. Kibaki, like hon. Mandela appreciates delegation, and hon. Jaramogi Oginga Odinga, like hon. Daniel arap Moi liked to shoulder the entire responsibility of the activities by themselves. However, I do recognise that.

Mr. Deputy Speaker, Sir, what are the highlights of the PAC that have come out of the deliberations? Among them is the Office of the Controller and Auditor-General. This office comprises of 205 staff members in charge of the entire Government administration, which includes all the Ministries that spend public funds, among them, 30 per cent in every field; every Ministry is an equivalent of a Kenya Commercial Bank establishment. So, if you think about 15 Kenya Commercial Bank establishments, plus the Government departments which gives you about 20 Kenya Commercial Bank establishments manned by 205 highly disempowered people, you will realise why right now we are discussing about 1996/97 accounts. The issue here is that if you want an effective report by the Controller and Auditor-General, we must, as a House, take the recommendation of empowering, enlarging and giving this department the independence it deserves and removing the power of the Executive in interfering with this department. That has been clear many years, time after time. The Office of the Controller and Auditor-General must be reactivated, strengthened and given the essential independence it requires to be an effective watchdog of the Government expenditure.

Mr. Deputy Speaker, Sir, and that is why I commend one of the hon. Members who raised the issue: Why discuss the 1996/97 Report in 2001? What will it do? The current PAC should be going through the first quarter of 2001 accounts. This is so that it is current and Kenyans can understand about the misuse. The Government itself can be involved in correcting its own mistakes. So, one of the most critical issue which have arisen from the PAC is the necessity of addressing the office of the Controller and Auditor-General, so that timely reports can be given and we do not have to wait until Kenyans are so impoverished because of lack of information, then we present the Report.

Mr. Deputy Speaker, Sir, the other point which has come up is the actual effectiveness of the PAC. This is an establishment of this House, created by the Standing Orders of this House but given no teeth. This is why year after year is a saga of so enormous fraud and nothing happens. Files are in the shelves and nobody acts on them because the PAC having spent all that amount of money that hon. Kajwang is talking about; having produced such a fine document; that document becomes useless just as much as the paper it is written upon. One can possibly understand why the Government Press and our colleagues who man this Government had this vision of importing expeditiously a printing press so that they can quicken the work of Government printing for the sake of squandering funds. Mr. Deputy Speaker, Sir, if we are to give PAC teeth, we also must make the people who are summoned by the PAC, that is the Accounting Officers and the Government departments, accountable to the people of Kenya. The people of Kenya must see who are these Accounting Officers; heads of Government departments, who year after year are accountable for Kshs100 billion of wasteful expenditure. Kenyans must see who are responsible for the Kshs475 billion squandered between 1991 and 1996 by making the PAC proceedings expeditiously open to live TV broadcasts. This House has the capacity of making the PAC proceedings open to live TV broadcasts. This is so that everyday when the PAC and PIC sit and invite those characters responsible for squandering so much of Kenyans' money they are seen and we know who they are. We want to see these sons of President Moi! Kenyans want to see how they look like, how they are capable of squandering so much, why they are giants or whatever kind of characters, how shameless they can be, and how they answer questions about so

much misuse of public funds. I am requesting this House to expedite the live coverage of all the PAC and PIC sessions so that Kenyans can see for themselves what goes on in Government expenditures.

Mr. Deputy Speaker, Sir, hon. Dr. Oburu Odinga made a recommendation, which I want to support, of having an Implementation Committee to follow up all these recommendations and actually see to their implementation. So, while I am supporting that recommendation, there is also a recommendation which the PAC Report made, that it is time for this House to have an Implementation Committee for the reports made by the PAC and PIC.

Mr. Deputy Speaker, Sir, listening to the contributions from both sides of this House, I am overwhelmed by their reactions and the perception I have tried to hammer again and again that PAC is the best conduit of corruption in Kenya. There have been five Ministries, and they have been accounted for again and again, which are responsible for 50 per cent of squandering public funds and they start from the Office of the President. I am grateful about the Members who mentioned the Office of the President being the biggest culprit.

It is an established fact that during the period which this Report covers, that is 1996/97 financial year, the Office of the President is responsible for squandering Kshs10 billion. What is Kshs10 billion, if you imagine that the Sondu-Miriu project going under in Kisumu only requires Kshs8 billion to be completed? The Japanese Government are dictating to the people of Kenya about this project. If the Office of the President did not squander Kshs10 billion in one year only, this country could fund the entire project, which could be responsible for 16 megawatts of electricity. The Kshs10 billion wasted could go a long way in completing this project. Even the IMF and World Bank funding could become irrelevant if one Ministry, that is the Office of the President, could not have mismanaged that amount of money. This is very clear and I wish there is a Minister here representing the Office of the President. This Office squandered Kshs10 billion under the period we are stating, and it is frightening.

Mr. Deputy Speaker, Sir, I listened to the President during Madaraka Day. I rarely do listen but this time I did because I also do a lot of writing as a publisher and I want to have at least something to say about the President when I write about his legacy. So, I wanted to listen to him and, maybe, decipher something I can say about him. He talked about something which I shared with him and that is management of public funds. The President dedicated his Madaraka Day on the management of public funds.

The President dedicated his Madaraka Day speech to the management of public funds. It was absolutely interesting. The President said in many words that time for squandering public funds are over, and any officer of the Government who squanders public funds would face it. We must clap for the President for realising at the twilight of his presidency that mismanagement of public funds does not help.

When the Office of the President, in which the President is the seniormost official, is the one which is most wasteful, one wonders whether the President should not have been talking to his office. First and foremost, charity begins at home. So, in realising what the President was talking about, I think time has come for him to be told that the Office of the President is the biggest squanderer of public funds.

The Assistant Minister for Environment and Natural Resources (Mr. Kimkung): On a point of order, Mr. Deputy Speaker, Sir. The Office of the President has got several departments. Could the hon. Member explain to the House whether he is aware that there is the Department of Defence, the Police Department and the Immigration Department in the Office of the President?

Mr. Deputy Speaker: Order, Mr. Kimkung! It does not have---

Mr. Gatabaki: Thank you, Mr. Deputy Speaker, Sir. It is unfortunate that you have to lecture a distinguished hon. Member of the Cabinet. This is an indication of how this Government requires to be lectured, even among those we assume know something. However, the Ministry which is notorious for overspending or wasting public resources is that of Local Government. I will talk about five Ministries which have been identified as the worst culprits. The Ministry of Local Government is headed by nobody else other than the Secretary General of the ruling party, KANU, one Mr. Kamotho. Time has come for this gentleman to be told to spend more time in his Ministry than traversing the whole of Central Province and confusing the President that out of the 2 per cent votes he got in the 1997 general election, and in 1991; hopefully, in the year 2002, the President can miraculously get about 90 per cent. Time has come for Mr. Kamotho to be told that his Ministry is the worst hit after the Office of the President and, therefore, he should spend more time in his Ministry than "scavenging" on useless politics.

Mr. Deputy Speaker, Sir, the other Ministry that overspent public funds is that of Education, Science and Technology. Again, I wish the Minister for Education was here, because I respect him for being fluent; he knows what to talk about, and he knows how to rig the examination results. This Ministry is fond of squandering public funds. The Minister has to spend more time in the Ministry than jiggling these figures to declare certain districts as having performed highly in certain sections of the national examination.

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to continuously mislead this House about the performance of certain Ministers? I would like to make specific reference to the issue raised by the hon. Member concerning the Minister for Education, that he rigs national examination. We know that rigging of national examination is a dangerous disease.

Could he substantiate that such a thing takes place?

Mr. Deputy Speaker: Well, I do not know how rigging comes into this debate. If he has not rigged any figure, then he is not a "rigger".

Mr. Gatabaki: Thank you, Mr. Deputy Speaker, Sir, for that correction. All I was saying is that this Ministry is named in the Report in wasteful expenditure of public funds. All I am saying is that, possibly, the Minister in charge could make more useful contribution to our nation by cleaning his Ministry first.

The other Ministry which also overspent public funds, and I am a bit hesitant to mention it, is the Ministry of Health because Prof. Ongeru is not only a friend, but he has also distinguished himself in articulating certain issues in this country, particularly the HIV/AIDS pandemic. He has also distinguished himself as an academic for hire. In terms of sycophancy, this great man, whom I respect, has distinguished himself in this respect, to an extent to which his Ministry is involved in wasteful expenditure.

(Laughter)

Mr. Deputy Speaker: Order, Mr. Gatabaki! We are discussing the PAC and not characters of individuals. If you want to discuss the conduct of an individual, move a Motion.

Proceed, Mr. Gatabaki!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to castigate sycophancy instead of discussing the Ministry of Local Government, where that Minister performed effectively?

Mr. Deputy Speaker: Order! Sycophancy is not part of the Report.

Proceed, Mr. Gatabaki!

Mr. Gatabaki: Mr. Deputy Speaker, Sir, the other Ministry in that order is that of Information, Transport and Communications and, finally, the Ministry of Tourism, Trade and Industry. I am mentioning these Ministries because among them, they contribute to about 50 per cent of the entire wasteful expenditure. From 1991 to 1997, the Government of Kenya wasted Kshs475 billion. I would like to say that 50 per cent of that money was squandered by these five Ministries. That is how serious it is. Anybody who rises to support any of these Ministries is an enemy number one of the Republic of Kenya.

I notice Mr. Biwott and note that he was not in this Ministry--- Mr. Biwott is among the few Ministers in this Government who are coming out as effective managers of public funds. Sometimes I am critical of the many things that he has done, but---

(Laughter)

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member for Githunguri in order to associate Mr. Biwott with bad things when he knows very well that Mr. Biwott has nothing negative about him except all the propaganda that---

(Laughter)

Mr. Gatabaki: Mr. Deputy Speaker, Sir, we must thank His Excellency the President for consolidating the most important Ministry and appointing Mr. Biwott to head it. This is because, first, Mr. Biwott is the "eye" of the President and he is a hard-working man when he means it. I hope that the new Ministry he heads will respond to all the queries raised by the Controller and Auditor-General. I mean it, Mr. Biwott.

Mr. Deputy Speaker, Sir, before I come to the end of my contribution, I would like to say that the Teachers Service Commission (TSC) is an example of the kind of leadership our country has had; that we can have so many queries by the Controller and Auditor-General in the last 10 years is an indication of the extent to which this Government has deteriorated in the management of public funds. Between the years 1963 and 1970, the amount of public funds that were somehow wasted, stolen and embezzled was about Kshs5 billion. Between 1980 and 1990, the figure rose to about Kshs9 billion. But from 1990 to the year 2000, the figure came to an average of about Kshs50 to Kshs100 billion. We must ask ourselves: What is it that happened that suddenly the Government

became wasteful? We have got all those years, with about 30 to 40 pages of the PAC Report. From 1990, there is a covering form of wastefulness. What happened that the figure was Kshs100 billion in 1993?

Mr. Deputy Speaker, Sir, during the year under review, Kshs60 billion was misused. What happened? Since we are in an era of multi-partysim, we must ask ourselves a few questions, analyze the figures and come to terms as to why we should certainly allow this escalation of waste of Government expenditure. It is not actually a simple escalation because we are talking about massive escalation, from an average of Kshs5 billion to Kshs9 billion in the 1980s, and then to Kshs60 billion or even Kshs100 billion in the later years. Could this be associated with the quest for power or the need to hold on to power? Could this not be associated with the appointment of new characters to handle public finance who feel so insecure because their time is running out, and now they want to squander as much as they can? We must ask ourselves about this! Among those categories, we have professionals who are responsible for this kind of embezzlement of public funds. Some of those highly trained or the so-called professionals, team up with senior Government officials to create projects that never take off.

Mr. Deputy Speaker, Sir, in the Office of the President alone, only 3 per cent of public investments are implemented. This is shown in the PAC Report and it is also repeated again and again by the Controller and Auditor-General. Only 3 per cent out of all the projects undertaken by the Office of the President get finished. So, these are issues of considerable weight on public opinion and we must come to terms with them. The violation of the constitutional provisions comes out again and again. Every chapter and every Ministry is guilty of the violation of the constitutional provisions. What happens?

Mr. Deputy Speaker, Sir, I can quote what Mr. Simon Nyachae told this House when contributing on this Report. I have high regard for Mr. Nyachae. He served this country with distinction as a civil servant during those years when public expenditure was being controlled. He served this country with distinction in the Ministries of Agriculture and Finance. This is what he told this House:

"The constitutional provisions and related laws in Kenya are observed with breach than compliance. Instead, the country is more often than not governed by decrees than by the Constitution and the relevant legislations."

He ended up with this:

"Almost invariably, the breach is by the President who is the custodian of the same Constitution."

That is what Mr. Simon Nyachae, who once worked with President Moi, told this House. He said that the breach of the Constitution is done by the President of the Republic of Kenya, who is the custodian of the same Constitution.

Mr. Deputy Speaker, Sir, there are already other issues where the President is named in this House as the person responsible for violating the Constitution. Subsequently, we are left with very few options, apart from asking whether we have a Government or whether we are in anarchy.

Elsewhere in the world, violation of the Constitution leads to impeachment of the officer involved. Maybe, this House, in its wisdom, should pass an impeachment provision to deal with public officers, including senior Government officers who violate the Constitution.

The words of the Controller and Auditor-General are clear and horrifying, that the Government officers acted in utter contravention and violation of the Constitution of the land. What proper measures can we take to notify this Government that it cannot violate the Constitution and walk away scot-free? There are safeguards and penalties to be taken against those who violate the Constitution. That is the message which comes out from the Report.

Finally, I am going to mention about a very important convention called "*sub judique*" or *sub judice*, depending on where one went to school. Mr. Biwott went to Australian Schools, which have connections to the American Schools. So, he calls it "*sub judique*", while Prof. Sam Ongeru calls it *sub judice* because he went to some "bush schools" and finally ended---

(Laughter)

The Minister for Public Health (Prof. Ongeru): On a point of order, Mr. Deputy Speaker, Sir. All jokes aside, is the hon. Member in order to create a curriculum vitae for Prof. Sam K. Ongeru, when in his own full knowledge, he knows nothing about it? Is he in order to do so because he is really casting doubts about my eloquent qualifications, which I am prepared to lay before this House?

Mr. Deputy Speaker: Order! Order, hon. Prof. Ongeru! We all went to some "bush schools" at some point. So, it does not besmirch our curriculum vitae because of the fact that we went to "bush schools".

(Applause)

I do not think he meant to derogate in any manner your academic credentials.

The Minister for Public Health (Prof. Ongeru): Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: There should be no argument!

The Minister for Public Health (Prof. Ongeru): I am not arguing. I just wanted to--

Mr. Deputy Speaker: Proceed, Mr. Gatabaki!

Mr. Gatabaki: Mr. Deputy Speaker, Sir, humour is part of civility. For those who cannot understand or comprehend humour, it is an indication of--

(Laughter)

The Minister for Public Health (Prof. Ongeru): Mr. Deputy Speaker, Sir, I have no intention of saying anything about your ruling, but is the hon. Member in order to refer to a "bush school"? All I know of is a school, but I do not know where the "bush school" is. Is he in order to refer to "bush schools" other than talking of schools?

Mr. Deputy Speaker: Order! Order! A Member is entitled to use any adjective he chooses. If he chooses "bush" as opposed to desert, or as opposed to forest, I do not think he has committed any crime! But he should be mindful of the need to be civil in referring to hon. Members.

Proceed, Mr. Gatabaki!

Mr. Gatabaki: Thank you, Mr. Deputy Speaker. I will not refer to that again. The point has been made.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Could the hon. Member for Githunguri, please, apologise for saying that Prof. Ongeru went to a "bush school"? Prof. Ongeru went school in India---

Mr. Deputy Speaker: Order! Order! Mr. Angwenyi, Prof. Ongeru has expressed himself extremely eloquently about his displeasure with the manner in which Mr. Gatabaki referred to him and the Chair has strengthened that by saying that Mr. Gatabaki must remember to be civil at all times.

Proceed!

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir. I think it is a well accepted tradition that witty exchanges between the Opposition and the Government sides are normal features in all parliamentary debates. If Prof. Ongeru, whom we all know to be a learned man, is going to be a bit uptight about a remark on bush schools, when we all know, like he put it, members of his generation, most of them, went to school somewhere in the rural areas and nobody can deny that--- But they were damn good schools too. I think if we rule on this in that manner, we are going to kill the spirit of encouraging witty exchanges between the two sides.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Members, nobody enjoys humour in this House more than the Chair. But the Chair does not dictate to hon. Members on how to react to what other hon. Members say. So, if Prof. Ongeru takes umbrage at what Mr. Gatabaki has said, I can only give a ruling after he has stated his objection.

Proceed, Mr. Gatabaki!

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): On a point of order, Mr. Deputy Speaker. Standing Order No.87 provides that if an hon. Member consistently engages in irrelevancies, which have generated this kind of debate, the Chair should be at liberty to terminate that kind of speech. Is the hon. Member in order then, to continue engaging in irrelevancies?

Mr. Deputy Speaker: Order, Mr. Ethuro! What Standing Order have you quoted?

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Deputy Speaker, Sir, I quoted Standing Order No.87.

Mr. Deputy Speaker: But more importantly, it is the Chair that must decide and I have not decided that you should assist me in doing my job.

Mr. Gatabaki: Thank you, Mr. Deputy Speaker, Sir, for defending me. We all realise we come from different backgrounds, and it is a long way to Nairobi and for some of us to be in this House. So I can understand the fears of some of my distinguished colleagues. In the same spirit, Prof. Ongeru's name is understood to have been expunged as one of the doctors of His Excellency the President.

Coming back to the rule of *sub judice*, I must remind this House about the words of a distinguished Parliamentarian---

The Minister for Public Health (Prof. Ongeri): On a point of order, Mr. Deputy Speaker, Sir. I am not quite clear. Is the hon. Member in order to persistently refer to my person without bringing a substantive Motion on me before the House, rather than slipping in all irrelevant situations to my irritation?

Mr. Deputy Speaker: Order! The rule is quite clear, that if you want to discuss the character of an hon. Member, you must do so only on moving a substantive Motion on that person. Mr. Gatabaki, if you want to discuss Prof. Ongeri, let me have a Motion on him. I must approve the Motion first and then you give notice of it. From now on, respond to the debate on the Report of the (PAC).

Mr. Gatabaki: Mr. Deputy Speaker, Sir, to avoid this kind of angry reaction, I will refrain from speaking about the obvious deformities of my friends in the opposite side.

The *sub judice* convention, this House was told by a Chairman of the PAC, Mr. Wamalwa, when he was moving the 1993/94 Report, and I am happy he is here, in his submission about *sub judice* rule, that it violates the freedom of expression of this House. He said:

"It is democracy at work where the people's right to free expression is jealously guarded".

However, this rule has been used to frustrate and defeat useful debates on issues of extra-ordinary importance and major public interest. The Goldenberg saga, for example, which has hung on Kenya's neck and crippled the economy of our country for so long, and created destitution amongst citizens of Kenya, cannot be debated by the highest law-making institution in this country. This is an embarrassment. That we should leave this issue of Goldenberg to a few characters in the Judiciary, and I have got all the respect for the Judiciary--

To refuse to debate the issue of the Goldenberg frightened every hon. Member who participates in the PAC. I hope and believe that it was in this spirit that Mr. Wamalwa raised it.

In the submission which forms part of the 1993/94 Report, and which every hon. Member should read, he goes through all the Parliamentary systems in the Commonwealth and elsewhere, and nowhere, apart from Kenya, are hon. Members of Parliament gagged from speaking about public policy and issues of robust public interest. It is the Chair which ruled on *sub judice*. It is the recommendation of the Committee that time has come for this House to refer to the decision by the Speaker, Mr. Kaparo, as not in public interest and not in the interest of democracy and free speech and the dignity of this House.

To wind up, let me thank the hon. Members for listening to me. Let me thank Mr. Mwai Kibaki, the Official Leader of the Opposition in Parliament and the Chairman of the PAC, for giving me the opportunity to present this important document. Let me thank the Government Ministers for abandoning Kenya for so long.

Mr. Deputy Speaker, Sir, let me also thank the President of Kenya for realising that a time comes when you cannot govern a country the way you run a kiosk. But management of public funds is an important aspect of any Government.

Finally, I want to thank the Chair for the indulgence it has given me to present this important document from the front, and hope that these people, who have ears but do not hear, can hear at least.

With those few remarks, it is my sincere honour to move the 1996/97 PAC Report.

(Question put and agreed to)

ADOPTION OF SESSIONAL PAPER NO.1 OF 2001

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No.1 of 2001 on the proposed action by the Government of Kenya on the conventions and recommendations adopted by the International Labour Conference during the 34th, 42nd and 18th to 87th Sessions of the International Labour Organisation.

Mr. Speaker, Sir, this Sessional Paper is a small administrative matter that concerns itself with the conventions and recommendations that have been adopted by the International Labour Organisation (ILO), referring to the various conferences cited before, such as the 34th, 42nd and 18th to 87th Sessions of ILO in the years 1951, 1958 and 1994 to 1999 Sessions. Under the constitution of the ILO, where we are a member state, member states have a duty to bring before the appropriate competent national authorities in their countries, the texts of the various instruments that are adopted by the ILO Conference with a view to their ratification or otherwise.

In our case, the appropriate authority in Kenya is the National Assembly and that is why we have the Sessional Paper No.1 of this year.

Mr. Deputy Speaker, Sir, the International Labour Organisation (ILO) makes conventions and

recommendations which do not necessarily bind a member state, until that member state ratifies or adopts them voluntarily. In the case of a convention, it is necessary for a member state, before ratifying the instruments, to enact legislation to give effect to its various provisions, if any of the existing legislation does not take care of that. However, there is an obligation on a member state to submit regular reports at certain intervals to the Director-General of the ILO in Geneva, on the measures that we have taken as a nation to give effect to both of those provisions and the instruments.

Mr. Deputy Speaker, Sir, the practice in regard to the matters dealt with in those instruments is that, if they are not ratified or adopted, we should also be able to indicate the difficulties which have prevented or delayed the ratification or adoption of such instruments. I would like to assure the House that the necessary consultations have already been carried out.

Mr. Deputy Speaker, Sir, as you know, in the labour sector, we involve the employers through the Federation of Kenyan Employers (FKE). We also involve the workers through the Central Organisation of Trade Unions (COTU) and the Government. This Sessional Paper has outlined about ten conventions, 11 recommendations and two protocols that we would like the House to consider. Those ones also contain the views of the various sectors under the tripartite arrangement.

Mr. Deputy Speaker, Sir, it is the duty of the Government to report those recommendations directly to the Director-General of the ILO. This Paper should have come before this House went on recess because right now, Mr. Ngutu is away in Geneva for the meeting. I would be happy if this Paper is adopted very quickly. We will then be able to meet some of our international obligations.

Mr. Deputy Speaker, Sir, we, therefore, recommend the following: First, that the Government ratifies and adopts the following conventions and recommendations: We are specifically interested in the ILO Convention No.100 and Recommendation No.90 on equal remunerations for men and women workers for work of equal value.

(Ms. Karua stood up in her place)

I would like Ms. Karua to be a bit patient because that is good for her! Secondly, we are recommending ILO Convention No.111 and Recommendation No.111 in respect of non-discrimination in employment and occupation. The third recommendation is ILO Convention No.182 and Recommendation No.90 on the prohibition and immediate action on the elimination of child labour. The fourth recommendation is ILO Instrument of Amendment 1997 to be ratified.

Mr. Deputy Speaker, Sir, on Section (b) of the Sessional Paper, the Government will not need to ratify or adopt the remaining conventions and recommendations for the time being, because they are not consistent with the needs of our own country. That will be until the time that the international instruments will conform to our local circumstances.

With those few remarks, I beg to move that Sessional Paper No.1 of 2001 be adopted, and kindly request the Deputy Leader of Government Business to second.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I stand to second the Motion that Sessional Paper No.1 of 2001 on International Labour Conventions be supported by this House. As the Assistant Minister clearly stated, we have been signatory and party to a number of conventions, but it has taken rather long to have them ratified formally by this House and yet, they are important conventions and protocols which would go a long way in enhancing the image of Kenya, especially when it comes to aspects relating to labour matters and the respect for good employment and labour practices.

Mr. Deputy Speaker, Sir, when one looks at Convention No.100 which talks of equal pay for work of equal value for men and women employees, it is, indeed, a pity that we have taken so long to have that ratified yet, in actual practice, we know that there are a number of institutions that have been observing that particular practice. But I must say that it is also true that there are a number of organisations in this country that have continued to view women as people of lesser standing. The passage of that convention is supposed to be a very clear signal to those remnants of the old school of thought that it is now time that we updated ourselves and our labour laws, so that we can conform to international and labour standards and project the right kind of image as a nation that takes the values of both men and women in equal status.

Mr. Deputy Speaker, Sir, another key aspect about this Motion is the convention that deals with discrimination. If one looks at page two of this document, discrimination is described as follows: "For the purpose of this Convention, the term "discrimination" includes any distinction, exclusion of preferences made on the basis of race, colour, sex, religion and political opinion among others, which has the effect of impairing equality of opportunity or treatment in employment or occupation." That is a very timely convention because a

country like Kenya and, indeed, in a number of institutions, sometimes even within the public and private sectors, we know that discrimination has been a practice. We know that there are people who have wanted to elevate others on the basis of tribalism rather than merit. We know that there are others who have wanted to elevate others on the basis of race or colour rather than merit and the ability to perform and qualifications that would count for anybody who deserves promotion. So, that is again a very important message that needs to come from this Parliament that we, as a country, do not want to be associated with those practices whatsoever.

Mr. Deputy Speaker, Sir, I would like to highlight the convention that deals with the rights of the child. That, again, is extremely vital. It is Convention No.182 up to 190 on page 11. Those, again, are very important conventions. We know what we have seen in many different parts of the world where children are abused. We would not like Kenya to be part of it. It is also obvious that to penetrate markets such as the European Union on some of the commodities or even to be a great participant through the African Growth and Opportunities Act (AGOA) scheme, it would be important that the countries that want to participate through such initiatives conform and respect the rights of the children. In fact, there have been threats in certain areas from agencies; for instance, to the coffee and tea industries, where they believe or imagine that child labour is being used. Some of those consumers of our primary products could bring in embargoes against some of our commodities. Therefore, it is important that we observe the right kind of labour laws and norms and ensure that children are not abused because the cost could be extremely vicious. It would impact negatively on our economy. Also, it would definitely cast a lot of aspersions on our human rights record. These are issues that, previously, may not have featured prominently when we look at economic matters. Now, they have become very prominent.

Mr. Deputy Speaker, Sir, however, I have some concerns with this particular document. Convention No.173 relates to safety and health in the mining sector. The recommendation being made by the Ministry in this regard is that mining is not yet a major sector in this country's economy and, therefore, we do not need to ratify this convention. I think this is not a true reflection of the reality. We know very well that in South Nyanza, we have the Macalder Mines. There are many other mines in western Kenya, particularly in Vihiga, Kakamega, and some parts of Bungoma. We have had cases where many Kenyans have been buried alive in mines in those areas because safety measures have not been looked at critically. A few years ago, we lost eight people at once in a gold mine in my constituency. Although this may not have anything to do with this debate, I would like to point out that many years ago, my grandfather died in a gold mine under similar circumstances. So, clearly, there is a message here: That, we cannot afford to say that the safety of our people who work in mines need not be ratified. I think that is an anomaly, and I would like to recommend that the Ministry looks at this aspect urgently.

Mr. Deputy Speaker, Sir, we are aware of the on-going public debate regarding M/s Tiomin International, which wants to carry out mining activities at the Coast. Soon or later, this will involve a lot of issues relating to safety as a major consideration. Therefore, the recommendation is wrong and the Ministry should correct this impression. I would suggest that the Minister proposes an amendment to have the convention on safety and health in mines made part and parcel of what this House and the entire country ought to ratify. We should not say that we are waiting until we start exporting a bigger number of tons of various minerals for us to ratify this particular convention. We should ratify this convention, anticipating an increase in mining activities in certain areas of the country, so that we can deal with situations when they arise rather than wait for a crisis to happen and try to deal with it.

The same argument would also hold when one looks at issues related to sea safety. We are becoming a strong maritime country in the region. We know very well that we have ratified a number of international maritime organisation conventions. Some of these conventions demand that we observe proper labour laws and practices. Therefore, I would, again, recommend to the Ministry to look afresh at its recommendations in respect to Conventions 178 and 185. With the support of the International Maritime Organisation (IMO), Kenya will soon become the Search and Rescue Centre (SRC) for this region. Such a recommendation has been approved by the IMO. So, clearly, in the years to come, we are going to see a lot of issues relating to maritime activities. I would strongly recommend that we be proactive, prepare and move into it. The argument that we are not yet there, again, does not hold water.

Mr. Deputy Speaker, Sir, I do support that the principles and the direction that are being recommended by the Ministry be supported. I hope that they will look critically at some of the suggestions that I have made and others that will come from the Floor with respect to some of these conventions.

With these few remarks, I beg to second.

(Question proposed)

Ms. Karua: Thank you, Mr. Deputy Speaker, Sir. I rise in support of the Motion. I would like to say that

what this particular Ministry has done is commendable although belatedly. It is the duty of Government departments to bring to the attention of the House relevant international conventions so that the House can act upon them and also domesticate them. I would have expected that the Ministry of Labour and Human Resource Development, with all this background material on the international standards in the labour market, to join hands with other agencies that are trying to have these particular conventions domesticated. I have in mind the proposed Equality Bill which was published last year and which, among other things, was actually trying to domesticate some of the ILO conventions now before the House for adoption.

We all agree that we need to do away with discrimination in all areas of life. The proposed Bill was actually advocating for equal pay for equal work, which is one of the things advocated in this convention. It was also advocating for breast-feeding time for nursing mothers at work, expanded maternity leave and equality across the board. It is not only women who are suffering at the job place, but discrimination is widespread. We know companies in this country, 40 years after Independence, which are secretly maintaining two payrolls; one for Africans and another one for the light-skinned. I have in mind the Lonrho Group of Companies which I am reliably informed have a payroll for the white and employees of Asian origin, and a different payroll for the Africans. This is the duty of the Ministry of Labour and Human Resource Development to ensure that all workers in Kenya are treated equally and without discrimination. I would urge that we not only adopt the Sessional Paper before the House, but we also rush to domesticate those conventions and to put very stiff penalties for employers who discriminate.

People are bypassed during promotions not just on gender, but on the basis of race, ethnicity, *et cetera*. We need clear laws prohibiting these practices, setting standards and asking employers to give clear records so that if a worker complains, there are records which the Government agencies can refer to.

Mr. Deputy Speaker, Sir, it is not enough to adopt the Sessional Paper or even to have a progressive law. We must have a *quasi* judicial body which oversees complaints from workers. This body is contained in the proposed Equality Bill by the name of the Equality Board, which will have powers to investigate instances of discrimination relating to the work place and relating to any other area. I would urge that the Ministry of Labour and Human Resource Development and its senior officers do take a good look at the Bill published last year, to see the section that relates to their department and to see how they can either adopt it or join us in lobbying for the enactment of the Equality Bill. We do not need very many bodies doing the same job. We do not need to have a board overseeing discrimination of women, and another one overseeing discrimination of men. We need one equality board that oversees discrimination across the board.

Mr. Deputy Speaker, Sir, child labour is another very sensitive issue. We all know that on the domestic front, maybe, most of us have under-age workers in our houses. We need to have an age limit and random checks to find out who is employing children who ought to be with their parents and at their homes. But we cannot be able to do that without giving an alternative to poor children. So, alongside adopting the Sessional Paper, we need to start thinking of compulsory and free primary education. You cannot pull out children from the labour market without giving them viable alternatives on how to develop themselves. We need to look into provisions of basic services to our children. A country that does not look after its children has no future.

The other issues that we should be looking at is the safety standards of workers. That again, is covered by the conventions. Many employers are not looking at the safety standards and the health of their workers. Workers are exposed to dangerous substances and machines without adequate protection and, sometimes, without adequate protection and supervision. That is why we keep on hearing of industrial accidents.

*(Mr. Karauri consulted with
Mr. Too and Dr. Godana)*

Mr. Deputy Speaker: Order, Mr. Karauri! If you want to talk to them, go and sit with them. Do not show me your back.

Ms. Karua: Mr. Deputy Speaker, Sir, we, therefore, need to have very clear laws in that area, which protect our workers and ensure that multinationals operating in Kenya do not find it easy to lower the standards, merely because we do not have adequate laws covering our work force. There are many issues which need to be looked at in our labour laws, but I think it is a step in the right direction for the Ministry to ask the august assembly to adopt the Sessional Paper. This is in order to enable the Ministry to embark on domesticating the instruments that we have signed.

Lastly, I would like to say that other Ministries should borrow a leaf from the Ministry of Labour and Human Resource Development. We would want to see the Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports laying before the House, a Sessional Paper that seeks to domesticate and adopt

conventions that have been passed in relation to the rights of women. Women are part of this society, and if we do not take seriously issues that affect more than half of the population, then, we are not thinking about ourselves. It is not the women in this House who need those instruments; it is our children, daughters, mothers, sisters, and also your wives. Those of us in this House cannot be discriminated against; not in terms of our pay. So, when we speak, we are speaking on behalf of those who have sent us here, and not only the 51 per cent of the population who are women, but the rest of the men who are closely associated with the 51 per cent in the various capacities.

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

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion before the House. At the outset, I support the Motion, and I want to associate myself with the remarks that have been made by the previous speakers in respect of the various conventions that are recommended for adoption and those that are not. Before I go to the specific items, I want to state that there is a public outcry at the moment with regard to the masts that are being erected by the two companies; Kencel Communications and Vodafone. They are discriminating against Kenyans by employing expatriates to dig the foundations for those masts. I think this is a very distinct form of discrimination and it is incumbent upon the Ministry of Labour and the Immigration Department to look into those allegations from the public and find out whether there is some truth in them. If it is true, then that represents discrimination which the International Convention seeks to outlaw.

I do support Convention No.100 and Recommendation 90 on equal pay for equal value of work. Equal pay should be given for equal value of work, regardless of whether that work has been done by a woman, a man, a man with a light skin or a dark skinned person. Too often, we find these discriminations taking place here on the basis of professionalism, *et cetera*. I am glad that once we have adopted this convention, this should be a thing of the past here in Kenya. My concern though, is on the monitoring and policing of the effectiveness of this convention, which will be a major issue. Once we have adopted this convention then that aspect of discrimination will be outlawed.

Convention No.111 and Recommendation No.111 prevent discrimination in employment and occupation. If you are a chartered accountant, it does not matter whether you are woman or a man, because you are qualified to be a certified public accountant. The same applies to the engineering and other professions. The issue of discrimination should never come in. I am glad to note that Kenya is well ahead of this convention. In fact, Section 82 of the Constitution of Kenya prohibits any discrimination of that kind. I am happy to note that we are ahead of this convention and, therefore, its adoption is very much correct here.

Convention No.175 and Recommendation No.182 deal with part-time work. Part-time workers should be treated the same in terms of their rights at work, benefits, *et cetera*. The recommendation here is that this particular convention is against some of our labour laws. If we cannot implement this convention simply because our laws do not favour such a thing, it is proper for us at this point in time not to accede to it. However, it is important for us to review our laws again and see if there is indeed merit. In my view, there is merit to adopt this, but as we cannot implement it in view of the laws that are against the convention, I am suggesting to the Ministry that we have a second look at our laws and if need be, we make the necessary amendments so that we can take this particular convention on board.

Mr. Deputy Speaker, Sir, the next point is Convention No.176 and Recommendation No.183, which relate to the safety and health of mines. Again, the Ministry states that we are not fully involved or we do not have extensive mining operations and, therefore, the requirements of this convention are probably misplaced at this point in time. In my view, if our mining operations are not there yet, we should not wait for a disaster to come. In my view, we should adopt the convention and utilise the convention laws when we are ready with the mining activities, particularly at the Coast with titanium and other such mines which are very much in debate today. It would be nice to know that we do have international laws and regulations that will govern the mining of, for example, the titanium. To this effect, therefore, if we do not have the legislation to implement that convention, I would strongly recommend that the Ministry brings the necessary legislation for us to ensure that such a convention is taken on board.

The other is Convention No.178 and Recommendation No.185, which relate to the inspection of seafarers' working and living conditions. Coming as I do; in fact, representing the maritime population of this nation--- I know those from Lake Victoria and Lake Turkana also have an element of that. However, representing largely a population that deals with the maritime activities, I would certainly have supported this particular convention wholeheartedly, although the Ministry says we are not ready to adopt this convention yet. I will respect the Ministry's views in this regard. However, I would like them to take a second look at that convention, to ensure that we do not really fall behind because we have our sons and even daughters these days that are pretty much in the seafaring business with shipping, *et cetera*. I would certainly request the Ministry to see to it that a second

look is given to this particular convention.

Mr. Deputy Speaker, Sir, then there is Convention No.181 and Recommendation No.188, which is the private employment agencies and we are again saying "no" because of the inadequacy of our legislation. All I can say is that if the convention is good, which I believe is so, we should bring our legislation up-to-date. I think the most significant aspect here is to request the Ministry to ensure the necessary legislation is brought to this House so that we can debate and pass it and assist in the stimulation of job creation, *et cetera*, in so far as this particular convention is concerned. By stimulating job creation, we will also be alleviating poverty because if we create more jobs, more people will be employed, and that way we will be reducing poverty.

Mr. Deputy Speaker, Sir, the other convention which is very significant is Convention No.182 and Recommendation No.190. This relates to the elimination of child labour. I could not agree more with our acceptance of this convention and I wholeheartedly support the Ministry in their recommendation that we approve the ratification of this convention. Child labour is cruelty to humanity. It is really discriminatory and unfair to utilise the poor children for cheap labour. I would like to say that we employ them mainly for cheap labour. This country should do everything possible to ensure that all the children go to school.

Mr. Deputy Speaker, Sir, I am concerned about the increasing number of street children. If we are not careful in this country, we are creating a very major problem for ourselves. I would like to appeal to the Ministry of Labour to find a solution for these street children. We cannot have this situation going on. I would like to point out that nowadays, not only do we have street children in Nairobi and Mombasa, but also in the rural towns. I think this situation must be controlled, and I look forward to the day a Sessional Paper will be brought to this House by the Ministry of Labour, detailing how we can control the menace of street children whom we have a responsibility to take care of.

Mr. Deputy Speaker, Sir, the final items are Protocol 1996 and Instrument of Amendment 1997. I totally support what the Ministry has stated in that regard.

I would like to conclude my contribution by saying that where we have rejected a convention by virtue of us not being ready in terms of the activities, because we are moving towards industrialisation, my view is that one day we shall be there, and we should have the legislation before we get there.

Secondly, if we do not have the legislation today, and yet, the activity contained in the convention is there, then we should bring the legislation to the House so that we can enact it and adopt these good international practices.

With those remarks, I beg to support the Motion.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 6th June at 9.00 a.m.

The House rose at 6.30 p.m.