

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 9th May, 2001

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.235*

PAYMENT OF COMPENSATION TO  
MR. LANGAT'S FAMILY

**Mr. Deputy Speaker:** Mr. Kimeto not here? We will come back to the Question later.

Next Question, by Mr. Munyao!

*Question No.002*

EXCESSIVE IMPORTATION OF SUGAR

**Mr. Deputy Speaker:** Mr. Munyao not here? We will come back to the Question later.

Next Question, by Mr. Kihara!

*Question No.265*

SALARY ARREARS FOR DAIRY  
TRAINING SCHOOL WORKERS

**Mr. Kihara** asked the Minister for Agriculture when the workers of Naivasha Dairy Training School will be paid their two years' salary arrears as per the Minister's assurance to the House on 19th October, 2000.

**The Assistant Minister for Agriculture, Livestock and Rural Development** (Mr. J.D. Lotodo): Mr. Deputy Speaker, Sir, I beg to reply.

It is true that the Ministry undertook to pay the casual workers of Naivasha Dairy Training School their salary arrears in October 2000. The Ministry could, however, not pay the casual workers without authority from the Directorate of Personnel Management (DPM). The Ministry, therefore, sought authority from the DPM vide a letter dated 2nd February, 2001.

The DPM, vide a letter dated 16th February, 2001 directed the Ministry to compile all similar cases on the presentation of the budget, it was trimmed down. So,

from all the departments of the Ministry so that they could grant authority for all pending cases. The Ministry is in the process of preparing the said documents and pay the arrears as soon as the exercise is completed.

**Mr. Kihara:** Mr. Deputy Speaker, Sir, when I first raised this Question last year, the Minister then was categorical that he was going to pay the workers within two weeks. I am surprised that, nine months down the road, they have not been paid. Does the Ministry employ before getting authority from the DPM and then seek that authority afterwards or what comes first?

**Mr. J.D. Lotodo:** Mr. Speaker, Sir, the authority to employ these people was also sought from the DPM. So, to pay them the arrears, we need to get the authority.

**Mr. Kihara:** Mr. Deputy Speaker, Sir, the Assistant Minister is talking about arrears when we are talking about salaries which have not been paid! These people have been working for the Ministry without pay! They have not been paid their monthly wages; it is not arrears! Why did you employ them if you did not have money to pay them?

**Mr. J. D. Lotodo:** Mr. Deputy Speaker, Sir, the Ministry did not have enough funds to pay these people. Their outstanding wages as at June, 2000 was Kshs877,753. Additional wages as at 31st January 2001 was Kshs100,000. So, the arrears is Kshs977,553. The Ministry has communicated with the DPM which wrote back to the Ministry instructing it to compile a list of similar cases. We are in the process of doing that. As soon as the exercise is over, we will pay them their wages since we have got about Kshs1 million set aside for that purpose.

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, the Assistant Minister has not answered the question put to him by the hon. Questioner. Why did the Government employ these people in the first place if they did not have any money to pay them?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, the Ministry has to budget for what is required. But **[Mr. J.D. Lotodo]** the Ministry could not do anything.

**Mr. Kihara:** Mr. Deputy Speaker, Sir, now that the authority has been granted to the Ministry by the DPM, could the Assistant Minister tell us when he is likely to pay these workers, at least, to put their minds at ease?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I had replied that we have got Kshs1 million awaiting the completion of the list and we will pay them immediately.

**Mr. Deputy Speaker:** Who is preparing that list?

**Mr. J.D. Lotodo:** It is the various departments within the Ministry.

**Mr. Deputy Speaker:** No, you are the one preparing that list!

**Mr. J.D. Lotodo:** That is correct, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Why is it taking so long to prepare that list? How many people are involved in this exercise?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, this list will be compiled from various districts. So, it will be very difficult to do that immediately.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, the Assistant Minister is not taking this matter seriously. There are people working and not getting their wages. What are they going to live on? They might resort to stealing! Could the Assistant Minister undertake to pay these people within two weeks?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I indicate that we are going to pay them immediately we get the names from the various departments within our Ministry. We have got Kshs1 million for that exercise. In fact, what they require is Kshs977,000.

**Mr. Deputy Speaker:** Next Question, Mr. Sambu!

*Question No.154*

ACREAGE OF NYAYO TEA ZONES

**Mr. Sambu** asked the Minister for Agriculture:-

(a) what the total acreage of the Nyayo Tea Zones in Nandi District is;

(b) whether he is aware that these zones were curved out of Trust Land forests of North Nandi, South Nandi and Southern Tinderet Forests; and,

(c) whether he could allow these tea zones to be managed by the Nandi County Council which owns the land.

**The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. J.D. Lotodo):** Mr. Deputy Speaker, Sir, I beg to reply.

**Mr. Ndwigwa:** Mr. Deputy Speaker, Sir, apart from the PIC Report, there is also a recommendation by the Committee on Agriculture on what should be done about the Nyayo Tea Zones. They are interfering with the quality of

(a) The total acreage of the Nyayo Tea Zones in Nandi District is 1,441.7 hectares.

(b) The Nyayo Tea Zones in Nandi District were curved out without excision from the North Nandi, South Nandi and South Tinderet gazetted forests as per the Government Gazette Supplement No.77 of 2nd June, 1964, herein attached. At the time of curving out tea zones in Nandi District, the then Nandi County Council did not object because they were aware that they were gazetted forests and not Trust Land forests.

(c) We do not recommend the handing over of the Nyayo Tea Zones in Nandi District to be managed by the Nandi County Council because of the following reasons:-

(i) Nandi County Council, as indicated above, does not own the land in question.

(ii) Heavy investment through donor-funded loans has been used in the development of the zones up to date and the loans must be repaid by 2002. The Government has already proposed donor funding for the Phase II of the project by the African Development Bank which is expected to start by the year 2002. The loan is to be used for the development of areas cleared but not yet planted with tea or fuel wood.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, the Assistant Minister says the county council does not own the land. But Section 114 of the Constitution of Kenya, read together with Section 115, gives those Trust Lands to the Nandi County Council. That notwithstanding, the Nyayo Tea Zones Corporation, is on its death knell.

In the Eighth and Ninth Reports of the Public Investments Committee, which were adopted by the House, the final recommendation was as follows:-

"The Committee further recommends that the land where tea is planted and the tea bushes thereon should revert back to the local authorities in all the Nyayo Tea Zones."

These Reports were adopted by the House. In effect, the Government has started handing over some of the tea zones in some districts. Why is it that in Nandi District they have not been handed over to the county council?

**Mr. J.D. Lotodo:** Mr. Speaker, Sir, it is not true that the Nyayo Tea Zones have been handed over to county councils. We still own several of them throughout the country. There was a Public [Mr. J.D. Lotodo]

Holidays Act by the then Prime Minister, Mzee Jomo Kenyatta, on 2nd June, 1964. That is what entails all the processes. Thereafter, when the Nyayo Tea Zones was incorporated, we had to abide by that.

tea in the country. What policy obligates the Government to go into the business of farming?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, it was not the intention of the Government to go into

farming. But it wanted to create a buffer zone between the people and the forests. There has been a tendency by people to clear forests indiscriminately. That is why the Government created the Nyayo Tea Zones.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, does the hon. Assistant Minister know that these tea zones - besides bringing the quality of tea down - would be better being managed by the local people? When is the Government going to transfer them to the local people to manage them?

**Mr. J.D. Lotodo:** Mr. Speaker, Sir, the Government is taking that into consideration and probably, in due course, we will formalise the handing over of the Nyayo Tea Zones to the local communities.

**Mr. Deputy Speaker:** What are you putting in place?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, there is no law which allows the local community to run those Nyayo Tea Zones as per the Act which established the Nyayo Tea Zones. So, as soon as any legislation is enacted towards that end, we will definitely hand over those tea zones.

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House whether he is satisfied that the Nyayo Tea Zones are being managed efficiently?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I do agree with the hon. Member that the Nyayo Tea Zones are not being managed efficiently due to lack of funds and, therefore, the quality of the tea is low.

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House how much money has been collected from the Nandi Nyayo Tea Zones for the last five years, who is harvesting the green leaf, and where is the cash?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I do not have the records on how much was collected as that was not covered in the original Question.

**Mr. Deputy Speaker:** I think that is a relevant question. So, if you do not have the information, I will give you an opportunity to go and get it and bring it back tomorrow in the afternoon.

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I will comply, with the requirements of the Chair.

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, the Question we are asking, and the Assistant Minister should check his facts--- Those of us who represent constituencies where Nyayo Tea Zones are situated know that the Nyayo Tea Zones are completely mismanaged. The Ministry does not know how much tea is produced, nobody does pruning of the tea bushes, nobody supervises the picking of tea and, in fact, they do not get what they should get. But the Nyayo Tea Zones refused to contribute money towards the construction of tea factories in those areas. So, they are robbing the peasant farmer by bringing their tea to our factories and yet they have not paid a cent towards their construction and yet they are bringing the quality of tea down. So, they are destroying us from both sides by bringing

tea to our factories which is illegally being grown and also destroying the quality of tea. We have a right to refuse this tea under the Tea Act.

Instead of the Assistant Minister waiting for a crisis, why does he not agree to discuss this matter with the growers living adjacent to the tea zones? When we will stop you from delivering your tea leaf to our factories, now that we control them, there will be a crisis!

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, anytime when we decide to fix the dates.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, so many Ministers do not bother to read the reports of the Committees of the House, even those which have been adopted by the House. The Eighth and Ninth Reports of PIC on the Nyayo Tea Zones Development Corporation clearly states:-

"That the Committee noted with concern that the Corporation has deviated from the original purpose of creating forest buffer zones by excising and selling some tea zones".

There is one which was sold to a multipurpose rural co-operative society.

If in some districts you could sell some of these Nyayo Tea Zone Development Corporation farms to some people, why can you not relinquish these farms to Nandi District people? Why is there discrimination against the Nandi people?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, the Ministry is not discriminating against anybody. But should the hon. Member feel that he requires to consult the Ministry, he can contact the Ministry and the necessary agreement will be put in place.

**Mr. Deputy Speaker:** Are you, therefore, suggesting to him that if the landless want to buy the Nyayo Tea Zones in Nandi, they can do it? That is really what he wants to know.

**Mr. J.D. Lotodo:** Yes, Mr. Deputy Speaker, Sir, because if the others have been given to co-operative societies, then it is possible.

#### *Question No.277*

#### REVIVAL OF NORTH SAKWA WATER PROJECT

**Dr. Oburu** asked the Minister for Water Development:-

(a) whether he is aware that the North Sakwa Water Supply Project collapsed after huge sums of public funds were spent;

(b) whether he is further aware that the materials and structures put up by the project have been vandalized; and,

(c) what steps he is taking to revive the project.

**The Assistant Minister for Environment and Natural Resources** (Mr. Kofa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Yes, I am also aware.

(c) North Sakwa Water Supply Project is a community-based water project. My Ministry has already appraised the project for rehabilitation and is ready to provide technical support. However, the beneficiaries of the project have to apply for Government donor funding through the DDC in order to revive and complete the stalled project.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, I am completely dissatisfied with the answer from the Assistant Minister. First of all, beneficiaries do not apply for donor funding, that is the work of the Government. This project was being implemented by the Government. The question of our people going to the DDC again does not arise because this was a Government project which was being implemented because it had been prioritised by the DDC. Could the Assistant Minister tell us exactly what they are planning to do to revive this vital project? It was funded by the Government through EU and the Freedom from Hunger Council and therefore, the Government cannot escape the responsibility of implementing the project. The Assistant Minister is not addressing the question.

**Mr. Kofa:** Mr. Deputy Speaker, Sir, in part "c" of my answer, I said that this Water Supply Project was a community-based water project.

**Dr. Oburu:** On a point of order, Mr. Deputy Speaker, Sir. There is no project in Government called "community-based water project". Either it is a self-help project which means that the community participates---. But there is no terminology as a "community-based project". Is he in order to use a terminology which the Government does not use? It can only be a minor water project or a self-help project, but I have not seen what he is talking about in our Budget.

**Mr. Kofa:** Mr. Deputy Speaker, Sir, it is a matter of English, but I meant a self-help project. This project was Government-funded. The European Economic Community participated at the beginning and gave out Kshs678,000. The Kenya Freedom from Hunger Council gave Kshs360,000. The Government of Kenya through the Ministry gave out Kshs300,000. The community itself contributed, through labour, Kshs60,000. So, it is not true that this was a wholly Government project.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, this Ministry is very notorious when it comes to reviving projects which it has started and have stalled. I have in mind two projects in my constituency; Kiboani Water Project and Wamunyu Water Project which were allocated money on paper, but they have never been implemented. With all sincerity could the Assistant Minister tell us how much

money he has put in place to revive these projects?

**Mr. Kofa:** Mr. Deputy Speaker, Sir, the Ministry is not notorious for not reviving stalled projects. At the beginning, Kshs30 million was set aside for this project. Before it stalled in 1984, Kshs14 million had already been spent. So, at the moment, Kshs16 million is needed to complete the project.

**Dr. Awiti:** Mr. Deputy Speaker, Sir, it is now common knowledge that the Ministry can spend so much money in rural water projects like those in Karachuonyo, but does not complete them. Could the Minister tell us how much money they have now set aside for the rehabilitation which he says they are going to undertake for this particular project? He should not tell us stories!

**Mr. Kofa:** Mr. Deputy Speaker, Sir, the Ministry has not set aside any money.

**Mr. Muturi:** Mr. Deputy Speaker, Sir, it is just recently that the Government purported to complete the Poverty Reduction Strategy Paper. The issue of water supply in the country is highlighted in this Paper. Could the Ministry undertake to provide to this House an inventory of all stalled water projects where the Government has spent funds and there is nothing they can show for it? It is not enough for the Assistant Minister to tell us that the community contributed Kshs60,000 and the Government of Kenya Kshs300,000. It is enough to note that the communities were meant to believe that Government was going to provide them with water.

**Mr. Kofa:** Mr. Deputy Speaker, Sir, I would like to give that undertaking.

**Mr. Deputy Speaker:** You are giving an undertaking to do what?

**Mr. Kofa:** Mr. Deputy Speaker, Sir, to provide the House with an inventory of stalled projects.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, the Government was the implementor of this project and it is common knowledge that the Government does not implement self-help community projects. As a result of the Government abandoning this project, it was completely vandalised, pipes stolen and the people's contribution was already completed because they had already dug the trenches as they were supposed to. Is the Government going to compensate the people for the stolen property, some of which was stored at the chief's home and has disappeared? Some of the plastic pipes are obsolete. They cannot be used because they have stayed in the sun for too long. If the Government does not want to implement the project, is it going to compensate the people for the pipes which have been lost as a result of the abandonment of the site, and as a result, there has been destruction and vandalism of the materials on site?

**Mr. Kofa:** Mr. Deputy Speaker, Sir, if the hon. Member has details that some of these items were stolen

from the chief's custody, he should, perhaps, come to our offices and produce details. Otherwise---

**Mr. Deputy Speaker:** Order, Mr. Kofa! You have no business directing an hon. Member to go and do your staff's work. So, will you do what he wants? He has already given you information, so you should go and act on it. But you cannot ask him to go and give evidence in your kangaroo court!

**Mr. Kofa:** Mr. Deputy Speaker, Sir, the Ministry will look into the issue.

**Dr. Omamo:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that this project was community-based when it was not? I was the Member of Parliament for that area at that time and I know all the details. It was a Government project. If the Government is abandoning this project, because they do not like the Bondo people why do they not say so? Why is he misleading the House that it is community-based? Is it in order for this House to be misled that way?

**Mr. Deputy Speaker:** Order! Nobody is allowed to mislead this House. I believe the Assistant Minister has taken the point which was raised earlier by Dr. Oburu that this was, indeed, a Government project and that he will pursue it as he has already undertaken in order to ensure that it is revived. It is the Ministry's responsibility to provide water throughout the country.

**Mr. Munyao:** On a point of order Mr. Deputy Speaker, Sir. When Mr. J.D. Lotodo was replying, and now Mr. Kofa, they have said that they will undertake to produce some details. Do we have the machinery to follow up and find out whether these details are ever produced before the House?

**Mr. Deputy Speaker:** Mr. Munyao, you know there is the HANSARD which we all read. You may not read your copy, but the Clerks read those answers and pick up what promises or commitments have been made in the House, and they follow them up.

Next Question!

*Question No.266*

ENGAGEMENT OF PRIVATE SURVEYOR BY KENGEN

**Col. Kiluta** asked the Minister for Energy:-

(a) whether he is aware that KenGen is engaging private surveyors to carry out survey works at Masinga; and,

(b) how much money the contractor is to be paid for this job.

**The Assistant Minister for Energy** (Mr. Chanzu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware. It is Government policy that all its parastatals and organizations should obtain title deeds in respect of parcels of land they own. The Government has

privatised survey services including that of new grant surveys and sub-division and re-establishment of boundary surveys.

(b) Through prudent and competitive tendering procedures, KenGen Board of Directors approved and awarded tenders to M/s Harunani and Associates at the cost of Kshs6,867,600, out of ten private firms which had been supplied with tender documents.

**Col. Kiluta:** Mr. Deputy Speaker, Sir, I am talking of about Kshs7 million being paid out. This is taxpayers' money collected to survey an area of less than ten acres. Is the Assistant Minister satisfied that Kshs7 million was paid out genuinely for the survey of 10 acres?

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I am satisfied because this was done through competitive tendering and we had ten firms which applied for tender documents. Out of the ten firms, six of them submitted their bids and we have the figures which came out of that competition and this was the lowest. That is the best way to do this kind of work.

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, could the Assistant Minister table the names of those firms that bid so as to ensure that there is no interlink between the bidders?

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I am prepared to do that. The figures and the names of the six firms which submitted their tenders are here.

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

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I happen to come from the region where this survey work is intended to be undertaken. Is the Assistant Minister aware that there is a boundary dispute between the KenGen people and the residents of Masinga where this dam is located? Secondly, if he is aware, how is he going to resolve the dispute because it appears KenGen is out to grab land from the local people who initially donated the land for the construction of the dam in this area? How is he going to assist the people of that area and ensure that they are not robbed of their right?

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I am not aware of that because my understanding is that the surveys were carried out because of the situation that the hon. Member is raising so that we could have the land for KenGen set aside from land which is owned by the locals.

**Col. Kiluta:** Mr. Deputy Speaker, Sir, my worry is about this money being wasted because the ten acres that we are talking about belong to the people of Masinga. They have settled there since Independence and there is no way the Government is going to remove them. Why waste money on a piece of land that you know it is not yours and you know you cannot throw them out of that place? In any case, when did KenGen

realise that that was their land? We have lived on this land since Independence and we have never seen KenGen. What made KenGen think of it or was it a way of just giving this money out? When did KenGen realise it was their land?

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, it is not true that the money is being wasted. I have just said that these surveys are necessary so that we could demarcate land where the dams are from the land which is owned by the locals and there is no other way that we could have done this.

**Col. Kiluta:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House because the area we are talking about, Kyangosi, has no dam? It is an area that they just want to grab. Is the Assistant Minister aware of the area he is talking about? Does he know what he is paying money for?

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, that area is intended for the expansion of the dam and it is the dam area that we are trying to demarcate out of the general area.

**Mr. Deputy Speaker:** Next Question! Mr. Kimeto's Question for the second time.

*Question No.235*

PAYMENT OF COMPENSATION TO MR. LANGAT'S FAMILY

**Mr. Deputy Speaker:** Mr. Kimeto not here? The Question is dropped. Mr. Munyao's Question for the second time.

*(Question dropped)*

*Question No.002*

EXCESSIVE IMPORTATION OF SUGAR

**Mr. Munyao** asked the Minister for Agriculture:-

(a) whether he is aware that the sugar industry and sugar milling factories are holding a lot of sugar which they cannot sell due to the importation of excess sugar;

(b) whether he is further aware that sugar-cane growers have not been paid by the millers as the latter cannot sell the produce to the market; and,

(c) what urgent steps he is taking to assist both the millers and the farmers.

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

(a) Yes, I am aware.

(b) Due to the light inflow of sugar inputs, the sugar factories are experiencing depressed cash flows due to large stock piles of sugar and are, therefore, unable to meet

financial obligations including farmers' payments.

(c) The Ministry is taking the following urgent steps to address the farmers' and millers' problems: One, Kenya, as you are all aware, is a signatory to the COMESA Free Trade Agreement and, therefore, it cannot restrict commodities from those countries from coming into the market. However, there are indications that there may be some unfair trading practices which could have contributed to the situation where locally-produced sugar cannot effectively compete with imported sugar. In this connection, an Inter-Ministerial Committee, comprising of all the concerned Ministries and organisations such as the Ministry of Agriculture, Ministry of Tourism, Trade and Industry, Ministry of Finance, Kenya Revenue Authority and Kenya Sugar Authority, has been constituted to address this serious problem of suspected unfair trading practices such as under-invoicing.

As can be remembered, I answered part of this Question in this House about a fortnight ago and, at that time, I had said that there was a team of officers from all the stakeholders who had gone out [**The Assistant Minister for Agriculture, Livestock and Rural Development**]

of the country. I am happy to report that these officers are now back in the country and they are now compiling their report. The reason why we had to send officers from here, as opposed to the usual practice where we use our officers from the embassies and high commissions, is because the problem was considered to be a complex one. That is why these officers were sent out and they are now back and are compiling their report which we hope will be ready in the next few weeks and will be publicly announced.

Mr. Deputy Speaker, Sir, the Kenya Sugar Authority is taking extra measures in scrutinising importation documents particularly the invoices. For instance, any sugar that is landing at a cost of below US\$360 per tonne is not cleared by the Customs Department until vigorous verifications and application of the rules of origin have been done. The cost of structure of the local sugar industry is also being scrutinised to identify the constraints that make it difficult for local producers to compete effectively with other producers in the COMESA region.

**Mr. Munyao:** Mr. Deputy Speaker, Sir, if this Assistant Minister knew how much we respect him, he would not have read what is not correct to this House. I have got four similar answers to the same Question, which the Chair deferred sometime back because the answers were not correct. Still, we have not got the right answer. However, could the Assistant Minister confirm or deny that the confusion in the Government is what has now affected the farmers who are already owed over Kshs20 billion?

I would like to point out that the problem is that

there are many small companies which are allowed to deal in industrial sugar. The Treasury is allowing importation of sugar duty-free, and these people import a lot of it which they sell in the market. I would like to point out that the Ministry of Agriculture, Livestock and Rural Development and the Treasury are not co-ordinated. Could the Assistant Minister confirm or deny that fact?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I thank the hon. Member for the respect he has for me. I also have a lot of respect for him. It could be true that there are some products of sugar which are imported into this country and the Ministry may not be aware.

**An hon. Member:** The Treasury knows!

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I have overheard somebody say that the Treasury knows, but I do not know whether the Treasury knows this. We will know if these allegations, which have been made in public and in this august House, are genuine after the report by the officers who went out to investigate this problem is out.

**Mr. Achola:** Thank you, Mr. Deputy Speaker, Sir. As at 31st January, this year, this country had no stock of sugar in the stores. So, could the Assistant Minister explain to the House why the millers still owed the sugar-cane farmers more than Kshs1 billion and yet, their cane had been crushed and sugar sold?

**An hon. Member:** It is because of corruption!

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, the sugar-cane farmers have not been paid because the money obtained from the sale of sugar has not been received by the Ministry.

**Mr. Omingo:** Thank you, Mr. Deputy Speaker, Sir. The Ministry knows for a fact the amount of sugar we require. They know for a fact that there is this requirement when they are importing sugar. They are also aware that we have various commission consulates and commercial attaches to respective countries. Why are we wasting time? Instead of the Assistant Minister rising and telling us the truth, that the people who import sugar are politically correct, he is telling us something else. The Government abets this kind of arrangement for the purpose of getting quick money. By the way, the truth of the matter is---

**Mr. Deputy Speaker:** Order! Order!

**Mr. Omingo:** Mr. Deputy Speaker, Sir, is the Assistant Minister in order to tell this House that he cannot--

**Mr. Deputy Speaker:** Order, Mr. Omingo! You are now raising a point of order, when you have already asked the question! Ask him a question!

**Mr. Omingo:** Mr. Deputy Speaker, Sir, the Assistant Minister has told this House that he has sent a team to investigate and write a report, and yet these are facts that the Ministry knows. Could the Assistant Minister confirm or deny that whatever they are doing is for the purpose of protecting the politically-correct people?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I am not aware of anybody who is politically correct or politically

incorrect. What I know is that the market for sugar importation is liberalised. So, whoever imports sugar, whether he is politically correct or incorrect is none of the Ministry's concern.

**The Assistant Minister for Local Government (Mr. Hashim):** On a point of order, Mr. Deputy Speaker, Sir. I just want to know from the Assistant Minister who are the politically-correct and incorrect people.

**Mr. Deputy Speaker:** Mr. Hashim, you had better know when you should raise a point of order and when you should ask a question. The Question before the House refers to sugar and not people.

Proceed, Mr. Murathe!

**Mr. Murathe:** Mr. Deputy Speaker, Sir, there is a quota for this country to export excess sugar to the European Union (EU). What is the quota for Kenya to export sugar to the EU, and what is the Ministry doing to facilitate these sugar mills to export the purported sugar which is being held in their stores?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, to be honest, I am not aware that we have a quota to export sugar to the EU. If we have a quota to export sugar to the EU, then we will have to bring it back to the House.

**Mr. Murathe:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the relevant Assistant Minister not to be aware that there is a quota for Kenya to sell sugar to the EU countries? They just sleep and do not even go to those meetings!

**Mr. Deputy Speaker:** Mr. Murathe, but you know what the Chair can do about people's ignorance.

**Mr. Murathe:** Mr. Deputy Speaker, Sir, could we inform him as hon. Members of the Departmental Committee on Agriculture, Lands and Natural Resources?

**Mr. Twaha:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister aware that even the local sugar importers have been forced out of business by the COMESA sugar since they have---

**Hon. Members:** Tell us!

**Mr. Deputy Speaker:** Order! Order! I am sorry, Mr. Twaha! Repeat your question because the Assistant Minister did not get you.

**Mr. Twaha:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that even the local sugar importers have been forced out of business by the COMESA producers as they have already opened their own offices here and are distributing the sugar themselves?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, that question is not correctly framed and, therefore, I did not get it right. But I am not sure whether these offices have been opened in this country.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, the hon. Assistant Minister has said that they would only allow sugar to be imported to Kenya if it is US\$360 or

above per tonne. Does the Assistant Minister know that the cost of production of sugar in Kenya is higher than US\$360 per tonne, and that even at US\$360 per tonne, it will wind up the factories in Kenya?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I am aware of that. In my answer, I said in the last sentence, that the cost structure of the local sugar industry is being scrutinised to identify the constraints that make it difficult for local producers to compete effectively with other producers. This is what my Ministry is doing at the moment.

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that they are investigating to find out the constraints when they know that by pegging the remuneration of Booker Tate to the volume of sales, they have allowed this firm in Mumias Sugar Company to raise the price of a 50 Kg bag from Kshs1,950 to over Kshs3,300 in less than three months?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, the hon. Member is talking about the present price which has been raised by this company which he has mentioned. But the Ministry is not aware of this.

**Mr. Munyao:** Mr. Deputy Speaker, Sir, this Question is very important because it affects farmers in the sugar-cane growing region who are already owed over Kshs20 billion. The Assistant Minister has told us that they have an Inter-Ministerial Committee which is going round.

First, there was no need for anybody to go out in this era of information technology. This is because they can get the information they could have got by going round using the computers. What have they done with the information because we cannot wait for two or three weeks, otherwise, there will be chaos in the sugar-cane growing zones?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I will answer that question when the report will be ready for presentation to this House.

**Mr. Deputy Speaker:** I will allow Mr. Ndwiga to ask the last question, as the Shadow Minister for Agriculture, Livestock and Rural Development.

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, the actual problem here is that the Ministry of Agriculture, Livestock and Rural Development does not actually know anything. The Ministry has left its work to be done from the Treasury. How come they do not know that there is a sugar quota which has been set aside for Kenya by the European Union? That is the same problem we have with STABEX. Mr. Deputy Speaker, Sir, now that the Assistant Minister is aware of what is causing confusion here, is he telling us that since we have liberalised the agricultural industry and the COMESA sugar-producing countries are exporting sugar to Kenya and we are also producing sugar, we can also export sugar to those countries? Why are we not doing so?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, if Mr. Ndwiga is knows of a place where we can sell our sugar, he should come to our Ministry so that we can negotiate.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! We can now proceed to Questions by Private Notice.

#### QUESTIONS BY PRIVATE NOTICE

##### KILLING OF MR. KIPACHA SHILLINGI

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, I have not received the written answer.

However, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

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

(b) Is the Minister aware that a Mr. Sam Lesono of the City Inspectorate Department who took the deceased to hospital and eventually to the mortuary in the 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?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Deputy Speaker, Sir, this Question was originally sent to the Ministry of Local Government because of the issues raised. However, this Question was referred to our office this morning and I do undertake to answer it tomorrow.

**Mr. Deputy Speaker:** What to you have to say, Mr. Mwakiringo?

**Mr. Mwakiringo:** I have no objection, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** The Question is deferred to tomorrow afternoon.

*(Question deferred)*

##### DEMOTION OF MR. ADAN MOHAMMED

**Dr. Ali:** Mr. Deputy Speaker, Sir, the answer I got has no signature.

However, I would like to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that Mr. Hussein Adan Mohammed, TSC No.196693, was promoted from P1 to S1 on 1st January, 1997, by the Director of Education?

(b) Is he further aware that Mr. Mohammed received a letter from the Teachers Service Commission on 1st February, 2001, demoting him to ATS IV and authorising recovery of the difference in salary from 1st January, 1997?



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

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

(a) Yes, I am, indeed, aware that Mr. Hussein Adan Mohammed TSC No.196693, was promoted from P1 to S1 on 1st January, 1997.

(b) I am further aware that Mr. Mohammed received a letter of salary reversion to Approved Teacher Status (ATS) IV, which we do not consider to be a demotion.

(c) There is no anomaly as this was as a result of the DPM Circular Letter of 5th July, 1996, on the Scheme of Service for non-graduate teachers.

**Dr. Ali:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House why that is not a demotion when the teacher is getting a salary which is less by Kshs5,000 per month as opposed to what he was getting earlier? Could the Assistant Minister also tell us "5th July" is of which year?

**Mr. Awori:** Mr. Deputy Speaker, Sir, a demotion denotes a punishment; that someone has done something wrong. This man has not done anything wrong. He reverted to a lower grade as a result of the Government Circular that came into effect to bring about---

**Mr. Shidiye:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House? How can he promote somebody and at the same time demote him? Is he not misleading the House and the nation?

Mr. Deputy Speaker, Sir, could he tell us why somebody---

**Mr. Deputy Speaker:** Order! You are asking a question! Proceed, Mr. Assistant Minister!

**Mr. Awori:** Mr. Deputy Speaker, Sir, as I said, one is demoted after he has done something wrong. What has happened here is that the Directorate of Personnel Management (DPM) issued a Circular removing the status of S1 and replaced it with ATS IV. As it so happens, the ATS IV, carried a lower salary than S1.

**Hon. Members:** No! That is not true! Promotion goes with salary increment!

**Mr. Deputy Speaker:** Order! Order, Mr. Assistant Minister! Under no law can you pay anybody less than what you have already given him. So, that officer must continue to earn his salary that he was earning before you changed your nomenclature.

**Mr. Awori:** Mr. Deputy Speaker, Sir, the instruction which the Ministry of Education received from the DPM on the 5th July, 1996, states quite clearly that the position of S1 has now reverted to ATS IV.

**Mr. Deputy Speaker:** When was this teacher promoted?

**Mr. Awori:** Mr. Deputy Speaker, Sir, the TSC made a mistake in January 1997, although the situation had changed in 1996.

**Mr. Shidiye:** Mr. Deputy Speaker, Sir, I can assure this House that this Assistant Minister is misleading us. This teacher was promoted on 1st January, 1997, and the Circular the Assistant Minister is talking about came out in 1996. Could this House be taken seriously because you cannot promote somebody and then demote him at the same time? Could the Assistant Minister be candid enough and tell us the truth because he is taking this House for a ride? If somebody is promoted he is promoted! If he is demoted, he is demoted. But you cannot have somebody who has been demoted and at the same time promoted. Could he tell us the truth?

**Mr. Awori:** Mr. Deputy Speaker, Sir, the truth is what I have simply stated; that the Ministry of Education should not have done what it did in January, 1997, because there was already an existing Circular of July, 1996.

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

**Mr. Deputy Speaker:** He is responding to your question! Mr. Kirwa, the Floor is yours!

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, this is a very serious problem because it has nothing to do with the teacher in question because he got the letter in January 1997 and the Circular from DPM was issued in July, 1996. The letter was written in August, 1996, after the Circular had been issued by the DPM. I consider this to be a serious problem because it is not affecting the teacher in question alone. There are over 300 teachers who have been affected to that extent. These teachers are repaying Kshs180,000 each, which goes back to the Ministry. What can the Assistant Minister do to rectify the anomaly.

**Mr. Awori:** Mr. Deputy Speaker, Sir, I accept what Mr. Kirwa is stating. In fact, this particular teacher is repaying Kshs183,000 as an overpayment. He is paying back at the rate of Kshs2,000 per month. That is the situation.

**Dr. Ali:** Mr. Deputy Speaker, Sir, I have a copy of the letter of promotion from that teacher here. It was written on 22nd August, 1996. It states: "The promotion would be effective from 1st January, 1997." The teacher received the other letter of demotion in February, 2001. So, why should this teacher suffer as a result of a mistake which the Ministry has made? Could the Assistant Minister stop the deductions and rectify the anomaly because the salary the teacher is getting is at the level of ATS II? They realised the mistake after the District Education Officer, Wajir, wrote a letter requesting the TSC to promote the teacher from ATS III to ATS II. That is when they realised their mistake and then they decided to take him back to ATS IV. Is that fair? What will the Ministry do about that issue because they are harassing somebody for no reason? They should promote him and rectify the situation.

**Mr. Awori:** Mr. Deputy Speaker, Sir, I am not denying what the hon. Members have stated. In fact, this does not refer just to this one teacher. There are several teachers in this situation. I have given the facts and all I can do is to go back to the Ministry and see if there is anything the Ministry of Education, Science and Technology in conjunction with the Directorate of Personnel Management can do to rectify the situation.

TERMINAL BENEFITS FOR  
CONTINENTAL HOTEL WORKERS

**Mr. Maitha:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Labour and Human Resource Development the following Question by Private Notice.

(a) Is the Minister aware that over 300 employees of Mombasa Continental Resort Hotel have been declared redundant as a result of the company having been placed under receivership?

(b) Is he further aware that the said employees are currently camping at the hotel demanding their terminal benefits?

(c) What urgent measures is the Minister taking to ensure that the said employees are paid promptly?

**The Assistant Minister for Labour and Human Resource Development** (Mr. arap Leting): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The hotel is not under receivership. However, I am aware that the company has not been paying its 195 employees for the last seven months due to financial difficulties.

(b) I am not aware of any employee camping at the hotel. However, the affected workers have been reporting to the District Labour Officer, Mombasa, where they have lodged their complaint for the payment of the outstanding wages.

(c) The Ministry has taken the matter to the Chief Magistrate's Court in Mombasa under case No.1444/2001, which is coming up on 23rd May, 2001.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the reply he has given. But I am the one who took the initiative of informing the Ministry about the camping of workers at that hotel. The Ministry officials took it upon themselves and went to the hotel and talked to those workers after the employer had, in fact, refused to pay them. The Ministry went to court after my intervention and I thank it for that. The hotel, up to this moment, has kicked out the workers without following the labour laws. What is the Ministry doing to force this hotel management to re-employ [Mr. Maitha]

all the workers while awaiting the determination of this case?

**Mr. arap Leting:** Mr. Deputy Speaker, Sir, because the case is before the court, it will be difficult for the Ministry to do anything. All the arguments will be

presented in court; between the Ministry, the workers and the employer. The Ministry has tried to force the employer to pay the workers their dues for all these previous months, but he is unable to pay them because he is complaining of poor business returns. So, there is nothing that we can do at the moment because the case is before the court.

**Mr. Twaha:** Mr. Deputy Speaker, Sir, the problem Mr. Maitha has highlighted is a symptom of a deeper disease arising from the decline of the entire tourism industry in the country. What is the Government doing to arrest this situation in order to stop further job losses?

**Mr. arap Leting:** Mr. Deputy Speaker, Sir, the Government is doing its best by campaigning to revive the tourism industry. The Minister for Tourism, Trade and Industry is doing his best to make sure that the tourism industry will go back to what it was three years ago.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, most of the hotels at the Coast are closing down because this Government imposes a lot of taxes on tourists who come to this country. The recent tax is the visa fee requirement about which the Minister of State, Office of the President, does not want to issue a Ministerial Statement as I had requested him to do in this House. Hotels are closing down because tourists do not want to come to this country due to the increased taxes. Could the Assistant Minister for Labour and Human Resource Development now promise this House that he will sit down with the Minister for Tourism, Trade and Industry and the Minister in charge of visas in the Office of the President, and lift all the taxes in the tourism industry so that hotels can re-open and workers return to work?

**Mr. arap Leting:** Mr. Deputy Speaker, Sir, this particular Question ought to be directed to the Minister of Tourism, Trade and Industry. However, the Government will definitely review the situation if it finds out that it is taxes which are killing the tourism industry.

**Mr. Deputy Speaker:** The last Question is by hon. Ndicho!

**Mr. Murathe:** On a point of order, Mr. Deputy Speaker, Sir. I wish to seek the Chair's indulgence because Mr. Ndicho is held up at Thika! He asked me to ask the Question on his behalf.

**Mr. Deputy Speaker:** Where is hon. Ndicho?

**Mr. Murathe:** Mr. Deputy Speaker, Sir, he is not here. I wish to inform you that he is in court at Thika. He asked me to ask the Question on his behalf or request that it be deferred.

**Mr. Deputy Speaker:** You cannot ask a Question by Private Notice on behalf of another hon. Member. Well, if hon. Ndicho is in court, that makes three in a row. You are not doing very badly. We are doing rather badly and, after a few days, there will be no

hon. Members left in this House. I will defer the Question to tomorrow afternoon. Will Mr. Ndicho have finished?

**Mr. Murathe:** Yes, Mr. Deputy Speaker, Sir.

#### REINSTATEMENT OF THIKA MUNICIPAL WORKERS

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

(a) Is the Minister aware that the Magistrate's Court, Thika, the High Court and Court of Appeal in Nairobi ordered that 37 workers of Thika Municipal Council, who had been illegally sacked, be reinstated?

(b) Is he further aware that the Government ordered the reinstatement of the same workers three weeks ago?

(c) Why are the 37 workers still locked out despite the court's and Government's orders that they be reinstated and paid full their salaries and arrears?

*(Question deferred)*

#### MINISTERIAL STATEMENTS

##### MURDER OF EIGHT FAMILY MEMBERS

##### **The Assistant Minister, Office of the President**

(Mr. Samoei): Mr. Deputy Speaker, Sir, on Thursday, 3rd May, 2001, hon. Khamasi, the hon. Member for Shinyalu Constituency, rose on a point of order and requested me to issue a Ministerial Statement in connection with an incident in which a man killed eight members of his family in Shibuye Location, Shinyalu Division.

In this regard, I wish to state the following. On the night of 29th and 30th April, 2001, between 10.00 p. m. and 1.00 a.m., one Mr. Jamin Mukovero Muchikha, aged 46 years and a father of eight, armed himself with a panga and attacked his daughter, Fanice Ingasiani, aged 16 years. The girl was a student at Musoli Girls Secondary School. As the girl screamed for help, her pregnant mother, Susan Mukovero, went to her help, but her husband [**The Assistant Minister, Office of the President**] set on her with a panga. Both the mother and the daughter died instantly of panga wounds inflicted by Mr. Mukovero. Shortly afterwards, Mr. Mukovero proceeded to a room where his children were sleeping and hacked to death his three sons, namely, Evans Muchikha, 14 years old; Oscar Asievela, 12 years old and Edgar Alusiola, eight years. A fourth son, Dennis Muchikha survived the ordeal, with seven severe panga cuts and is admitted at Mukumu Mission Hospital.

After accomplishing this incomprehensible and heinous act, Mr. Mukovero went to his sister-in-law's house, where he lured her out of her house on the pretext that he

required her assistance to escort his pregnant wife to hospital. Mrs. Anna Ingaso Khatenje obliged, and immediately her brother-in-law hacked her to death. He then pounced on her husband, his brother, and inflicted deep panga cuts on him. The victim, Mr. Gedion Ingaso, is admitted at Mukumu Mission Hospital. Mr. Mukovero then turned to his niece, Ms. Lilian Mwaitisi, 18 years of age, and hacked her to death as well.

Mr. Deputy Speaker, Sir, during the entire orgy of violence, Mr. Jamin Mukovero Muchikha also injured the following persons, now admitted at Mukumu Mission Hospital: Fridah Khatembesi, who is his sister-in-law, Fredrick Mulaa, who is his brother, Felista Mwanje, who is his sister-in-law, Patrick Mulaa, who is his nephew, Ida Matilani and Jane Abwona, who is his niece.

Mr. Deputy Speaker, Sir, afterwards, Mr. Muchikha attempted to commit suicide by taking diazinon. He was rushed to the hospital and his life was saved. Following that most unfortunate tragedy, police arrested Mr. Muchikha on 2nd May, 2001, after he was released from the hospital. To date, it is not clear what caused Mr. Jamin Mukovero Muchikha to commit such an act. However, what is clear is that the trail of murders and injuries committed shocked the residents of Shiasaba Sub-location and the entire nation. Relatives and friends of those killed or injured, together with all Kenyans, are eager to know how that tragedy occurred, and what really caused the culprit to commit such an heinous act. Furthermore, once the competent authorities have established the mental status of the culprit, it is the hope of us all that justice will be done.

##### SECURITY SITUATION ALONG TRANS MARA-GUCHA BORDER

Mr. Deputy Speaker, Sir, on Thursday, 3rd May, 2001, Mr. Omingo Magara, on a point of order, requested me to issue a Ministerial Statement regarding the security situation at the Trans Mara-Gucha border. In that connection, I wish to state as follows:

It is true that the Trans Mara-Gucha border has, over the years, experienced tribal skirmishes between the Maasai and Kisii communities. The major cause of those skirmishes are land disputes and theft of livestock between members of the two communities. Cultural differences, where the Maasai, who prefer to leave their land fallow for their animals to graze, and the Kisii, who prefer to cultivate every available piece of land, have aggravated the problem.

Mr. Deputy Speaker, Sir, since January, this year, a total of 15 incidences of skirmishes between Maasai and Kisii youths have been reported along the common border. As a result, ten people have lost their lives, 15 houses have been torched and 19 animals have been stolen, while seven civilians and one security

officer have been injured. The District Security Committees (DSC) for Gucha and Trans Mara districts have met the affected people jointly and separately, with a view to finding a lasting solution to that perennial problem. Committees of elders from both communities have been constituted in a bid to find a home-grown solution to the factors which contribute to the tension and flare-ups. The need to respect private property and the other tribe's preferred lifestyle is being underscored in a bid to foster mutual understanding, which will translate into peaceful co-existence and development. That is a process which requires the goodwill and support of the entire leadership of all the affected communities.

In the meantime, security personnel have intensified patrols, and additional security personnel have been deployed in the affected areas. As a result of that move, six suspects have been arrested and charged; 15 of the 19 animals stolen have been recovered and handed over to their original owners.

**Mr. Omingo:** Mr. Deputy Speaker, Sir, as much as any person wants to believe the Ministerial Statement issued, I tend to think that there is quite a lot to be said beyond what the Assistant Minister has just said. A while ago, the Assistant Minister said that it is an issue of land disputes and theft of livestock. To discount that fact, the truth of the matter is as follows: Kisiis and Maasais have lived peacefully over the years. As we talk today, and the Assistant Minister has just confirmed that security has been beefed along the border, there were fresh skirmishes yesterday, which extended beyond the limits of where they used to occur. Nothing has been done and, if anything, the situation has worsened.

Thirdly, Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Order! When a Minister issues a Statement which is a response to your request, you do not stand up and start debating. Ask him about the aspects of the Statement which you are not happy with, or which you think are not accurate!

**Mr. Omingo:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that as of yesterday evening, there were fresh skirmishes spreading down to South Mugirango Constituency at Nyamaiya? The Assistant Minister has just indicated that security has been beefed up.

Mr. Deputy Speaker, Sir, with your indulgence, to highlight---

**Mr. Deputy Speaker:** Order! Would you like to respond, Mr. Samoei?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Deputy Speaker, Sir, I am aware of the developments that the hon. Member has mentioned. I sent additional personnel this morning. I have issued instructions to the effect that we will deal firmly with that situation and bring it under control. We are taking up issues with our administrative personnel on the ground; the Chiefs and the Assistant Chiefs, so that we can get to the real root cause of that problem. I promise the hon. Member that

we are giving that issue the seriousness that it deserves.

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, the truth of the matter is that certain leaders in those areas are fuelling those disputes. The Kisii and Maasai have lived together peacefully. Even the hire of farms is between consenting parties. I would like to know from the Assistant Minister the number of security personnel on the ground. It is not true that there are enough security personnel to stop those clashes. He has just said that he has sent some security personnel but, on the ground, we do not have enough officers. Could he tell this House how many security personnel have been sent there?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Deputy Speaker, Sir, we have sent 28 additional administration personnel to the ground. The Commissioner of Police is organising to send additional policemen to the ground. I do agree with Mr. Obwocha that certain leaders in those areas are not helping the situation. In fact, the situation is being aggravated by statements and incitement by leaders. I want to promise this House that the days of those kind of leaders are numbered!

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that he knows that the situation has been fuelled by inciting statements by leaders. Have those leaders been apprehended? Could the Assistant Minister bring back our soldiers from Sierra Leone to come and help to calm this country in areas like Marakwet, Gucha and other places where the police are not able to handle the situation? Have they been apprehended?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Deputy Speaker, Sir, as I said, we are taking the statements issued by certain leaders very seriously. If we do find that they compound the problem on the ground, we will take action as I promised.

**Mr. Nyachae:** Mr. Deputy Speaker, Sir, the incidences that are happening on the border are not new all over the country. But certain procedures have been followed in the past, where Ministers of State visit the troubled sites to meet elders from both sides, to sort out such matters. I remember those years soon after Independence and until very recently--- Even the President now, who was the Vice-President and Minister for Home Affairs then, used to go and meet the elders on the ground. Now, we hear of those incidents and we never hear of any Minister, even the one in charge of internal security, visiting those areas to meet the elders.

Could the Assistant Minister promise us today that--- The system of being briefed by officers on the ground is not the accurate system of dealing with that kind of a situation. The Minister of State, Office of the President should go down there himself and meet the

elders from both sides, come back, make the correct decision and give the police the right instructions!

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Deputy Speaker, Sir, it has been, and still is, the tradition that the Minister of State in charge of internal security visits such areas. The Minister has, indeed, visited most areas that have experienced skirmishes. I think he will also visit the area in question.

### POINTS OF ORDER

#### HARASSMENT OF WORKSHOP PARTICIPANTS

**Mr. Ndwiga:** On a point of order, Mr. Deputy Speaker, Sir. I rise to request for a Ministerial Statement from the Minister of State, Office of the President. Before I do so, I would like to remind the Chair that, last week, I requested the Minister to issue a Ministerial Statement on another matter, and he promised to do so yesterday. However, he did not issue the Ministerial Statement yesterday, and it does not appear as if he is going to issue it today. Despite his failure to issue the Ministerial Statement he had promised to issue yesterday, the Minister appears relaxed as if nothing has happened.

**Mr. Deputy Speaker:** Could you request for your Ministerial Statement, Mr. Ndwiga?

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, on 3rd May, 2001, at about 10.00 a.m., the police in Embu invaded Isaac Walton Hotel where a non-governmental organisation (NGO) was conducting a workshop for the disabled. The police asked the management to throw the workshop participants out [Mr. Ndwiga] of the hotel which the management refused to do, arguing that it was unaware of any crime committed by the workshop participants. The police withdrew and returned to the hotel at about 11.00 a.m. and, physically, threw out the workshop participants. One of the organisers of that workshop, a Mr. Lawrence Mute, is blind. He was hurt badly.

Mr. Deputy Speaker, Sir, another person, who is physically disabled, was violently sent rolling all over the place like a football. When the police were challenged to explain their brutality, they said that they were executing an order from above. We later on learnt that it was the Eastern-

--

**Mr. Deputy Speaker:** Mr. Ndwiga, you rose to request for a Ministerial Statement, but you are making one instead!

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, I am just giving the background of what happened. The Ministerial Statement I am seeking is very serious. It is about a private property that was invaded by the police, who behaved in a primitive manner. A workshop, which required no licence, was invaded by the police. Could the Minister issue a Ministerial Statement tomorrow and tell us why his officers behaved in such a primitive manner?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, I would like to sincerely apologise to Mr. Ndwiga for not issuing the Ministerial Statement I had promised to issue yesterday. The truth is that the information I have got regarding the matter he raised here is unsatisfactory. I would like to come here and issue a comprehensive Ministerial Statement when I get satisfactory information on the matter. So, regarding the earlier issue, I am not going to issue the Ministerial Statement sought until I am satisfied that I have got all the facts.

Mr. Deputy Speaker, Sir, regarding the issue the hon. Member has just raised, I will issue the Ministerial Statement sought immediately the House resumes from the short recess we are going to take.

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, the issue for which I have requested the Ministerial Statement is very clear. The meeting I was holding was legal. I had notified the police of my intention to hold that meeting. Despite having notified the police of my intention to hold that meeting, they came and disrupted it. I have with me here the notification. What information does the Minister require in order to issue the Ministerial Statement sought? We want the Minister to apologise if he has not got the right information regarding the incident. If his boys misbehave in the field, we will roast him here!

So, could he issue the Ministerial Statement tomorrow? We are going on recess tomorrow. I have notified the police of my intention to hold three other meetings.

**Mr. Deputy Speaker:** Order! Mr. Ndwiga, nobody is going on recess until the House decides so. The House has not decided on that issue yet.

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, could the Minister issue the Ministerial Statement tomorrow then?

**Mr. Deputy Speaker:** Well, let us hear him.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, I will try and issue the Ministerial Statement tomorrow. I sincerely apologise for the delay. I understand that the matter is of great concern.

#### HARASSMENT OF OPPOSITION PARTIES

**Ms. Karua:** On a point of order, Mr. Deputy Speaker, Sir. I rise to request for a Ministerial Statement from the Attorney-General on what appears to be a new Government policy of applying double standards in the application of the law where Opposition Members of Parliament are concerned, mainly from the Democratic Party of Kenya (DP), who are being arrested for utterances alleged to have been made by them at public rallies when Members of Parliament from the Government side are literally getting away with murder

and incitement at public rallies.

*(Applause)*

Mr. Deputy Speaker, Sir, to amplify what I am saying, I have in mind an editorial piece of the *Daily Nation* of 3rd April, 2001. The Member of Parliament for Kapenguria was a subject of the newspaper's editorial on that day for issuing inflammatory statements, but we have not heard of any arrest or prosecution of him. The same hon. Member was a subject of the newspaper's editorial on 31st March, 2001 regarding threats made by him to unleash violence. On 13th March, 2001, Mr. Nyenze was also a subject of an editorial for asking his constituents to arm themselves. Are there two sets of the law - one for the Opposition and another one for the Government - or is this a systematic harassment of the Official Opposition and certain Opposition parties?

*(Applause)*

We would like the Attorney-General to clarify this and tell us whether the law permits him to adopt double standards in its application.

Mr. Deputy Speaker, Sir, one other aspect the Attorney-General should comment on is why an [Ms. Karua]

hon. Member should be taken hundreds of miles away to be charged. This is reminiscent of the former apartheid South Africa. Why must Mr. Kamanda be taken to Embu, Mr. Manyara to Meru and Mr. Mwenje to Loitokitok, to be charged in court? What is happening to the law courts in Nairobi? We are becoming worse than the former apartheid South Africa. We need a Ministerial Statement from the Attorney-General regarding this development.

*(Applause)*

**Mr. Deputy Speaker:** Order! Order! I would like the Minister of State, Office of the President, to assure the House that he will inform the Attorney-General regarding the Ministerial Statement sought by Ms. Karua.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I undertake to get the Attorney-General to issue the Ministerial Statement sought.

**Ms. Karua:** Mr. Deputy Speaker, Sir, in view of the gravity of the matter, which involves Members of Parliament, could the Chair rule that the Ministerial Statement be issued tomorrow? As far as we are aware, the Attorney-General is not on leave.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I will pass over those sentiments to the Attorney-General.

**Mr. Deputy Speaker:** That is what the Chair wants done. He should come here and issue that Ministerial

Statement tomorrow afternoon because the matter concerns the lives of hon. Members.

*(Applause)*

## MINISTERIAL STATEMENT

### TENDER TO MANAGE KAA PARKING FACILITIES

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Deputy Speaker, Sir, sometime last week, Mr. Donde asked me to give the name of the company that was awarded the contract to manage the parking facilities of the Kenya Airports Authority once they are commercialised. I would like to inform the hon. Member that the said tender has been awarded to M/s Ethicon Engineering Limited through an open tender, which was opened on 25th January, 2001.

**Mr. Donde:** Mr. Deputy Speaker, Sir, I requested for the names of those people who were given the parking areas at JKIA and Mombasa International Airport. The Kenya Airports Authority (KAA) spent Kshs800 million to construct the parking areas for users of the airport. However, these parking areas have been given to two young men. One of them is Nicholas Anzenze and the other one is Chelimo(?). They are already operating under the name of KACS Limited. This name is indicated on the receipts they are giving customers at the airport. May I know how much these two young men paid as part of the payment for manning the parking areas in both airports? This is because they are now collecting between Kshs120,000 and Kshs180,000 per day. They are depositing that money in their bank accounts while this money is supposed to help the KAA with liquidity. How much money have they paid for owning those parking areas in both airports? Why do their receipts differ from the company you are talking about?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Deputy Speaker, Sir, as I said, the contract was given to M/s Ethicon Engineering Limited. According to the contract, they were to pay the KAA Kshs66 million annually. The records show that the maximum amount of money the KAA has managed to collect from this parking facility is Kshs28 million. So, indeed, this is a good venture by the KAA.

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

**Mr. Deputy Speaker:** Order! Mr. Donde, you cannot stand on a point of order again because I have given you an opportunity to seek a clarification, which you have done.

**Mr. Donde:** Mr. Deputy Speaker, Sir, this matter is very crucial because this company wants to charge motorists Kshs150 per day. We use the airport

very regularly and we are concerned that these young men--

**Mr. Deputy Speaker:** Order! Could you lay that document on the Table? I do agree entirely that you have reason to be concerned. Have you stood on a point of order asking the Chair to give you permission to lay on the Table that piece of paper? Please, do so without expounding on the problem which was the original reason why you brought that issue, anyway. So, would you like to lay it on the Table?

**Mr. Donde:** Yes, Mr. Deputy Speaker, Sir.

*(Mr. Donde laid the document on the Table)*

### POINT OF ORDER

#### ILLEGAL *CHANG'AA* BREWING IN GATANGA

**Mr. Murathe:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State, Office of the President in charge of internal security about a sad matter which I

**[Mr. Murathe]**

brought to his attention. This refers to a case where a group of drunken youths in a *chang'aa* den in Gatanga Constituency gang-raped an 85 year-old woman over the Easter weekend. After the police officers went to arrest the known culprits, they were bribed and consequently, they did not arrest those youngsters. There is a lot of tension among the members of the family and members of the local community in general, arising from that situation. This is because it appears that the Provincial Administration and the police in Gatanga are condoning and abetting the illegal brewing of *chang'aa* which is leading to this mad sort of behaviour. So, I would like the Minister in charge of internal security to issue a Ministerial Statement because he is already aware of the matter.

**Mr. Deputy Speaker:** Thank you.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I will issue a comprehensive Ministerial Statement tomorrow afternoon.

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, I rise on a point of order because Ms. Karua mentioned names of hon. Members on this side. She referred to a newspaper's article as evidence of what she was alleging. So, I rise to ask the Chair not to admit a newspaper article as evidence of violence in that area. We know of criminals on one side and not on the other.

**Mr. Deputy Speaker:** Order! Mr. Poghiso, I have no business doing that. Ms. Karua, in fact, indicated to the House that her source was not only a newspaper report, but an editorial. If you are asking her to substantiate what she said, that would be a different matter. Under this procedure, you cannot even ask her questions because she is the one who has the authority and permission to ask questions. So, really Ms. Karua has not committed any breach against our Standing Orders.

*(Applause)*

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, an editorial is still a part of a newspaper.

**An hon. Member:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Poghiso:** Order! Order!

**Mr. Deputy Speaker:** Order! The only person allowed to shout "order" in this Chamber is the person who, for the time being, is in the Chair. So, Mr. Poghiso, you are totally out of order!

Next Order!

#### PUBLICATION OF BILLS

**Mr. N. Nyagah:** On a point of order, Mr. Deputy Speaker, Sir. I rise to seek some clarification from the Chair. I have looked at Standing Orders Nos.96, 97 and 98. I have two Bills. One is the Petroleum (Amendment) Bill, published on 12th April, 2001 and signed on 22nd February, 2001 by hon. J.O. Ojode. The Minister for Petroleum Energy wants to have this Bill read the First Time. This Bill was published on 6th April, 2001 and signed by the Attorney-General on 2nd March, 2001. Here, we are in a dilemma as to which Bill will be read for the First Time and yet, it is not specified in the Standing Orders as to which Bill should be read for the First Time.

Secondly, we would like to know how the Committee on Energy, Communications and Public Works will treat the two Bills because they have not been amalgamated. Will these two Bills not create some confusion? This is the guidance we need from the Chair.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! I will deal with your second question first. No Bill up to this minute has been read the First, Second or Third Time regarding the petroleum issue. Let me attempt to answer your first question. If you look at the National Assembly Programme of Parliamentary Business, you will see that both Bills are listed. One Bill is No.11 and the other Bill is No.12. The Chair deals with matters in the House as they appear on the Order Paper. So, I have no powers, as I stand here, to say which Bill should come before which. But I do understand Mr. Ojode's concern because he raised it with me earlier in the day. In my view, the Reading of this Bill before us the First Time does not have any fatal effect on that of Mr. Ojode. But since the Order Paper is a product of the House Business Committee, I will refer this matter back to them for determination. This is because Bills ought to be presented or tabled in the order in which they are published.

I have information which I have to verify that,

in fact, it is the order in which they appeared on this weekly programme that they were published. I will satisfy myself that, that is, in fact, the case and come back to the House with an answer.

## BILL

### *First Reading*

#### THE PETROLEUM BILL

*(Order for First Reading read - Read the First Time and committed to the relevant Departmental Committee)*

## MOTION

### 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 3.5.2001)*

*[Mr. Deputy Speaker left the Chair]*

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

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, I wish to go straight to the business of presentation of the 1996/97 PAC Report. Hopefully, I may give other Members chance to contribute before the end of this Session.

As you indicated, Mr. Temporary Deputy Speaker, Sir, Standing Orders do give limitless time to the tabling of this important Report. I will go straight to non-implementation of the PAC Report. In the summary of the Report, the Chairman, Mr. Mwai Kibaki, noted the period the PAC met with the so-called "The Big Five". The "Big Five" include the Head of the Public Service, the Attorney-General; the Permanent Secretary, Office of the President; the Permanent Secretary, Treasury and the Permanent Secretary, Office of the President in charge of the Directorate of Personnel Management (DPM). These are the so-called "Big Five" who were summoned by the PAC at the end of the business to answer or to provide the Government's viewpoint regarding the various reports and issues raised by the PAC. The Committee and the "Big Five" agreed on certain proposals regarding the implementation of the PAC Reports considering that the reports, from 1976 up to 1996, have not been implemented. This was the end of the 100

sittings of the PAC and we made three recommendations. One, the Committee recommended that the National Assembly should ensure that all the Accounting Officers receive copies of the PAC Reports. Most of the Accounting Officers came with all kind of excuses that they do not receive the PAC Reports on time. So, we indicated that and we gave the responsibility to the Treasury to ensure that every Accounting Officer receives the PAC Report.

Two, prior to giving evidence, each Accounting Officer must brief the Committee of the action taken to implement the previous recommendations. Finally, each Ministry must assign a senior officer to follow up the recommendations of the Committee and ensure that all the action is taken. Our concern is that, since the publication of the PAC Report from 1997 to date only two public officers have been punished or interdicted. One of them is yet to face the full wrath of the law. They include the Minister for Water Development, Mr. Kipng'eno arap Ng'eny, and Mr. Lawi Kiplagat, the Managing Director of National Housing Corporation. These were not from the PAC, they were from the PIC recommendations. In all those recommendations by the PAC, from 1976 to 1996, none of them has ever been punished. No recommendation regarding the barring of these characters from holding public and elective offices has ever been implemented. Why are these kind of reports not implemented?

The Committee was of the opinion, and recommended, that PIC which is established by this House under Standing Order No.148 is not only unconstitutional because it is not established by this House, but it should be abolished and its job merged back with PAC as it was since Independence and up to early 1990s when the issue of the Kenya Posts and Telecommunications came up. Without reference to this House or to the Constitution, Section 105, which established the Office of the Controller and Auditor-General, the President by decree established an illegal body called the Office of the Auditor-General (Corporations). The Committee commended the Controller and Auditor-General noting the enormous responsibility given by both the Constitution of the Republic of Kenya and the Exchequer and Audit Act; of taking charge of the Consolidated Fund and ensuring that all the money voted by this House is spent in accordance with the wishes of this House.

We noted with a lot of concern the deliberate weakening of the Office of the Controller and Auditor-General in the discharge of the responsibilities, for example, the general shortage of staff. The Office as it stands has an establishment of 205 members of staff. But as it was operating during the year under review, they were only 142 members of staff or 30 per cent shortfall. Among the shortfall are critical members of staff like the directors of audit, assistant directors of audit, principal



auditors and key members of the staff of the PAC. This makes the job of the Controller and Auditor-General almost impossible. As a result, about 30 per cent of the invoices from all over the country by the Government establishments are not able to be certified. The inspection of the District Treasuries with that skeleton staff and substantial amount of the work requiring audit is not done because of shortage of staff. This is deliberate weakening of the Office of the Controller and Auditor-General. There is also deliberate lack of training of staff in the office of the [Mr. Gatabaki] Controller and Auditor-General. As a result, they are unable to attend critical training.

Mr. Temporary Deputy Speaker, Sir, we also noted that, that office is denied modern information equipment like computers. Today, it is frightening and mind-boggling for anybody to think that he or she can do any job without the use of the information technology in the 21st Century. The office of the Controller and Auditor-General lacks the essential equipment to do critical management of work; that is, all work in accordance with the Constitution and the Exchequer and Audit Act. Even worse, the staff members are required to pay their training costs. So, the budgetary allocation of that office is less; only about a half of the amount voted for the office of the Controller and Auditor-General ends up there. So, those are the serious constraints.

There is also the issue of inadequacy of security of tenure. Apart from the Controller and Auditor-General himself, no other member of that critical oversight institution has security of tenure, and frequent changes of staff makes the job almost impossible to be performed. There is also lack of power to punish non-compliance. The Constitution gives the Controller and Auditor-General the power to summon officers to certify their accounts and also to bring information to him, but he has no other powers. We recommend that the Controller and Auditor-General be given powers to demand any information from anywhere in the country, including banking by any particular staff mentioned, companies, individuals and their families.

Also, the Treasury should be delinked from the Executive because in the current position, it cannot implement the recommendations by the Controller and Auditor-General and the PAC. This is because the Treasury is a branch of the Executive, and the Executive has a serious problem of acting unconstitutionally. I have talked about excessive Executive authority and recommendations on how to strengthen the office by legal reforms which require the revision of the Exchequer and Audit Act Cap. 412. We should strengthen the information channels and the control function of the office. In addition, we should fuse the responsibility of the two offices. We should abolish the office of the Auditor-General (Corporations), which is unconstitutional, and also strengthen those powers of the PAC.

Mr. Temporary Deputy Speaker, Sir, regarding the PAC itself, which is established under the Standing Order No.147, we recommended that it should be empowered to

enable it to follow up all the recommendations in addition to giving it teeth, so that it can have investigatory powers of following up---

### QUORUM

**The Assistant Minister, Office of the President** (Mr. Too): On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no Quorum in the House.

**The Temporary Deputy Speaker** (Mr. Imanyara): Yes, you are right. There is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Imanyara): We have a quorum now. Mr. Gatabaki, my caution is on record and I will comply with Standing Order No.87 strictly. I do caution you again that I shall not permit tedious and repetitive arguments in the House.

Please continue!

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, the words "tedious and repetitive" were used by the Vice-President.

**The Temporary Deputy Speaker** (Mr. Imanyara): I was reading to you the Standing Orders and I will do that again. Standing Order No.87 says:-

"Mr. Speaker or the chairman of committees, after having called attention to the conduct of a Member who persists in irrelevance or tedious repetition either of his own argument or the arguments used by other Members in debate, may, after having first warned him, direct him to discontinue his speech."

I warned you last time that it is my intention to follow the Standing Orders.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, a lot of threats have been directed towards me by the Chair and the Government side who stand accused of these volumes of injustices against the people of Kenya. I brought these volumes of the Report here. I will not shy away from the responsibility of tabling this Report after chairing the PAC many times as the Acting Chairman. No words will persuade me to do so because I am looking at people who can stand up and say---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Gatabaki. You may continue. I just brought to your attention what the Standing Orders say. The Chair is not threatening you. The Chair is merely telling you what the Standing Orders say. I shall not allow you to intimidate the Chair. You may continue for as long as you wish, provided that you do not breach

the Standing Orders.

**Mr. Gatabaki:** We made a recommendation to fuse the PIC and the PAC Reports for 1996/97. [**Mr. Gatabaki**]

During the periods of good governance the PAC and PIC Reports were presented as one document. But today they are presented as two documents.

**The Temporary Deputy Speaker** (Mr. Imanyara): You have done that already!

**Mr. Gatabaki:** I have not done that on PIC!

**Mr. Sifuna:** On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that the hon. Member is repeating himself and showing us volumes of those books which we have gone through, would it be in order for either the Mover to be called upon to reply or we close the whole chapter?

**The Temporary Deputy Speaker** (Mr. Imanyara): Continue, Mr. Gatabaki.

**An hon. Member:** How can he reply before he has even moved the Motion?

*(Laughter)*

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, if the number of dictators in this House were given an opportunity, Mr. Daniel arap Moi would pass for a saint!

I want to make sure that I do not repeat myself whatsoever so that I can take the word "limitless" to its extreme---

**The Temporary Deputy Speaker** (Mr. Imanyara): There is no such word as "limitless" in the Standing Orders.

**Mr. Gatabaki:** The purpose of having the PAC and PIC, which are the most important oversight committees set up by the Standing Orders of this House, is to expose the mess, waste and fraud reported by the Controller and Auditor-General and the Auditor-General (Corporations). No matter how long it takes and how many other businesses are obstructed, it will be my responsibility to do so---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Gatabaki! I am merely asking you whether you have determined who will second you.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, corruption is like organised crime.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Gatabaki, I merely asked you a question. I just want some guidance. Have you determined who will second you when you eventually do move?

*(Mr. Mwenje consulted loudly)*

Mr. Mwenje, I am talking to the hon. Member! Mr. Gatabaki, have you determined who will second you?

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, since this is my secret weapon, like the President has a secret weapon regarding elections, hon. Angwenyi, the

KANU Member of Parliament for Kitutu Chache, who is considered by the Front Bench here as a rebel and by other hon. Members as a distinguished economist, a patriot and a great Kenyan, will second the Motion.

Corruption is like organised crime. It affects every aspect of our nation. The Government wasted Kshs475 billion and this is contained in this Report. You must see this in denial of services to the people of Kenya. No matter what project the Government comes up with on poverty reduction and all these names given to the World Bank and the donor community, it will not implement those programmes as long as half of the resources of the country are squandered, wasted and embezzled. That is the whole basis of what we are saying. The time has come for the Report to be implemented so that the Kenyan taxpayers can get the benefit of their taxes. The President of the Republic of Kenya keeps saying this, and I respect him for saying it: "*Siasa mbaya, maisha mbaya.*"

Bad governance has brought the kind of crisis we are facing so that we are growing at the rate of 0.5 per cent negative as 60 per cent of Kenyans survive on one dollar a day. This kind of waste brings serious retardation to the development of our country. It discourages investors. Throughout our 100 sittings, we came to the conclusion that we must say it clearly that the Government of President Moi must start implementing these recommendations and that the donor community put it as a conditionality that unless the recommendations of the Controller and Auditor-General are substantially implemented, no funding to this Government will take place.

It is with those very few words and remarks, that it is my joy and privilege to ask the hon. Jimmy Angwenyi to second this major PAC Report.

I beg to move.

*(Applause)*

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir. Thanks to hon. Gatabaki for keeping me here for five days. I rise to second the PAC Report on the Government's accounts of 1996/97 fiscal year.

Mr. Temporary Deputy Speaker, Sir, I served in PAC for one year and it was a thrilling experience. I would wish that all Members of this Parliament were able to be given a chance to serve in this Committee because it is an eye opener. You get to see why we have tattered infrastructure, why we ask our poor people to cost-share in their healthcare and education, why we do not have employment for our youths, why our farming [**Mr. Angwenyi**] activities have failed, why our industries have gone under and why we are at US\$328 income per capita in Kenya as compared to Singapore's US\$9,720 income

per capita, a country we were at the same level in 1972. Serving this Committee really opens up a Member of Parliament.

Mr. Temporary Deputy Speaker, Sir, I am going to do the opposite of what my colleague did. I am going to take a very short period so that we can move on with this Report. First, I am going to cite a few looting episodes that have destroyed our country. The biggest problem we have got in managing our financial resources is that we have allowed---

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

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

We have allowed people to commit offences, fraud, looting, corruption and every imaginable crime against the State resources with impunity. Year in, year out, these reports are prepared by PAC and nothing happens to the recommendations of the Committee.

Mr. Temporary Deputy Speaker, Sir, I will give an example. There was in that fiscal year, unauthorised expenditure of K£172 million. That is approximately Kshs3.5 billion, an amount which is more than any of the allocations to any of the departments except education, health and agriculture. Imagine Kshs3.5 billion removed from the Consolidated Fund without the authority of this Parliament and yet this Parliament brags that it is in charge of the fiscal welfare of this country. We have heard cases where an Accounting Officer loots Kshs0.5 billion enough to do the road from Nakuru to Narok - a road that is really hurting the Maasais and farmers of Mau Narok but it is taken by one person and nothing happens to him. In fact, if he is ever taken to court, he will be fined maybe a paltry Kshs40,000 for having signed the documents that looted the coffers of this nation. That is where we are.

Mr. Temporary Deputy Speaker, Sir, the other frustration is the non-collection of the revenue that is due to the Government. In the year under discussion, the country was not able to collect K£1.3 billion, that is approximately Kshs27 billion; which is the total amount of budget that we had for the Ministry of Education in that year. So, what I am saying is that over the years, this Parliament has not put down its foot and said enough is enough regarding the transgressions in our fiscal management and raise---

*(Loud consultations)*

**Mr. Khamasi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You can hear the sort of valuable contribution hon. Angwenyi is giving. Is it in order for hon. Katuku to go there and consult so loudly in Kikamba?

**The Temporary Deputy Speaker (Mr. Mutahi):**

Order! Mr. Katuku, could you consult at a lower voice? Mr. Angwenyi is contributing! The same also applies to Mr. Galgalo.

**Mr. Katuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. My name has been mentioned and I do not know why.

**The Temporary Deputy Speaker (Mr. Mutahi):** Order! Your name has been mentioned because you are consulting loudly!

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I thought you were going to say that he was behaving like a peacock. There are lots of these episodes and transgressions. I know you have read about the Goldenberg case where the country lost in excess of Kshs70 billion and the cases have been taken to court. They have taken eight years and the end is nowhere in sight. Although there are cases in that file which were taken to court seven to eight years ago, but they have not been heard. This is because of the looting of so much money that corrupts our system.

Mr. Temporary Deputy Speaker, Sir, we have had waivers of what some corporations have collected for the Government. For example, in the year under consideration, the Kenya Posts and Telecommunications (KPTC) collected K£756 million which it was supposed to remit to the Treasury but they did not remit and the Treasury gave a waiver without even knowing where the money went to. Yet we continue to cry to the World Bank and the International Monetary Fund (IMF) to give us about £20 billion or £0.5 billion when we have lost so much money. What is this?

Mr. Temporary Deputy Speaker, Sir, we have heard about all these incidents. They are the same incidents year in, year out. What will I do? I will from today ask this House to rise up and save Kenyans. How will it save Kenyans? I would like to quote Winston Churchill, the great Prime Minister of Great Britain during the Second World War who said:-

"It does not matter where we stand.

What matters most is the direction we take from where we stand."

We are on the verge of collapse, but that does not matter. It only matters where we will move to, from where we stand right now. As you know, we have not been able to offer employment to our graduates from the universities for the last seven [**Mr. Angwenyi**] years. This is a simple one. We have not been able to offer employment to our high school graduates for the last ten years; we have not been able to offer a market for our livestock farmers or pastoralists, including the President who is a pastoralist; we have not been able to provide a market for our sugar industries.

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

**Mr. Angwenyi:** Mr. Temporary Deputy

Speaker, Sir, I will take a long time like Mr. Gatabaki did, if you begin to interfere with---

**The Temporary Deputy Speaker** (Mr. Mutahi): Order, Mr. Angwenyi!

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, is the hon. Member on the Floor in order to identify the President of this country, Mr. Daniel arap Moi, with pastoralism when his own community, the Kalenjii, has moved out of that phenomena in development?

**An hon. Member:** He is farmer number one!

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, President Moi is farmer, educationist and driver number one.

What I want to say is that - and it is not a laughing matter - as we sit here today, we do not have the Kenya Co-operative Creameries (KCC) in operation. I would like to say that dairy farmers cannot market their produce. As I stand here today, the co-operative movement is dead - and you and I know that it is dead; as we sit here today, we know that 60 per cent of our population live below the poverty line - that is one US Dollar which is equivalent to Kshs70 per day. We demand from these people, when they go Kenyatta National Hospital or any other health facility, to pay Kshs100, Kshs200, Kshs1,000 or Kshs10,000. Where will they get this money from? We abandoned our objective, when we got Independence, to provide employment opportunities, free medical care, education and enough food to those people who do not have enough food. Why have we failed in this case? It is because of what I have said. I would like to say that people have committed crimes; people have looted our coffers with impunity. We do not want to cry, but find a way forward.

Mr. Temporary Deputy Speaker, Sir, I would like to propose that this House empowers the PAC; by establishing a body which will implement its recommendations. If this House does not want to do that, then there is no point of PAC compiling all these big reports for this House. There is no need at all. In fact, it is a waste of resources. It is important that this House establishes a budget office which will work out the budget of this country and compare it with what is worked out by the Treasury; an office that demands that the Treasury justifies its expenditure for the previous year before they can be allocated funds for the coming year; that this House stands up and says that it cannot levy taxes on our people, if they do not get the services.

We know that the people who live in Nairobi or Nyeri pay rate. What services are provided? Is it healthcare, education or security? Why do we pay for these services which we do not receive? Anyway, why do we pay taxes if we cannot receive the services for those taxes?

We are experiencing insecurity in the country. We have got clashes between the Kisii and the Maasais in Gucha District. There are clashes between the Pokot, the Marakwet and the Samburu, and now we have them at Kipkelion because we do not have adequate security personnel. This is

happening because we do not have enough funds to pay these people adequately and recruit more. This is happening and yet some people are taking a lot of money from our coffers; money that could provide better security for this country.

Mr. Temporary Deputy Speaker, Sir, I would also like to propose that the auditing of Government accounts should be done annually, and should be completed three months before the end of the fiscal year. For example, the accounts for the 2000/2001 Fiscal Year should be completed by September so that the PAC embarks on it so that by March, we should have had a Report in this House. That is when it will make sense. Some of the recommendations which we have made in our Report refer to people who died long time ago. I know a former Minister who owes the Government a lot of money in terms of imprest and he is dead. That former Minister died about four to five years after he committed those offences. But since we did not do the report while he was alive---

**An hon. Member:** You just write it off!

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, that is why we have to write it off.

What I am saying is that let us have an up-to-date audit report. I will propose that next year's Budget should not be approved by this House until we receive the previous year's audit report and the Report of the PAC. That is the only way we can instil discipline in our fiscal management.

My calling to this House is that we should merge the PAC and the PIC. We should also merge the offices of the Controller and Auditor-General and Auditor-General (Corporations) so that they can do one job. Why should we do that? We want to harmonise accounting for our resources. Once we do that and implement what I have just asked for, I am sure that this country will begin to chart a fortune course for its people, as far as our economy is concerned. If we do not do that, I can imagine a situation where by in a year or so--- Public servants, [**Mr. Angwenyi**] including hon. Members of Parliament earned their salaries one week after the end of last month. You know that, do you not? In another five or eight months to come, unless we chart a new course, we will not get our pay. Even public servants will not receive their salaries. We will only receive IOUs. This means that you will wait until the Government gets money, you bring your IOU and negotiate in order to get cash. That is where we are heading to unless we change course.

As we sit here today, there are some people who have been retired or retrenched from public service because of lack of funds; funds which have been stolen and looted. These people have been retrenched at a paltry amount of US\$500. You have worked for 30 years only to get US\$500 to go to your home! I happen to have had an opportunity to go to the USA and discuss

with the World Bank and the IMF about two weeks ago, and we asked them the amount of money they earn in a day. One of the officials told us that he earns US\$700 a day. What he earns in one day is what we give our people, whom we have retrenched; people we remove from work without their will and in disregard of the contract they may have entered into with the Government.

Mr. Temporary Deputy Speaker, Sir, resources of this country have been looted by people who have been given the responsibility to manage them. In fact, I do not think our Head of State sleeps unless he takes some medicine. This is because the people whom he has entrusted with the management of resources of this country have gone on a looting spree. Yesterday, you heard of a case where somebody earns Kshs150 million a year, more than what a half of all hon. Members of this House earn. I was surprised that the newspapers did not put that story as a headline. But when we increased our salary to a paltry figure of Kshs300,000, it became an editorial issue for six months. That is the culture we have developed in this country. A culture that accepts fraud and praises theft.

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

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

Mr. Temporary Deputy Speaker, Sir, if you steal a lot of money and you go to a church and give out some money to finance some projects in that church, they will pray for you and say, "our son or daughter, please, let God grant you more from where you got it." That is where we have reached! So, they pray for you so that you can go and steal more. That is a culture we have created. Also, we have a culture whereby we have shifted the responsibility of developing this country from the Government to the individual hon. Members of Parliament. When you go to your constituency, you are told, "there is no road here; there is no medicine at the hospital; there are no textbooks in our schools." Instead of people asking the Government to build roads, provide medicine in our hospitals and textbooks in schools, they have shifted that responsibility to hon. Members of Parliament. Now, Members of Parliament are actually treated like "individual governments." This House must rise up once and for all--- I am sure the powers above will support this House because it will clean the records before we retire. If we turn around the economy, it will be good for this Government.

*(Loud consultations)*

I wish the Chair could protect me from that "peacock."

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order, there! Proceed, Mr. Angwenyi!

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, this is a country with a culture where you raise hue and outcry against deforestation and the Minister does not respond to the public outcry. In fact, he says that he is going to excise forests with impunity, regardless of the opinion of the Kenyans. This is a country where we destroy our forests and we do not get revenue hence water in our rivers dries up and, therefore, we end up getting power shortage and nobody raises a finger. Those people who have been accorded responsibilities by the Head of State are failing him and Kenyans. This is a country where a big crime is committed in a Ministry and the Minister cannot be held responsible for that.

**The Minister for Environment** (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is my friend, the hon. Member, in order to say that the people who were given the responsibility to protect forests have failed and are not doing anything to protect the water catchment areas when there is---

**The Temporary Deputy Speaker** (Mr. Poghisio): What is your point of order?

**The Minister for Environment** (Mr. Nyenze): Is he in order to tell this House that the Minister responsible for forests is not taking action when he is actually taking action? Is he in order to tell the House that we are not taking action?

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I would advise my good friend the Minister to keep away from some of these points of order because he might begin embarrassing us.

Mr. Temporary Deputy Speaker, Sir, why **[Mr. Angwenyi]**

did we have a power shortage recently? This is because our forests have been destroyed. We are moving people from rented houses because we have given public properties to individuals at throw-away prices.

Mr. Temporary Deputy Speaker, Sir, people are dying of typhoid because we cannot treat our water. People who have been given contracts to supply chemicals to treat water are supplying chalk. That is where we are! Hon. Members spend a lot of money maintaining and repairing vehicles because our roads are, in fact, like craters. We have developed a culture whereby we are now letting people commit offences like stealing money from the Government with impunity! We must come up with a code of conduct and transgressions so that if you have committed a crime, we know the type of sanction to impose on such a transgression. If you steal Kshs100 million, you will go to jail for 20 years or, for instance, if you destroy a 1,000 acres of forests, you will go to jail for 15 years. Also, if you recommend a shoddily done road, you will go to jail for say 30 years.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Angwenyi! Order! I do not intend

to interrupt you, but use parliamentary language as you know it to be.

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I was not born an English man. So, sometimes I fail to get the synonyms of words like stealing, for example.

For the sake of our country, let us join hands here and there. For example, if my friend Mr. Nyenze's mother falls sick and goes to Kitui Hospital when he is here in Parliament, she will die because there is no medicine.

**The Temporary Deputy Speaker** (Mr. Poghismo): Order, Mr. Angwenyi! Address the Chair.

**Mr. Angwenyi:** Sorry, I was referring to my friend. So, what I am saying is this---

**An hon. Member:** There is nothing wrong in referring to his friend Mr. Nyenze because he is here!

**The Temporary Speaker** (Mr. Poghismo): Order! Mr. Angwenyi, you know the rules. Address the Chair and use parliamentary language. You identified an unparliamentary term which you have not substituted with a parliamentary term. What is the right word that you should have used?

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, when we come back from recess, we must send a message to everybody that, if they commit any offence, we are going to impose very serious sanctions against them. We shall not approve the Budget until each of these recommendations have been acted upon. We may give a notice of six to seven months, that the Eighth Parliament will not complete its term until and unless these sanctions have been imposed.

#### QUORUM

**Mr. Parpai:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We do not have a quorum in the House.

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

*(The Division Bell was rung)*

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

Mr. Angwenyi, proceed!

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, just to wind up, I am urging this House and all Kenyans, to take their rights seriously. It is a right for a child to be well educated and get a job. It is a right for an old woman to get a maintenance allowance. It is a right for hon. Members to get good roads to drive on to their respectively constituencies. It is your right to get power through the Rural Electrification Programme and clean water. For us to have those rights, this House must protect Kenyans from looting and stealing. If we can do that during this coming fiscal year, we will have saved this country from economic, social and political collapse.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Head of State that when he recites the cliché

"peace, love and unity", he should add the words "in freedom". He should add the words "in freedom" because this country has been capable of being peaceful all these years and we want to ensure that the future will also be peaceful.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Mwenje:** Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to say a few words about the Public Accounts Committee (PAC) Report.

It is time we thanked the Controller and Auditor-General for having remained firm on issuing his Reports, which he has continued to supply to Parliament, giving the true position of what is actually happening in the Government for the taxpayer to know precisely how his money is spent. It is unfortunate that when the Government collects money and does not perform its duties, it is never taken to court, yet when an individual takes money fraudulently, he is taken to court and charged with obtaining money by false pretences. It is time this Government was taken to court for continuously obtaining money by false pretences. It pretends that

**Mr. Mwenje]**

it will construct roads, pay teachers and policemen yet none of these functions are performed. The roads are not repaired and the potholes on them are very big yet the common mwananchi continues to pay taxes to this Government. In our Constitution, it has been agreed that the governed will pay taxes to the governor and the governor will provide services to the governed. This has not been happening. Year after year, we have seen a situation where we are told that so much money was allocated for a certain purpose, yet the purpose was never fulfilled. This amounts to obtaining money by false pretences. That is why we have continued to get into problems with the donors because they will not give us aid if we cannot utilise it properly. How do you expect somebody else to give you money to utilise if you cannot utilise your money properly? If, for example, I give you money to pay school fee and you decide to spend it on beer, how do you expect me to give you more money the following year? This is not possible.

We have seen cases where even Ministers have been taken to court and charged with stealing money. I know the word "stealing" may be unparliamentary---

**The Temporary Deputy Speaker** (Mr. Poghismo): Use parliamentary words!

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, whether you call it misappropriation of funds or use whichever words are found in the Oxford Dictionary or in an encyclopedia, the meaning is simply

the same. This is taking money which one is not supposed to take, yet he sits here very comfortably as if he has done nothing. The Government continues to tolerate people who are known to have been misappropriating public funds and after misappropriating public funds, they are promoted.

This situation does not augur well for this country and it cannot be accepted. Even if the taxpayer has kept quiet, he is not satisfied with the way his finances have been handled. Hon. Members of Parliament are here to represent the taxpayers. I represent the largest number of taxpayers in this country; I have the largest population in this country in my constituency. That means that I am the person who pays the highest tax in this country because it is my constituents who pay that tax. After paying these taxes, my people get a very raw deal. There are no roads, no water, no jobs and no shelter for them. The land on which they should be building their houses is allocated to the rich people and we continue having squatters. In my constituency, nearly 40 years after Independence, we have continued to have squatters. This has happened because the rich continue to be rich and the poor continue to be poor. For how long will this situation be tolerated? Why has it happened? It has happened because all that is in this Report shows that so much money has been misappropriated or has gone to the wrong pockets.

Despite the Report being adopted, no action is taken. After adopting the report, it will be taken to the archives for future generations to read. So, no action will be taken. If anything, this House continues to waste a lot of time debating, discussing, recommending and passing Bills to make sure that things run well and yet, nothing runs well. The month of June is coming soon, and the Minister will come here to read the Budget. He will request Parliament to give the Government so much money. At the end of the day, half of that money will be misappropriated.

For how long are we going to continue with that kind of situation? Why should we be here even? I even wonder why we should be Members of Parliament! This is because whatever we say here is simply taken lightly as if we are joking! I go out there and waste all my time campaigning to be elected to come to this House, only to say things which will never be done.

**Hon. Members:** Resign!

**Mr. Mwenje:** We should all resign! Not just me! All of you should resign! But how do you resign when those who are misappropriating funds are also here?

**Mr. Shidiye:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is trying to pull the legs of other hon. Members, by telling us to resign. Is he in order to tell us to resign when, he himself, does not want to resign?

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, that is not a point of order! In any case, he started it by telling me to resign. I, therefore, tell him that he is sitting on the KANU side where most of those who have misappropriated public funds and are mentioned in the report sit. I may not even ask him to resign but rather, to

cross straightaway to this side of the House, where the holy people sit!

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, I am warning the people who are sitting on the other side of the House that they might not go to heaven. The Bible says: "Thou shall not steal." Yet, they continue doing precisely what the Bible tells us not to do. We must warn them that if the war is not won on earth, it will be won in heaven! Be careful because of your own life!

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Mwenje! Address the Chair now!

**Mr. Mwenje:** I know that the Chair does not belong there, and that is why I am addressing **[Mr. Mwenje]**

those who have been doing that. We have seen that about ten years ago, the Report which was tabled here was very small and had only 17 pages. Today, one volume of the Report has 707 pages. Throughout this Report, people have been mentioned and colossal amounts of money have been misappropriated. The people responsible for that are well known. Sometimes, they ask: "Who are these people? Who stole that money?" Who wants substantiation when all those people are mentioned in this Report? The obvious is now here.

Mr. Temporary Deputy Speaker, Sir, jif the Government is sincere now, let all those people mentioned in the Report be apprehended. This was a thorough job---

**The Minister for Vocational Training** (Mr. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to use the microphone at the Dispatch Box when he is actually a Back-bencher?

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, I am the acting Minister for Co-operatives and this should be known well! **The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Mwenje! Can you put that rightly? What are you?

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, of course, you know that I mean Shadow Minister, but I am not only a Shadow Minister, but the incoming Minister. We are soon coming into the Government and I will be in that portfolio!

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Mwenje! You cannot trivialise that! Mr. Mwenje, a Shadow Minister is a very important position. You do not have to trivialise it. So, just say what you are. If you are a Shadow Minister, you are entitled to sit in the Front Bench.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, let them learn exactly what you have said.

So, what we are, therefore, saying is that we cannot continue, year in, year out, reporting and mentioning people who have misappropriated public funds and yet, no action is taken. We now demand---

**The Temporary Deputy Speaker** (Mr. Poghio): Order, Mr. Mwenje! It was actually a serious point of order and if you can rectify that---

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, I have rectified that I have been appointed. The letter does not have to go to the new Minister, the former YK man, that I had been appointed the Acting Minister for Co-operatives!

**The Temporary Deputy Speaker** (Mr. Poghio): The what?

**Mr. Mwenje:** The Acting Shadow Minister for Co-operatives and, indeed, the incoming one! So, what we are saying, and we are talking on a serious matter---

**The Minister for Environment** (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Mwenje in order to refer to Mr. Ruto as Minister for-- Is he in order to refer to him as a YK man, when he is a Cabinet Minister?

**The Temporary Deputy Speaker** (Mr. Poghio): Mr. Mwenje, use the proper title!

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, you know that, that is not a point of order for sure. So, what we are, therefore, saying is that---

**The Minister for Vocational Training** (Mr. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is flouting the rules of this House. He is not a Shadow Minister of whatever shade! Secondly, is he in order to refer to me as a YK man, when he is actually a councillor?

**The Temporary Deputy Speaker** (Mr. Poghio): Order, both of you! Hon. Members, it is proper

**The Assistant Minister for Education, Science and Technology** (Mr. Karuri): On a point of order, Mr. Temporary Deputy Speaker, Sir. To put the record straight, when Mr. Mwenje was challenged, he said that he was referring to the Shadow Minister for Co-operative Development. Could he tell the House for who the Shadow Minister for Co-operative Development is acting and whether the Minister himself is unwell or on leave? He referred to the Shadow Minister for Co-operative Development as the "Acting Minister". So, for which Minister is the Shadow Minister acting? Who is the Shadow Minister for Co-operative Development?

**The Temporary Deputy Speaker** (Mr. Poghio): Hon. Members, I allowed Mr. Mwenje to use the microphone on the Table, his portfolio in the Opposition notwithstanding. So, proceed, Mr. Mwenje. You are probably acting for someone.

**Mr. Mwenje:** Thank you, Mr. Temporary Deputy Speaker, Sir. I do not have to tell Mr. Karuri who the Shadow Minister for Co-operative Development is. He knows that they have irregularly put him somewhere in

parliamentary procedure that you refer to each other by your proper titles. I will allow you to proceed and use the microphone, but refer to him by his proper title as a Minister, or a Member of Parliament for such and such a place. He should do the same thing to you. It is the procedure.

**Mr. Orengo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. So that the scales of justice should be seen to be tilting fairly on both sides, did you hear what I heard when Mr. Nyenze stood up? He could not tell the House in which Ministry Mr. Ruto serves. Is the Chair not worried that Cabinet colleagues do not know what portfolios they hold? If that is the position, particularly when the question of Shadow Ministers is in the record of this House and the Minister should know, I am worried that in that confusion, because that particular Minister has been cutting down forests, probably he cannot tell a forest from a---

**The Temporary Deputy Speaker** (Mr. Poghio): Order, Mr. Orengo! I am sure the Minister knows which Ministry his Cabinet colleague is from.

Proceed, Mr. Mwenje!

**Mr. Orengo:** It is a serious point because the Chair should be seen to be fair to both sides. Mr. Mwenje was made to state clearly which--- That is worrying me!

**The Temporary Deputy Speaker** (Mr. Poghio): Order! Mr. Orengo, you want him to say which Ministry his colleague is from?

**The Minister for Environment** (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, allow me to say so that--- Mr. Isaac Ruto is the Minister for Vocational Training, and Mr. Mwenje should refer to him as such.

Embu.

Mr. Temporary Deputy Speaker, Sir, we have landed into this problem because some Ministries decided to spend over and above the budgets that were approved by this House. The Budget that is presented here always provides funds to particular Ministries. Also, we approve finances for particular purposes in each Ministry. How does it happen then that, that money is misappropriated? All the monies that we approve here are allocated to particular functions in each Ministry. So, whenever money is misappropriated in any Ministry, Kenyans are denied certain services, which would otherwise have been rendered to them by use of those funds. We are in this situation because of misappropriation of public funds. We hear of some people not having been paid their salaries yet we have approved money for that purpose. Services for which money is voted here are not rendered to the public because certain individuals misappropriate funds meant for the same. We cannot continue being in that situation any more. Ministers and Permanent Secretaries must



stick to the budgets that are approved by this House.

**The Minister for Environment** (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek guidance from the Chair as to the number of minutes allocated to Mr. Mwenje. According to my watch, the hon. Member has spoken for 16 minutes now. I thought that he is supposed to speak for ten minutes.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, the problem with some hon. Members here is trying to take over the responsibility of the Speaker yet they have not managed to sit in the Chair even once, as I did the other day.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Mr. Mwenje, you do not have to push your case. Hon. Members, Mr. Mwenje has been allocated 30 minutes in accordance with Standing Order No.81.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, the hon. Member's point of order was so frivolous that you did not even have to respond to it. If Mr. Nyenze was not my friend, I would have used very strong words against him. I reserve those words because of my personal friendship with him.

Mr. Temporary Speaker, Sir, what I am, therefore, saying is that we must insist that Ministries stick to the Budget. If they do not, they will commit a very serious crime. Opposition Members of Parliament are being prosecuted for simple cases such as incitement when some people who have misappropriated millions of shillings of public funds sit here and finally get into chauffeur-driven Mercedes Benz vehicles bearing this country's national flag and drive away. This is a pathetic situation. I do not think

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Hon. Members, I said that, first and foremost, we in this House must respect each other. We should avoid imputing improper motives on other hon. Members or discuss the character of any other hon. Member unless we do so through a substantive Motion.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, some people must understand that they cannot do to me what they did to Mr. Kones. I am an old-timer who knows this House better.

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Mwenje, could you address the Chair?

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, I will continue addressing the Chair, because I do not want to waste my time arguing with newcomers in this House.

What I was saying is that the people of Kenya have a right to know why an airport was constructed at Eldoret and a Presidential jet bought when they do not have roads.

**The Assistant Minister, Office of the President** (Mr. Too): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Mwenje to keep on talking about Eldoret Airport when he knows very well that western Kenya does not have even a single airstrip with security

anybody will take us seriously if we continue doing things that way. It will never be right to do so, and will never be accepted.

We have been told that the Government purchased some items and undertook some major projects without seeking the approval for their funding from this House. For instance, the construction of Eldoret Airport and the purchase of the Presidential jet were never approved by this House. How did that happen? How am I supposed to explain to my constituents that the roads in their area are in that dilapidated state because the money meant for their rehabilitation has been used for the construction of Eldoret Airport? Who approved that expenditure on my constituents' behalf? What reasons do I give?

Mr. Temporary Deputy Speaker, Sir, some people in this country get money after encountering a lot of problems. For instance, the Pokots have to sell their goats in order to buy some sugar. Some tax is imposed on the sugar they buy. So, they would expect that, at least, one of their roads is rehabilitated, but that does not happen. What reasons would the Member for Kacheliba give to the people he represents here for not having roads in spite of the tax they pay?

**Mr. Minister for Vocational Training** (Mr. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member, who is a former councillor and who has been selling other people's land, seems to be challenging the Chair. He said that the Chair belongs to a certain constituency. Is he discussing the Chair?

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, could you protect me?

lights? Even Kisumu Airstrip does not have security lights. That is risky for our people. So, the Government saw the need to undertake that project.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, you know that, that is not a point of order. I am not saying that there was anything wrong in constructing the airport at Eldoret. What I am saying is that the money used to undertake the project was not voted by this House. I expect Mr. Too to know that the law requires that any public money must be voted by Parliament before it is spent. If he does not know that, he is wrongly in this House.

*(Mr. Kamolleh stood up in his place)*

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, these frivolous points of order will not take us very far.

## QUORUM

**Mr. Kamolleh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to

bring it to your notice that we do not have a quorum?

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, it is true that there is no quorum. Could the Division Bell be rung?

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! We now have a quorum. Proceed, Mr. Mwenje.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, the other issue is the question of irregular payments to contractors. How do you pay contractors who do shoddy jobs? Most of them are mentioned in this Report. Contracts were given by the Ministry of Roads and Public Works and the Ministry of Education, Science and Technology to put up schools and Teacher Training Colleges. Those projects stalled and contractors were paid a lot of money. The biggest problem in this country is that corruption is literally official. It is a pity that somebody will be issued with a certificate of completion even if he has done a shoddy job. In this Report, most engineers on site certified that the work was done. Yet, the job was not even started. For example, regarding the Nyeri-Nanyuki Road, a contractor was issued with a certificate of completion and was paid the full amount of money and yet, the road is in a sorry state because no work was done. Who were they conniving with? What was the deal? Earlier on, corruption in this country was only 10 per cent. However, it has escalated to 100 per cent. Somebody is simply paid 100 per cent of the total amount of the contract without doing anything. This is a situation where even if we continue pleading with donors to give us money, they may not do so, particularly after reading all these reports. How does the Government expect them to give us money?

Mr. Temporary Deputy Speaker, Sir, the other day, our Committee went to Germany. The German officials told us that as long as we continue abetting corruption in our country and handling it in the manner we are handling it, we should not expect any donation or aid from them. Why? This is because they have access to these books. It may be argued that it is the civil servants who abet corruption in this country. However, even if anything went wrong in my house, I am still responsible. I am accountable for everything that happens in my house. The Government will never exonerate itself from corruption in this country. No amount of words will change the position. When we go to the elections, all those on the Government side should not be elected again because they cannot change. We have appealed to them year in, year out, to change, but they have not changed. It is only change that will change them.

Mr. Temporary Deputy Speaker, Sir, I appeal to Kenyans today that if they elect Members of this Government in the next election, they should blame themselves. This is because Kenyans have been paying taxes, but they have not been getting [Mr. Mwenje] services. This Government has messed the economy of this

country. The agriculture sector has collapsed. When we get funds from donors, like the STABEX funds, this Government deposits the money in banks so that it can enjoy the interest. That money is not even given to farmers who are supposed to benefit from it. Sometimes members of the public blame all of us for corruption in this country. It is time we distinguished ourselves from those corrupt individuals. We should tell our people that these are the culprits responsible for wrecking our economy. Everybody will now carry his own cross. Those who have misappropriated public funds must be punished. It is not all of us. They should elect me back, but they should never elect anybody who has been sitting on the Government side because they will not stop misappropriating public funds. This Government will never help farmers. This is a Government that does not know the priorities of its citizens. They only look after their stomachs. They think with their stomachs instead of using the brains given to them by God. This is a sad situation; whether it pleases anybody, I do not know. Corruption in this country runs from the top to the bottom. Everybody who has been involved in corrupt dealings will be condemned wholesale. If somebody wants to be counted as a result of what we are reading here, it is either he resigns now or he crosses the Floor now.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Your time is up.

**Mr. Mwenje:** Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support that we adopt this Report.

**The Assistant Minister, Office of the President** (Mr. Too): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the PAC Report. First, although there are cases of corruption mentioned in this Report, we should blame civil servants who are supposed to be looking after public funds. So, I do not see the reason why we should blame one another over corruption. Why should we blame politicians for corruption? When funds are allocated to the district treasuries like Kitui or Siaya, hon. Members do not follow them to see how they are spent or to confirm that they were spent for the purposes they were voted. For example, if a road is earmarked to be tarmacked, then the officers who misappropriate funds should be punished.

All I am saying here is that it is our duty to see to it that these funds are well utilised and we should not blame each other. Let us find a way of sealing the loopholes. It is incumbent upon us to support Ministers in their duty, because, at the end of the day, it is the Permanent Secretary who is the Accounting Officer, charged with responsibility of making sure that funds are well utilised. There is no way a Member or a Minister on this side, will get an imprest to travel upcountry without the signature of the Accounting

Officer. It is unfair for us to indulge in name-calling. These mistakes have happened where an officer is very weak. This is the weakness of the Controller and Auditor-General because he should have surcharged that Accounting Officer for allowing politicians to misappropriate public funds. That officer should go to jail. We cannot wait for the PAC Reports from the Controller and Auditor-General to be tabled here for us talk about some of these issues, he should seek proper explanations from the Accounting Officers with regard to any audit queries.

Mr. Temporary Deputy Speaker, Sir, I want to touch on the Eldoret Airport which Mr. Mwenje has been talking about. If you were to fly from Uganda to Nairobi and in the event that there is bad weather, you cannot land at Jomo Kenyatta International Airport, the flight will be diverted elsewhere and Eldoret Airport is the only airport with such facilities in Western Kenya. Although Members are saying that the project was not approved, it was the duty of the Government to support it. If you go to Zimbabwe, which has got a smaller population than this country, they have got five airports with long runways. Eldoret Airport has got about 3.5 kilometres. When any project is proposed in this country, unless it is in a particular area, people will always complain. We should all look upon ourselves as Kenyans. That project is supporting the industry and it will also help our own people. The Government should expand Kisumu and Lokichoggio airports because we need these facilities. The only way we can assist our people is for us to provide these facilities.

Mr. Temporary Deputy Speaker, Sir, on the misuse of resources by Ministries, Members are contributing to this corruption. For instance, in the Ministry of Roads and Public Works, there are some contractors who liaise with some politicians and at the end of the day, the same people come here to complain that roads have not been done and yet, they are the ones who facilitate corruption. Let civil servants and politicians play their role and we will not hear about some of this corruption. Also, the Controller and Auditor-General should finalise auditing the accounts every year, maybe, by 30th December, so that Parliament can discuss the Report and make decisions on some of the grey areas. Complaining here and calling each other names will not help us. Mistakes have been made and we should look for a way forward.

The donor community is there to assist us, but we should not be the ones encouraging them to freeze aid to this country. Let us look for a method of solving these issues. If there is something which **[The Assistant Minister, Office of the President]**

our people do not like, let us face that officer rather than accuse the Government. There are some individuals who are also bad in their own way of life. If he is an engineer in the Ministry of Roads and Public Works, let us tell him that he has several construction companies rather than complain about the Ministry. I think that will be fair because if we start complaining that this Government is corrupt, who is not corrupt here? Even Mr. Mwenje who is asking Members to

cross over to the Opposition---All these Members were in KANU. What made them to run to the other side? When multipartyism came, they thought it was the only way of cashing in and be leaders of this country. So, they abandoned KANU and joined the Opposition because they wanted seats. There is nothing else. Even tomorrow, to run a Government is the same thing. I have seen governments---For instance, when Mr. Samora Machel passed away, his son was appointed a Minister. He had to lead the people of Samora Machel for a long time. There was no name-calling and things moved smoothly. If we want to build this country, let us work together and if somebody is bad somewhere, let us all say, so and so is doing this rather than complain.

The other thing, Mr. Temporary Deputy Speaker, Sir, which I wanted to touch on is insecurity in this country. It is our duty to find out ways of supporting the police because the establishment of the police is very limited. They cannot be everywhere. Guns have been coming into this country from outside. So, if we want to solve the problem of guns falling into the wrong hands, let us all support the police and appreciate what they have done for this country. Today, when policemen chase thieves they say that a certain amount of money was stolen, one policeman was shot or wounded, one thief was killed and the other two fled. But we are not told what happened to the money. Where does the money go? How can somebody pocket Kshs7 million and disappear into the crowd without anybody knowing? These are some of the things which we should be addressing. We should find out exactly what happens to the money, because for one man to take Kshs7 million is a lot of money. If they are five thieves, the police will say two fled on foot and the money was not recovered. These are some of the things we want to know, so that we can assist the Government. It is not good for Members to complain about insecurity without giving any suggestions to the Commissioner of Police to combat these crimes.

Mr. Temporary Deputy Speaker, Sir, we are going to go into recess and I think it is the duty of some of us to go out and see because we are talking about poverty---If we cannot work together as a team, poverty will continue. The Opposition should know that President Chiluba agreed to the demands of the World Bank and the IMF to liberalise the economy. They told him that President Kaunda had overstayed in power and that, he had ruined the economy of Zambia. President Chiluba agreed to liberalise everything. Zambia had a fantastic airlines but it was all sold. There is not even a single airline in Zambia owned by the Government. Today, President Chiluba is shedding tears because whatever was liberalised went up. They liberalised their foreign exchange and today, if you went to Zambia and you wanted to export goods, you would have to invoice in Kwacha. We should not agree to some of these things.

Let us be careful. The Opposition are saying that this Government is rotten and that they will come up with fantastic ideas. But I am warning them because experience is the best teacher. They should go to these other countries and see how they have done their own things. The other day people were telling us that Ghana was one of the countries which the World Bank and the IMF wanted to impress. But last week after the new President took over, they said that they had given their figures to the World Bank, and they are going to be surcharged. So, I am trying to tell my friends on the Opposition side to accept to work together with the KANU Government. That is going to assist this country. If the Opposition are thinking about how the donor community--- We should go about our relationship with the donors in a nice way. Kenya has liberalised her economy, and it is only the final touches which are pending.

Mr. Temporary Deputy Speaker, Sir, this country is very rich. There is a lot of potential in this country, but let us stand together and assist each other. Let us build this country and seek the way forward rather than for us to blame each other. This is because you can "jump" on some of those things, the way President Fredrick Chiluba of Zambia did. But today, he is the most hated man in Zambia - as you all know. So, let us be careful about those issues. On the question of liberalisation and the conditions of the World Bank and the International Monetary Fund (IMF), let us do them in a nice way so that they can in the end help Kenya.

The main contributory factor to our poverty today in this country is liberalisation. Before liberalisation, the Government had assured Kenyans that there would be a sure market for their produce, so that whenever they took their maize to the National Cereals and Produce Board, they would be paid. Similarly, farmers were assured that when they supplied their milk to the KCC, or tea to the KTDA, they would also get their money. But now the problems facing our farmers are a result of liberalisation which came about without any warning to Kenyans. Some of our friends here, who are shouting at the top of their voices, were involved in the liberalisation exercise. I think the Member for **[The Assistant Minister, Office of the President]** Shinyalu, Mr. Khamasi, knows that. People used to harvest produce and take it to their markets and get paid. They knew that everything was going in the right direction because there was an assured market. But we did destroy ourselves, and that is why we are experiencing such high levels of poverty. At the end of the day, we say that the problems were caused by the World Bank and the IMF which introduced liberalisation without any warning. Then, anything you do today, even if you are---

**Mr. Khamasi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Too to imply that I participated in the liberalisation exercise, without giving Kenyans enough time to think and make good judgements?

**The Assistant Minister, Office of the President** (Mr. Too): Mr. Temporary Deputy Speaker, Sir, I do not think that he heard what I said. I said that in Shinyalu, which

neighbours my area, farmers are experiencing problems because of the question of liberalisation. This is because the markets were liberalised overnight. I know farmers in Shinyalu are suffering like our own farmers. So, you must understand that. I think I did not say that it was Mr. Khamasi who was involved in the liberalisation exercise because he was not even in the House by then. I am saying that we have destroyed ourselves because at the end of the day, we are blaming the KANU Government for doing A, B, C and D when the problems were caused by introduction of liberalisation. The various stakeholders in Kenya should have agreed on a timetable; a timeframe within which to carry out liberalisation, but overnight, everything was done. Therefore, people who were producing one bag of maize at Kshs1,200 saw it going down to Kshs400 in the name of liberalisation. There has never been any credit facility for the farmers, and that is why credit has built up because ours is an agricultural country. Our economy depends on agriculture and it accounts for between 65 per cent to 80 per cent. So, credit has been building up, and today, we are only asking the Government--- We should have a good policy which will assist us.

On the question of poverty eradication, all hon. Members attended some seminars on Poverty Eradication Strategy Paper. At the end of the day, what did we do? The organisers of the seminars came up with papers. There were representatives from the World Bank and the IMF in the seminars, and they came up with papers, but there was no cash which was injected into our economy. Even regarding this question of liberalisation, they should have argued this way: The shortfall of Kshs1,200 per bag of maize minus Kshs400 gives Kshs800 and then they should have provided that money. They should have told us: "This is now to enable you to go on with liberalisation." But that should have happened immediately people started collapsing. The economy is in this bad state because of liberalisation.

So, we should not blame the KANU side. You hon. Members on the Opposition side said that you wanted liberalisation, and you went to the World Bank, the IMF and everywhere. You also wrote letters to everywhere, and you thought that you would be angels. But today, you are all crying: "Oh! It is this Government!" I am warning you: Do not do exactly what President Chiluba did. One cow in Zambia today costs about 120,000 Zambian Kwacha, which nobody can buy, because of liberalisation. They liberalised everything, and there is nothing now in Zambia. If you go to the Zambian Airport, you will find that there is nothing. Most hon. Members came to Parliament after multipartyism was introduced. But let us go slowly. If we are not careful, multipartyism is going to take us in a wrong direction and, therefore, we should work as a team. It is not the question of contemplating how to dislodge the KANU Government.

Mr. Temporary Deputy Speaker, Sir, I would like to tell hon. Members from the Opposition side: You are not going to have your own policy. The policy of the World Bank and IMF would apply to everybody. So, if we do not stand together as Kenyans, we cannot even stay peacefully for six months without some problems because that is something that I know. Experience is the best teacher.

I travel a lot, and I have observed those issues happening. I have seen people coming and going. Some of you came to Parliament the other day, and are now talking about liberalisation, bad governance, corruption---- Yet you do not know what the Government means because you have never been in the Government.

I want to end my contribution by saying: Let us assist each other on the question of the Public Accounts Committee Report. We should all identify the loopholes cited in the Report. If a Permanent Secretary or a Minister is corrupt, he or she should be answerable. If a Permanent Secretary is allowing the Minister to engage in corruption, do not blame the Minister; go to the Accounting Officer because he or she is the person who endorses the signature. The Ministers and Assistant Ministers are the ones who are co-ordinating the policy of the Government. They are not the Accounting Officers. They cannot even withdraw one Kenya Shilling, but if a Minister or a Permanent Secretary uses his or her position to allow people do whatever they want, they should be surcharged. We should not start concentrating on politicians.

**[The Assistant Minister, Office of the President]**

Mr. Temporary Deputy Speaker, Sir, I want to end my speech by saying that I support the Motion.

**Mr. O.K. Mwangi:** Thank you, Mr. Temporary Deputy Speaker, Sir. First and foremost, I would like to say that I am deeply disappointed because if you look at all the PAC Reports, you will find that year in, year out, we are talking about embezzlement of funds, corruption and dilapidation of our economic structures. It looks like there is nothing being done to correct those anomalies, meaning that the Government in place does not seem to care. One thing that is very disappointing is that no action is ever taken against those who are paid and listed in the reports to have committed economic crimes against this country. Then the Government lives up to that same practice; it is repeated day in, day out, which means that it is the Government which is ruining the country; it is like a foreign Government that is going places. It just wants to loot and then disappear when the owners of the country come and take their country.

I would like to promise the Government that sooner or later, the owners of the country are going to take over, and that is pretty soon.

**Hon. Members:** Who are the owners of the country?

**Mr. O.K. Mwangi:** Mr. Temporary Deputy Speaker, Sir, the owners of the country are the Opposition side of the House. We represent the owners of the country, and that is why we care very much about what is happening.

I am deeply concerned about the deterioration of the infrastructure of the country when, in fact, this House votes money every year towards the building and repairing of roads, and all other types of infrastructure.

I was very disappointed about three weeks ago when my committee went to Western Kenya because I thought it was only Central Province which has been let down by the Government because of being an Opposition zone. I went to some parts of Kakamega and Kericho which are KANU zones and I was very disappointed to find that the roads there are in a pathetic condition. I went to Kapkatet Hospital and I was deeply shocked because there were Nyayo Wards under construction and a lot of money had been invested in their development, but they were abandoned at some stage. Nothing has been done about them for over ten years. They are just dilapidated. People there are suffering. If you see the condition of what is supposed to be the District Hospital, you will sympathise with the residents of that area. That area is a KANU zone, so I thought maybe all this money which has been embezzled and looted from Opposition zones is being spent in KANU zones. I was very surprised.

I pity this country. If this Government will continue ruling, since they say they will be in power for another 100 years, then I do not think there will be a country called Kenya in another 20 years. Apparently, the Government in place does not value the maintenance and projections of the economic institutions that we have in the country. I would like to congratulate those who built the country from the time of Independence to around 1981 or 1982 when we started having these problems. For example, since the 1980s the infrastructure has been neglected. The development funds that were voted in this House from that time have gone to waste. The Government has overseen the looting of funds of this country until we have reached the present situation. If we want this country to prosper and if we care about our future, then we should start being serious about managing our economy.

I am perturbed by the rate of corruption in the industries of this country. A lot of public money has been invested in projects that are now white elephants. When I think of the Molasses Plant in Kisumu, then I decry the co-operation between KANU and the NDP. When you go to Kisumu you would probably shed tears when you look at the Molasses Plant which has become a white elephant. Billions of shillings were invested towards its development and yet the residents of that area are dying of hunger and disease. Hospitals in that area have been left to collapse. The area residents are not receiving any services and yet a lot of money has gone to waste. The youth are completing school, but there is no employment. We wonder what future we will have with this Government in power.

I would like to think that, should my party take

the Government, we will restore the economy. We will restore industries that have been left to collapse like the Molasses Plant and the cashewnuts industry at the Coast Province so that we can provide employment like it used to be in the past. We in the coffee growing areas decry the collapse of the coffee market and production while the Government has been holding STABEX funds for more than ten years. It is holding funds in the bank while the coffee industry is collapsing and yet this is one of the industries that has been earning foreign exchange for this country. Do we really have a Government? We have got a Government by name but it is not in operation. I cannot understand why this money has been held in banks for over ten years to rot there while the coffee industry is collapsing.

I would like to call on the Government to make haste and ensure that this money is released with the speed that it deserves. The other day the President said that money will be released through the Co-operative Bank. I am urging the Government to see to it that this money does not attract any interest whatsoever. It should be released to the farmers without being charged any interest at all [**Mr. O.K. Mwangi**]

because this money was given to them free to rehabilitate the coffee industry and to help the farmers improve their coffee production so that we can revert to the type of coffee industry that we had.

Currently the Co-operative Bank is owed a lot of loans by corporative societies. It is likely that the bank may use this money to pay off the loans they claim co-operative societies owe them. I would like to caution that the Co-operative Bank should not use the STABEX funds for repayment of loans at all because it is meant for the rehabilitation of the coffee industry. If we are to improve coffee production, then this money must be released without charging interest and it should not go into repayment of any loans owed to the Co-operative Bank whatsoever.

There was a team which was supposed to improve the infrastructure and electrification of coffee factories in the coffee growing areas. If you look around Mt. Kenya region and Western Province where coffee is grown, you will be shocked to note that only about 10 per cent of what was supposed to be done was accomplished. You will find that a lot of this money has been embezzled by people who did not care about the country, but only their pockets.

Some of our people in this country, like politicians and businessmen have found it fit to deposit money in foreign banks at the expense of the economic development of this country. I would like to call upon those who hold money in foreign banks to bring it back so that when we talk about poverty alleviation, we can have funds here. I do not mind those who have stolen and they have not been caught by the law because this is due to failure of the arm of the Government that is supposed to catch them. If they can bring this money back here and invest it locally, then we can find employment for our people. If somebody stole money from here and took it to a foreign country and possibly moved to

live there, then I can understand that case; it sounds reasonable. But when somebody takes money from Kenya and he is still here and he is not going anywhere, it is like he is hoping that one day he will die and resurrect there and continue using that money there. It is an abuse to this country and I would like to call upon those who have kept lots of money outside this country, because I hear there are billions of shillings in foreign banks, that they bring back that money here so that they can invest here and provide employment to our people.

**Mr. Temporary Deputy Speaker, Sir,** there is no way we are going to develop and alleviate poverty in this country unless and until we have done away with corruption. Corruption is not going to be eradicated by just speaking about it. Somebody must decide that in heart and the Government must wake up and take action. Otherwise, you cannot eradicate corruption when some people, who are said to be politically-correct, have the audacity to go and grab forests, land and money voted for the development of this country. In fact, the Minister for Environment is seated here and expects that we are going to develop this country when he is perpetuating the dilapidation of our forests.

**The Minister for Environment (Mr. Nyenze):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member, Mr. Mwangi, in order to say that the Minister for Environment is perpetuating destruction of our forests? Could he substantiate and prove his allegations before the House?

**Mr. O.K. Mwangi:** Mr. Temporary Deputy Speaker, Sir, it is common knowledge and there is hue and cry all over the country where the Minister is excising forests under the guise of settling landless people while we know he is settling people for political purposes.

**The Minister for Environment (Mr. Nyenze):** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have asked whether he is in order and if he cannot substantiate and prove his allegations, could he withdraw and apologise? This is because I am not excising forest land to give to the politically-correct people but we are settling poor landless Kenyans.

**Mr. O.K. Mwangi:** Mr. Temporary Deputy Speaker, Sir, and that is exactly what I said that he is settling Kenyans under the guise of settling landless poor Kenyans. The Minister has not tabled a list---

**The Temporary Deputy Speaker (Mr. Poghio):** Order! I do not have to remind you that you are responsible for the accuracy of information that you give to this House. If you do not have any information to substantiate that, you really have to withdraw that. You are imputing improper motives on your fellow Member of Parliament. It is clear. If you have nothing to substantiate with, withdraw that remark!

**Mr. O.K. Mwangi:** Mr. Temporary Deputy Speaker, Sir, it is on record in this House that the

Minister himself said that he is excising forests and he has just said now that--- Mr. Temporary Deputy Speaker, Sir, I would like your guidance here because he has just said here--

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Mr. Mwangi, it is very simple. Someone else may have substantiated that. I am asking you, who is making the claim now and who is responsible for the accuracy of whatever you said to this House, because it is you who is responsible. If you cannot substantiate that, then you just have to withdraw what you said and you continue.

**Mr. O.K. Mwangi:** I am sorry Mr. Temporary Deputy Speaker, Sir. What should I withdraw because I said what the Minister said? He said that he is "exercising" forests.

**An hon. Member:** What is "exercising"?

**Mr. O.K. Mwangi:** Mr. Temporary Deputy Speaker, Sir, I am asking what I should withdraw.

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Mr. O.K. Mwangi, do not engage the Chair in arguments. You have said that the Minister has been excising forests and allocating them to the politically-correct people. Is that accurate information? Can you prove that today?

**Mr. O.K. Mwangi:** Mr. Temporary Deputy Speaker, Sir, on the bit of allocating the forests to politically-correct people, I withdraw and apologise to the Minister because I cannot prove it. But as to "exercising" of forests--

**The Minister for Environment** (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no word like "exercising" of forests. It is a pity that the hon. Member has used this word. I think he should go for grammar lessons.

**Mr. O.K. Mwangi:** Mr. Temporary Deputy Speaker, Sir, I will refer to my dictionary. I do not want to waste time on this issue. But I was saying that there is no way we will eradicate or alleviate poverty in this country when we have not eradicated corruption.

The Government has been very busy talking about alleviation of poverty, and there is no way it can alleviate poverty when there is corruption in the country. I have given the example of the forests. If the forests will be "exorcised" so that they can be allocated to poor people---

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Mr. O.K. Mwangi! Which is the right word? Could somebody give us the right word?

**The Minister for Education** (Mr. Musyoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. Without interrupting the hon. Member on the Floor, he has talked about "exorcising" and "exercising" forests. Could he really tell us whether the Minister is also an exorcist? What is the hon. Member telling us exactly? I have heard him refer to grabbing of "rand" and yet, the South African Rand is incapable of being grabbed.

*(Laughter)*

**Mr. O.K. Mwangi:** Mr. Temporary Deputy Speaker, Sir, it is a question of accent. What I mean is

to cut forests for purposes of resettlement.

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! I think the Minister will do us a great duty; just tell us what the correct word is.

**The Minister for Environment** (Mr. Nyenze): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to say that you "excise" forests and you do not "exercise" forests.

*(Laughter)*

**Mr. O.K. Mwangi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for that correction. That is a good dictionary.

*(Laughter)*

I was talking about alleviation of poverty, and I said that there is no way we will alleviate poverty in this country unless we do away with corruption. I said earlier on that the farmer should be supported so that he can produce more, because our country is an agricultural country. Let us not cheat ourselves that we will be industrialised in the year 2020 or whatever it is, if we will not address the question of empowering the farmer, in the first place, so that he can produce enough food. After this, we should be busy looking for market for his produce.

Mr. Temporary Deputy Speaker, Sir, I said that if excising of forests will be done fairly and allocated to the farmer, he will be empowered so that we can improve our production, then we will talk about alleviation of poverty. But there is no way we can talk about alleviation of poverty if the Government will behave in the manner that it has been behaving. When we vote money in this House or give responsibilities to a Minister, instead of doing what is supposed to be done for the development of the country, that money will be--

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, hon. Members. It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 10th May, 2001 at 2.30 p.m.

The House rose at 6.30 p.m.